
Table of Contents

Section	Title
Sec. 1-1	How Code designated and cited
Sec. 1-2	Rules of construction
Sec. 1-3	Headings of sections
Sec. 1-4	Amendments or additions to Code
Sec. 1-5	General penalty; continuing violations
Sec. 1-6	Failure to pay fine
Sec. 1-7	Severability of parts of Code
Sec. 1-8	Violation of promise to appear
Sec. 1-9	Culpable mental state
Section	Title
Sec. 2-1	Annual audit of city's books and accounts
Sec. 2-2	Acceptance of gifts
Sec. 2-3	Carrying firearms or other prohibited weapons on city property
Sec. 2-4	Publication of ordinances
Sec. 2-5	Filing fees of candidates for city office
Sec. 2-6	Official newspaper designated; publication of ordinances
Section	Title
Sec. 4-1	Purpose
Sec. 4-2	Definitions
Sec. 4-3	Regulation of dogs and cats
Sec. 4-4	Keeping wild or exotic animals prohibited
Sec. 4-5	Restrictions on animals
Sec. 4-6	Running at large prohibited
Sec. 4-7	Dangerous or vicious animals

Section	Title
Sec. 4-8	Releasing or dumping of animals
Sec. 4-9	Damage, trespass, destruction of property, or illegal release of an animal
Sec. 4-10	Animal nuisance
Sec. 4-11	Duty of owners and persons in control and protection of animals
Sec. 4-12	Dead animals and fowl
Sec. 4-13	Trapping of animals or fowl prohibited; exceptions
Sec. 4-14	Prima facie evidence
Sec. 4-15	Violation and penalty

Section	Title
Sec. 5-1	Enforcing officer
Sec. 5-2	General permit requirements
Sec. 5-3	Permit fees
Sec. 5-4	Windstorm and energy inspection
Sec. 5-5	Work done by owner
Sec. 5-6	Decisions of city council final
Sec. 5-7	Penalties
Sec. 5-8	Conflicts between requirements
Sec. 5-9	Definitions
Sec. 5-10	Work in city easements and rights-of-way
Secs. 5-11-5-35	Reserved

Section	Title
Sec. 5-36	International Building Code adopted
Sec. 5-37	Amendments
Sec. 5-38	International Residential Code adopted
Sec. 5-39	Amendments
Sec. 5-40	Definition

Section	Title
Sec. 5-41	Inspection and permit
Sec. 5-42	Requirements for a permanent generator system
Sec. 5-42.1	Requirements for a residential energy backup system
Section	Title
Sec. 5-43	Definition
Sec. 5-44	Inspection and permit
Sec. 5-45	Requirements for a high-pressure gas system
Secs. 5-46-5-70	Reserved
Section	Title
Sec. 5-71	Permits
Sec. 5-72	Final inspection
Sec. 5-73	National Electrical Code adopted
Sec. 5-74	Amendments
Section	Title
Sec. 5-75	Creation of office
Sec. 5-76	Powers and duties
Sec. 5-77	Deputies
Section	Title
Sec. 5-78	Registration of journeyman and apprentice electricians
Secs. 5-79-5-100	Reserved
Section	Title
Sec. 5-101	International Mechanical Code adopted
Sec. 5-102	Amendments
Secs. 5-103-5-195	Reserved
Section	Title
Sec. 5-196	Office of chief plumbing inspector created

Section	Title
Sec. 5-197	International Plumbing Code adopted
Sec. 5-198	Amendments
Sec. 5-199	Pressurized gas systems
Secs. 5-201-5-250	Reserved

Section	Title
Sec. 5-251	International Fuel Gas Code adopted
Sec. 5-252	Amendments
Secs. 5-253-5-240	Reserved

Section	Title
Sec. 5-241	International Energy Conservation Code adopted
Sec. 5-242	Amendments
Secs. 5-243-5-290	Reserved

Section	Title
Sec. 5-291	International Existing Building Code adopted
Sec. 5-292	Amendments
Secs. 5-293-5-360	Reserved

Section	Title
Sec. 5-361	Swimming Pool and Spa Code adopted
Sec. 5-362	Amendments
Secs. 5-363-5-375	Reserved

Section	Title
Sec. 5-376	International Property Maintenance Code adopted
Sec. 5-377	Amendments
Secs. 5-378-5-457	Reserved

Section	Title
Sec. 5-458	Conditions prior to commencement

Section	Title
Sec. 5-459	Filing application; fees; charting route
Sec. 5-460	Certificate of occupancy required
Sec. 5-461	Bond
Sec. 5-462	Not to conflict with building code

Section	Title
Sec. 5-501	Minimum standards
Sec. 5-502	Authority
Sec. 5-503	Substandard buildings described
Sec. 5-504	Placard warnings
Sec. 5-505	Notice of hearing
Sec. 5-506	Public hearing
Sec. 5-507	Order
Sec. 5-508	Failing to comply with order

Section	Title
Sec. 5-509	Purpose
Sec. 5-510	Applicability
Sec. 5-511	Definitions
Sec. 5-512	Enforcement authority
Sec. 5-513	Notice of vacant building
Sec. 5-514	Maintenance of vacant building and premises
Sec. 5-515	Standards for boarding a vacant building
Sec. 5-516	Notice and order to abate
Sec. 5-517	Notice of costs incurred by city; lien
Sec. 5-518	Entry or interference with notice prohibited
Sec. 5-519	Cumulative remedies
Sec. 5-520	Penalties

Section	Title
Section	Title
Sec. 8-1	Establishment of Court
Secs. 8-2-8-10	Reserved
Section	Title
Sec. 8-11	Reports of judge
Sec. 8-12	Powers, rights and duties of court
Sec. 8-13	Deputy clerk of municipal court
Sec. 8-14	Adoption of rules of practice and procedure relating to justice courts
Sec. 8-15	Judicial notice of Charter, ordinances and corporate limits
Sec. 8-16	Judgment
Sec. 8-17	Commitment and length of confinement
Sec. 8-18	Disposition of fine and costs of court
Sec. 8-19	Notice to appear in court for violations of city ordinances and promise to appear
Sec. 8-20	Violation of promise to appear; penalty
Sec. 8-21	Appearance by counsel
Sec. 8-22	Procedure not exclusive
Sec. 8-23	Pay of jurors
Sec. 8-24	Dismissal fees
Sec. 8-25	Building security fund and Technology Fund
Sec. 8-26	Payment by credit cards or electronic means
Sec. 8-27	Local youth diversion administrative fee
Section	Title
Sec. 10.01	Lands to which this ordinance applies
Sec. 10.02	Basis for establishing the areas of special flood hazard
Sec. 10.03	Establishment of development permit
Sec. 10.04	Compliance

Section	Title
Sec. 10.05	Abrogation and greater restrictions
Sec. 10.06	Interpretation
Sec. 10.07	Warning and disclaimer of liability
Section	Title
Sec. 10.08	Designation of the Floodplain Administrator
Sec. 10.09	Duties and responsibilities of the Floodplain Administrator
Sec. 10.10	Permit procedures
Sec. 10.11	Variance procedures
Section	Title
Sec. 10.12	General standards
Sec. 10.13	Specific standards
Sec. 10.14	Standards for subdivision proposals
Sec. 10.15	Standards for areas of shallow flooding (AO/AH Zones)
Sec. 10.16	Floodways
Sec. 10.17	Penalties
Section	Title
Secs. 11-1-11-5	Reserved
Sec. 11-6	Mosquito control
Sec. 11-7	Industrial debris or waste
Secs. 11-8-11-09	Reserved
Section	Title
Sec. 11-10	Definitions
Sec. 11-11	Duty of owner or occupant to keep lot free from prohibited matter
Sec. 11-12	Notice to owner; work by or at the direction of city; charging owner and fixing and foreclosing l
Secs. 16-1-16-20	Reserved
Sec. 16.21	Police Reserve Force

Section	Title
Section	Title
Sec. 18-1	Air guns - Discharge prohibited
Sec. 18-2	Defacing, destroying, etc., property
Sec. 18-3	Fighting in public
Sec. 18-4	Firearms - Discharge prohibited
Sec. 18-5.1	Noise - Sound nuisances
Sec. 18-5.2	Maximum permissible sound levels
Sec. 18-5.3	Measures and standards
Sec. 18-5.4	Exemptions
Sec. 18-5.5	Noise - Use of amplifying devices and sound trucks
Section	Title
Sec. 18-6	Junked vehicles as public nuisance; exceptions
Sec. 18-7	Definitions
Sec. 18-8	Abatement procedures
Sec. 18-9	Removal with permission of owner or occupant
Sec. 18-10	Disposal of junked vehicles
Sec. 18-11	Authority to enforce
Sec. 18-12	Application
Secs. 18-13-15-49	Reserved
Section	Title
Sec. 18-50	Definitions
Sec. 18-51	Short Term Rental Prohibited
Secs. 18-52-18-79	Reserved
Section	Title
Sec. 18-80	Finding and intent
Sec. 18-81	Definitions

Section	Title
Sec. 18-82	Graffiti declared a public nuisance
Sec. 18-83	Owner duty to remove graffiti and graffiti removal program
Sec. 18-84	Content of notice to owner
Sec. 18-85	Failure to abate graffiti
Sec. 18-86	Assessment of expenses, liens and penalty

Section	Title
Sec. 24-1	Definitions
Sec. 24-2	Uniform traffic act adopted
Sec. 24-3	Direction of traffic by police
Sec. 24-4	Installation of traffic lights
Sec. 24-5	Speed limit - Generally
Sec. 24-6	"U" turns
Sec. 24-7	Stop intersections
Sec. 24-8	No-passing
Sec. 24-9	Pedestrian conduct and solicitation on public roadways
Secs. 24-10-24-24	Reserved

Section	Title
Sec. 24-25	Definitions
Sec. 24-26	Adoption of Texas Transportation Code Provisions
Sec. 24-27	Designation and marking of parking spaces and areas where parking is prohibited or limited
Sec. 24-28	Double parking
Sec. 24-29	Parking for longer than twenty-four hours
Sec. 24-30	Width of roadway available for traffic
Sec. 24-31	Parking vehicles exceeding twenty-five feet in length
Sec. 24-32	Parking/placement of major recreational equipment
Sec. 24-33	Obstruction of traffic

Section	Title
Secs. 24-34-24-40	Reserved
Section	Title
Sec. 24-41	Definitions
Sec. 24-42	Load limits
Sec. 24-43	Permits
Sec. 24-44	Truck routes
Sec. 24-45	Periods of loading and unloading
Sec. 24-46	Exceptions from article provisions
Sec. 24-47	Enforcement of article; maps; weighing
Sec. 24-48	Penalty for violation of article
Secs. 24-49-24-54	Reserved
Section	Title
Sec. 24-55	Definitions
Sec. 24-56	Offense and Penalty
Secs. 24-57-24-65	Reserved
Section	Title
Sec. 24-66	General Provision
Sec. 24-67	Recreational Vehicle/Utility Trailer parking and storage
Sec. 24-68	Recreational Vehicle/Utility Trailer Parking and Storage Fines and Penalties
Sec. 24-69	Enforcement
Sec. 24-70	Appeal Process
Section	Title
Sec. 24-80	Definition
Sec. 24-81	Speed Limit
Sec. 24-82	Restriction on Equipment
Sec. 24-83	Headlights and Taillights

Section	Title
Sec. 24-84	Age and Hour Restrictions
Sec. 24-85	Unattended Vehicles
Sec. 24-86	Operation on Sidewalks Prohibited
Sec. 24-87	Routes Designated
Sec. 24-88	Signs and Markers to Be Observed
Sec. 24-89	Penalty
Section	Title
Sec. 26-1	Definitions
Sec. 26-2	Sexual offenders residence prohibited; exceptions
Sec. 26-3	Prohibition against renting or leasing
Sec. 26-4	Posting of signs
Sec. 26-5	Registration by sexual offenders without permanent residence
Sec. 26-6	Offense - Failure to register by sexual offenders without a permanent residence
Sec. 26-7	Violation, penalty
Sec. 26-8	Defense
Section	Title
Sec. 30-1	Definitions
Sec. 30-2	Purpose and intent
Sec. 30-3	Place of panhandling - Violation
Sec. 30-4	Manner of panhandling - Violation
Sec. 30-5	Panhandling - Where permitted
Sec. 30-6	Peddling and soliciting
Sec. 30-7	Private property - Right to exclude
Sec. 30-8	Permit - Application and issuance
Sec. 30-9	Permit fee
Sec. 30-10	Permit bond

Section	Title
Sec. 30-11	Duration of permit
Sec. 30-12	Permit
Sec. 30-13	Practices prohibited
Sec. 30-14	Revocation
Sec. 30-15	Permit exceptions
Sec. 30-16	Loitering
Sec. 30-17	Penalty
Secs. 30-18-30-50	Reserved
Sec. 30-51	Camping prohibited
Sec. 30-52	Storage of personal property prohibited
Sec. 30-53	Warning required

Section	Title
Secs. 35-01-35.29	Reserved

Section	Title
Sec. 35.30	Definitions
Sec. 35.31	Prohibitions
Sec. 35.32	Right of Entry
Sec. 35.33	Penalty
Sec. 35.34	Required Removal

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances contained in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Hillcrest Village, Texas" and may be so cited. Such Code may also be cited as "Hillcrest Village City Code."

State Law reference— Authority of city to adopt a civil and criminal code of ordinances, Texas Local Government Code § 53.001.

Sec. 1-2. Rules of construction.

In the construction of this Code, and of all ordinances and resolutions passed by the city council, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council:

Alderman. The term "alderman" shall be construed to mean a member of the council of the City of Hillcrest Village and shall include the term "council member."

City. The words "the city" or "this city" shall mean the City of Hillcrest Village, in the County of Brazoria and State of Texas.

City secretary, mayor, city marshal or other city officers. The words "city secretary," "mayor," "city marshal" or other city officers or departments shall be construed to mean the city secretary, mayor, city marshal or such other municipal officers or departments, respectively, of the City of Hillcrest Village, Texas.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

Council. Whenever the words "council" or "city council" or "the council" are used, they shall mean the city council of the City of Hillcrest Village, Texas.

County. The words "the county" or "this county" shall mean the County of Brazoria.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporation as well as to males.

Highway. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridges, viaducts, tunnels, underpasses, overpasses and causeways in the city, dedicated or devoted to public use.

Joint authority. Words purporting to give authority to three or more officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise declared.

Month. The word "month" shall mean a calendar month.

Number. Any word importing the singular number shall include the plural and any word importing the plural number shall include the singular.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, or the whole or of a part of such building or land.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to individuals.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

Sidewalk. The word "sidewalk" shall mean any portion of the street between the curb, or the lateral line of the roadway and the adjacent property line, intended for the use of pedestrians.

Signature or subscription. The words "signature" or "subscription" shall include a mark when a person cannot write.

State. The words "the state" or "this state" shall be construed to mean the State of Texas.

Street. The term "street" shall include any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel and causeway in the city, dedicated or devoted to public use.

Time. Words used in the past or present tense include the future as well as the past and present.

Written or in writing. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

State Law reference— Similar state law definitions, Texas Government Code chs. 311, 312.

Sec. 1-3. Headings of sections.

The headings of the several sections of this Code printed in boldface type are intended to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the headings, are amended or reenacted.

Sec. 1-4. Amendments or additions to Code.

All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are re-adopted as a new Code by the city council.

Sec. 1-5. General penalty; continuing violations.

Whenever in this Code or in any ordinance of the city 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 any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00); except that a violation of an ordinance or a provision of this Code governing fire safety, zoning or public health and sanitation, including dumping of refuse, may be punished by a fine not exceeding two thousand dollars (\$2,000.00), if said offense is committed intentionally, knowingly, recklessly or with criminal negligence. Provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar

offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

State law reference(s)—Authority of city to adopt appropriate penalties for violations of Code and ; maximum penalties for violations of ordinances , Texas Local Government Code § 53.001 and § 54.001.

Sec. 1-6. Failure to pay fine.

Any person who shall fail or refuse to pay any fine or costs imposed by the municipal court for any offense against the provisions of this Code or other ordinances of the City may be committed to the City jail, other city or county jail pursuant to interlocal agreement, or assigned community service by the Judge or the Municipal Court. Persons assigned community service shall be required to do and perform such work and labor as may be designated by the person responsible for the community service program. Such person shall receive a credit on his fine and costs in the sum of one hundred dollars (\$100.00) for each day's work performed for the City under such commitment.

Sec. 1-7. Severability of parts of Code.

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

Sec. 1-8. Violation of promise to appear.

Any person who willfully violates his written promise to appear in court for a violation of any provision of this Code or who knowingly fails to appear in accordance with the terms of a duly received written notice to appear in court for a violation of any provision of this Code shall be guilty of a misdemeanor regardless of the disposition of the original ordinance violation charge. A violation of a written promise to appear in court or a failure to appear in accordance with the terms of a duly received written notice to appear in court under this section shall be punishable by a fine prescribed by section 1-5.

Sec. 1-9. Culpable mental state.

- (a) In any prosecution filed under a provision of this Code or any ordinance of the city which expressly requires proof that the actor engaged in conduct intentionally, knowingly, recklessly, or with criminal negligence, then a person does not commit an offense unless he is shown to have engaged in such conduct as the definition of the offense requires.
 - (b) Whenever in this Code or in any ordinance of the city an act or a failure to act is prohibited, or is made or declared to be unlawful, or an offense, or a misdemeanor, and such provision does not expressly require proof that the violation be committed intentionally, knowingly, recklessly, or with criminal negligence, then proof of a culpable mental state is not required for conviction of such offense, it being the intent of the City Council to dispense with the requirement of any culpable mental state in prosecutions filed under such provisions of this Code and other ordinances of the City.
 - (c) Proof of a higher degree of culpability than that charged constitutes proof of the culpability charged.
-

Chapter 2 ADMINISTRATION

Sec. 2-1. Annual audit of city's books and accounts.

The city council shall cause an annual audit to be made of the books and accounts of the city by a registered or certified public accountant.

Sec. 2-2. Acceptance of gifts.

A gift or donation of property or money with value of five thousand dollars (\$5,000.00) or greater which is given to the city shall be accepted by resolution.

Sec. 2-3. Carrying firearms or other prohibited weapons on city property.

- (a) All persons other than licensed peace officers are prohibited from carrying or possessing handguns, any type of firearm or a prohibited weapon on city-owned or leased premises, as specified in section 46.03 of the Texas Penal Code (Places Weapons Prohibited). This prohibition shall apply whether or not the person is licensed to carry a handgun.
- (b) The City Council directs the Mayor or his/her designee to post the appropriate signage and to provide such other notice, in accordance with section 46.03 of the Texas Penal Code (Places Weapons Prohibited), to effectuate the council's directive specified in paragraph (a) hereof.

Sec. 2-4. Publication of ordinances.

Publication of ordinances, if required by law, including penal ordinances, shall be by the publication of the caption or a brief summary of the contents of such ordinance in a newspaper as required by law.

Sec. 2-5. Filing fees of candidates for city office.

Any candidate seeking election to the following offices shall first pay a filing fee of \$20.00 for those seeking the office of mayor and judge of the municipal court and \$10.00 for those seeking the office of councilmember. Such fees shall be paid at the time the candidate requests his name be placed on the ballot.

State law reference(s)—Application for home rule city office, V.T.C.A., Election Code § 143.005.

Sec. 2-6. Official newspaper designated; publication of ordinances.

- (a) *Official newspaper designated.* The "Alvin Sun," published in the City of Hillcrest Village, Brazoria County, Texas, is designated as the official newspaper of the city.
- (b) *Publication of penal ordinances.* If any ordinance adopted by the city council contains a penalty, the city secretary shall cause the descriptive caption or title of the ordinance, stating in summary the purpose of the ordinance and the penalty for its violation, to be published at least twice in the official newspaper of the city.
- (c) *Publication of ordinances not containing a penalty; notices and other matters.* Any ordinance adopted by the city council that does not contain a penalty but is required to be published by the laws of the state or any ordinance of the city shall be published by the city secretary in the official newspaper of the city for the number of times required by law or ordinance.

State law reference(s)—Notice by publication in newspaper, V.T.C.A., Government Code § 2051.041 et seq.

Chapter 4 ANIMALS

Sec. 4-1. Purpose.

The primary function and intent of this chapter is protection of the health, safety and welfare for both animals and the people of the city by controlling the animal population and establishing uniform rules for the control and eradication of rabies.

It is the intent and purpose of this chapter to provide a safe and healthy environment within the city for both animals and people. While a person may own and keep animals within the city, the conduct of those animals and the conditions that the animals are kept in should be safe and healthy and should not infringe on the surrounding homes and their inhabitants.

Sec. 4-2. Definitions.

For the purpose of this chapter, the definitions as stated in the current or latest "rabies control and eradication" rules of the Texas Department of State Health Services shall also apply, with the following exceptions and/or additions:

Animal shall mean any domestic or wild animal, including livestock, fowl, reptiles, amphibians, and wildlife, as well as dogs, cats and other creatures owned as pets.

Confined or confinement shall mean confined within a building or home, or within a fenced yard or premises, so that the animal cannot escape from said building, house or fenced yard or premises without human assistance.

Fowl shall mean chickens, turkeys, pheasants, ducks, geese, pigeons, Psittacine birds, Passerine birds, Piciform birds and, without limitation by enumeration, all similar domestic birds and poultry, whether are kept for use or pleasure.

Gender means the species of an animal, which shall include both the male and female gender, unless otherwise specified.

Inhumane treatment means any treatment to any animal which deprives the animal of necessary sustenance, including food, water or protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating or teasing, or other abnormal treatment as may be determined by the city's animal control officer, code enforcement officer or a law enforcement officer.

Owner means any person, partnership or corporation owning, keeping or harboring one (1) or more animals.

Person means any individual, partnership, firm, public or private corporation, association, trust or estate.

Quarantine means complete and total isolation in such a place and in such a manner and for a period of time as may be prescribed by this chapter.

Run at large, running at large, or at large means any canine, feline or animal, livestock or fowl, not under direct physical (not verbal) control of its owner or keeper, on the streets, sidewalks, or other public or private places. It shall be presumed that any animal found "running at large" was permitted or allowed to do so by the owner or keeper thereof.

T.D.S.H.S. means the Texas Department of State Health Services.

Unprovoked, with respect to an attack by an animal, means that the animal was not hit, kicked or struck by a person with an object or part of a person's body nor was any part of the animal's body pulled, pinched or squeezed by a person.

Veterinarian shall mean a person licensed to practice veterinary medicine in the state.

Vicious or dangerous animal means:

- (1) Any animal which because of its physical nature and vicious propensity is capable of inflicting serious physical harm or death to human beings and would constitute a danger to human life or property;
- (2) Any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or to bite human beings or other animals;
- (3) Any animal certified by a Doctor of Veterinary Medicine, after observation thereof, as posing a danger to human life, animal life or property upon the basis of a reasonable medical probability;
- (4) Any animal that commits an unprovoked attack on a person or animal on public or private property; or
- (5) Any animal that attacks or threatens to attack a person.

Wild and exotic animals mean any mammal, amphibian, reptile or fowl, or any hybrid thereof, which is of a species which is wild by nature, and of a species which, due to size, vicious nature or other characteristic is dangerous to human beings. Such animals shall include, but not be limited to, lions, tigers, leopards, panthers, lynxes, wolves, raccoons, skunks (whether deodorized or not), apes, gorillas, monkeys of a species where average adult weight is twenty (20) pounds or more, foxes, elephants, rhinoceroses, alligators, crocodiles, and all forms of poisonous reptiles and any other animal that is not indigenous to Brazoria County. The term "wild animal," as used in this chapter, shall not include gerbils, hamsters, guinea pigs, mice or rabbits.

Sec. 4-3. Regulation of dogs and cats.

- (a) No owner shall possess, harbor or keep more than four (4) dogs or four (4) cats, or any combination of four (4) dogs and cats in or about any single-family residence, building or lot, over the age of four (4) months.
- (b) No owner shall possess, harbor or keep more than two (2) dogs or two (2) cats, or any combination of two (2) dogs and cats in or about any single-family unit in any multiple housing building, building or lot, over the age of four (4) months.
- (c) It shall be unlawful for any owner or keeper of a dog(s) to keep such dog(s) unless they are registered with the City Marshal, and the dog(s) are properly tagged with the name, address, and phone number of the owner or keeper. The owner or keeper shall pay a registration fee for each dog as set and amended from time to time by the city council.

Sec. 4-4. Keeping wild or exotic animals prohibited.

It shall be unlawful for any person to possess, keep, permit, suffer, cause or allow any wild or exotic animals upon or within any premises within the city.

Sec. 4-5. Restrictions on animals.

- (a) *Poultry and Rabbits.*

No person shall keep, feed, raise or maintain any fowl or rabbits within the city limits, except as may otherwise be provided for herein:

- (1) This section does not pertain to household caged domestic birds such as finches, canaries, parakeets, etc.
 - (2) It is acceptable to have seven (7) hens, three (3) turkeys, three (3) geese, seven (7) ducks, two (2) peahens, seven (7) adult rabbits, but no more than ten (10) of any combination of such animals may be kept upon any lot at least the size of six thousand six hundred (6,600) square feet. In the event that
-

such fowl or rabbits are kept in a larger lot, the number so kept and maintained may be increased only in the ratio of the above figures to the increase in the square footage of such larger lot.

- (3) Parcels of land one (1) acre in size, and larger, excluding any area encumbered by structural improvements intended primarily for human occupancy, shall be governed by the following standards:
- a. *One (1) to two (2) acres.* One hundred (100) chickens, rabbits or ducks, fifty (50) geese or turkeys, thirty-five (35) peafowl per acre and no more than one hundred fifty (150) of any combination of such animals per acre.
 - b. *Two (2) to five (5) acres.* One hundred fifty (150) chickens, rabbits or ducks, seventy-five (75) geese or turkeys, sixty (60) peafowl, and no more than two hundred twenty-five (225) of any combination of such animals per acre.
 - c. *Five (5) to ten (10) acres.* Three hundred (300) chickens, rabbits or ducks, one hundred fifty (150) geese or turkeys, one hundred twenty (120) peafowl, and no more than four hundred fifty (450) of any combination of such animals per acre.
 - d. *Ten (10) or more acres.* One thousand (1,000) chickens, rabbits or ducks, five hundred (500) geese or turkeys, three hundred fifty (350) peafowl, and no more than one thousand five hundred (1,500) of any combination of such animals per acre.
- (4) Up to ten (10) fowl and rabbits may be kept on a lot if they are in a pen at least twenty-five (25) feet from any residential dwelling or occupied building, except that of the owner of the fowl and rabbits.
- (5) Up to fifty (50) fowl and rabbits may be kept on a lot if they are in a pen at least five hundred (500) feet from any residential dwelling or occupied building except that of the owner of the fowl and rabbits.
- (6) No rooster or peacock may be kept upon a lot smaller than one (1) acre in size.

Exception: Any person may maintain a maximum of two (2) hens on a lot smaller than four thousand nine hundred (4,900) square feet and closer than twenty-five (25) feet to any residential dwelling or occupied building for the purpose of fresh, unfertilized eggs, provided that such fowl do not violate the public nuisance ordinance and all requirements of subsection (b) are fulfilled.

- (b) *Pen regulations.* All fowl and rabbits will be restrained by a fence or cage of sufficient size and strength to maintain such, with adequate shelter from the elements of weather and predators.
- (1) No pen or cage may be maintained in such a fashion as to breed flies or emit offensive odors.
 - (2) If a pen or cage contains less than or equal to ten (10) square feet of space for each fowl or rabbit, all manure must be removed from the pen or cage within twenty-four (24) hours and placed in a compost pile with sufficient organic matter that offensive odors are not present.
 - (3) If a pen or cage contains more than ten (10) square feet of space for each fowl or rabbit, and is on natural ground, the owner may have the option to continually add mulch to the pen in sufficient quantity to eliminate offensive odors. This mulch may be in the form of bark mulch, wood chips, leaves, hay, straw, sawdust, etc.
- (c) *Prohibited animals.* No person may possess a prohibited animal within the city limits. Prohibited animals include dangerous dogs or vicious animals as determined by this chapter that are not in compliance with provisions of this chapter. Prohibited animal further includes but is not limited to:
- (1) *Any venomous reptile.*
 - (3) *Wildfowl.* Ostriches, rheas, cassowaries and emus.
-

-
- (5) *Venomous animals.* Any class, order, species, or a hybrid of the animal kingdom which is venomous to human beings, whether its venom is transmitted by a bite, sting, touch or other means, excepting the honeybee, which does not include any strain of Africanized bee (*A.m. scutella*).
- (6) *Pigs/Hogs/Swine.* It shall be unlawful for the owner of any premises located within the city to permit any pigs or hogs to be kept on such premises or for the owner of any pigs or hogs to keep them within the city. The keeping of any pigs or hogs within the city is declared to be a public nuisance and shall be abated by the institution of appropriate legal proceedings.
- (d) Keeping, harboring or owning other livestock.
- (1) No person shall keep, feed, raise or maintain any livestock within the city limits, except as may otherwise be provided for herein;
- a) Equine animals such as horses, donkey's, mules and hinnies.
- b) Cloven-hoofed animals, such as cattle, goats, sheep, llamas, etc.
- c) This section does not apply to swine and poultry.
- (2) A fenced parcel of land of no less than one-half ($\frac{1}{2}$) acre devoted entirely to pasture land shall be required to keep livestock.
- (3) All stocking rates for livestock stated in subsections (a)(1) and (a)(2) shall be based upon the animal unit (AU) as determined below:
- a) Each goat, lamb, llama, etc. One-sixth ($\frac{1}{6}$) animal unit.
- b) Each horse or other equine animal: One-half ($\frac{1}{2}$) animal unit.
- c) Each cow or other large animal: One (1) animal unit.
- d) Offspring of equine animals may be kept for a period of eighteen (18) months, and other livestock for a period of twelve (12) months after birth before being assigned any animal unit values.
- One-half ($\frac{1}{2}$) to one (1) acre—One (1) AU per acre.
- One (1) to five (5) acres—Three (3) AU's per acre.
- Five (5) to ten (10) acres—Five (5) AU's per acre.
- Ten (10) or more acres—Seven (7) AU's per acre.
- (4) All livestock must be kept at least twenty-five (25) feet from any residential dwelling or occupied building except that of the owner of the livestock.
- Exception: Any property that does not meet this provision on the date of adoption shall be allowed to continue without complying with the twenty-five-foot restriction, unless:
- (a) The use is abandoned or ceases after adoption, or
- (b) The property is sold.
- (5) All livestock will be restrained by a fence or pen of sufficient size and strength to maintain such, with adequate shelter from predators, and will have shelter available to adequately protect against the weather.
- a) A pen shall be defined as an enclosure that does not have grass growing from the ground, within its confines.
- b) If the livestock are maintained in the pen, the enclosure shall be maintained in a fashion to not breed flies or emit offensive odors.
-

-
- c) All dead animals will be removed immediately from any animal enclosure, and the owner is to animal control for proper disposal instructions.
 - (6) All pens are to be kept in good working repair at all times, and the area surrounding the pens must be maintained to prevent or become a nuisance to the citizens of the city.

Sec. 4-6. Running at large prohibited.

No owner or keeper of any animal shall permit or allow such animal to run at large within the limits of the city. All animals shall be controlled by leash, restricted within a fence, or by enclosure within a vehicle or container.

Sec. 4-7. Dangerous or vicious animals.

- (a) *Complaint.* Should any person desire to file a complaint concerning an animal which is believed to be a vicious or dangerous animal, a sworn, written complaint must be filed with the city marshal as follows:
 - (1) Name, address and telephone number of complainant and other witnesses.
 - (2) Date, time and location of any incident involving the animal.
 - (3) Description of the animal.
 - (4) Name, address and telephone number of the animal's owner, if known.
 - (5) A statement regarding the animal which is believed to be a vicious and dangerous animal, stating the facts upon which such complaint is based.
 - (6) A statement that the animal has exhibited vicious propensities in past conduct, if known.
 - (7) Other facts or circumstances of the incident.
 - (b) *Notice.* After a sworn complaint is filed, it shall be referred to the city marshal or designee, to set a time and place for a hearing not to exceed twenty (20) days from the time the complaint is received. The municipal clerk shall give notice of the hearing to the animal's owner by personal service or by certified mail, return receipt requested, at least ten (10) days prior to the hearing date. After the owner of the animal receives notice, the owner shall keep such animal at the animal shelter, at a place to be determined and approved by the city marshal or designee, or at a veterinarian's clinic until such hearing is held by the municipal court. After the owner of the animal receives notice, the city marshal shall impound the animal specified in the complaint if such animal is found at large.
 - (c) *Hearing.* The municipal court judge shall determine at the hearing if the animal specified in the complaint is a vicious animal and should be permanently removed from the city or destroyed for the protection of the public health, safety and welfare of the community. The municipal court judge shall receive testimony at the hearing concerning the incident under investigation. To order destruction or removal of the animal for the public health, safety and welfare, the municipal court judge must find all the following facts to be true:
 - (1) The animal is a vicious or dangerous animal.
 - (2) Destruction or removal of the animal is necessary to preserve the public health, safety and welfare of the community. If the municipal court judge orders destruction or removal of the animal and the owner is not present at the hearing, he shall notify the owner of the decision by personal service or certified mail, return receipt requested. If the destruction or removal of the animal is not ordered, the city marshal shall return the animal to the owner upon payment of all fees. If the municipal court judge orders the animal removed from the city, he shall allow the owner ten (10) days to do so. The owner shall furnish the municipal court judge, evidence of such removal within ten (10) days thereof.
-

-
- (e) *Failure to release an animal.* A person commits an offense, per state law, if he knowingly possesses and fails to release to the city marshal an animal that has been charged by sworn complaint as provided in subsection (a), and whose destruction or removal has been ordered by the director of health.

Sec. 4-8. Releasing or dumping of animals.

- (a) It shall be a violation of this chapter for any person to dump, release or abandon any animal, whatsoever on any property, whether public or private, within the city.
- (b) It shall be a violation of this chapter for any person to surrender an animal to the city marshal by providing false information or deceit.
- (c) Any person having knowledge of an animal which has been or is believed to have been dumped, released or abandoned shall so notify the city marshal and shall give all pertinent information including description and location of animal and the name, address, car license number, or any other information or description of the person who dumped, released or abandoned the animal, if known.
- (d) Any person who keeps, harbors, feeds, shelters or otherwise allows any stray animal or any animal which has been dumped, released or abandoned to remain on his property or allows or permits egress or ingress for three (3) or more days without notifying the city marshal shall hereby be deemed the owner of said animal.

Sec. 4-9. Damage, trespass, destruction of property, or illegal release of an animal.

- (a) It shall be unlawful for the owner or handler of any animal to allow such animal to trespass upon, damage, or destroy any public or private property, not their own, while restrained or at-large.
- (b) Whoever shall without proper authority break into, open, pull down the trap or enclosure of, or make any opening into any trap or enclosure belonging to or used by the city for the purpose of impounding animals, or shall turn out or release any animal from such trap or enclosure, shall be guilty of a violation of this chapter.

Sec. 4-10. Animal nuisance.

- (a) The commission of any of the following acts, or permitting any of the following conditions to exist shall constitute a nuisance to the health, safety, and general welfare of the city and its inhabitants and shall be unlawful, to-wit:
- (1) The keeping of an animal, including cats, in such a manner, as to endanger the public health; by the accumulation of animal waste, which causes foul and offensive odors and is considered to be a hazard to other animals or human beings.
 - (2) To permit or allow an animal, including cats, to defecate upon private or public property other than the property of the owner of said animal, and to fail to remove and dispose of in a sanitary manner any feces left by such animal.
 - (3) The keeping of any animal that enters the property of another without permission of the property owner.
 - (4) The keeping of an animal that commits any act that disturbs any person of ordinary sensitivity, including but not limited to the act of continual barking, howling or yowling that continues for more than ten minutes.
 - (5) Failing to keep property free of decaying animal carcasses.
 - (6) A person willfully or knowingly keeping or permitting any animal, livestock, or fowl on their premises, or in or about their premises, or premises under their control, that barks, howls, yowls or makes other
-

animal noises for more than ten minutes in such a manner as to disturb the peace and quiet of a neighboring occupant of ordinary sensibilities.

- (7) To keep a building, room, cage, yard, run or any other place or facility where animals are kept or harbored, which is not maintained in a clean and sanitary condition so as to prevent obnoxious odors, the attraction, breeding or potential breeding of flies, the attraction, harboring or breeding of rodents or the creation of any other public health nuisances.
- (8) To harbor an animal that is an animal nuisance as defined in this section.
- (b) Any animal running at large in the city limits more than 72 hours which is impractical or impossible to capture and is causing property damage, endangering persons or other domestic animals shall be deemed a nuisance and may be killed by a trained, experienced animal control officer or police officer at any location where it is found within the city.

Sec. 4-11. Duty of owners and persons in control and protection of animals.

It shall be unlawful for any owner or person to:

- (1) Fail to prevent any animal from running at large within the corporate limits of the city.
- (2) Perform, do or carry out any inhumane treatment against any animal.
- (3) Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which, by reason of noise, odor or sanitary conditions, becomes offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitutes or becomes a health hazard as determined by the city's code enforcement officer.
- (4) Keep or harbor any dangerous or vicious animal within the corporate limits of the city.
- (5) Allow an animal under such person's control or ownership to defecate on any private or public property not owned by the person having control of the animal without the immediate removal of any and all feces. Any person aggrieved by such conduct shall file a complaint with the city marshal or designee. The complaint shall contain the name and address of the person who is alleged to have violated this provision. The person filing the complaint shall appear as a witness in the municipal court.

Sec. 4-12. Dead animals and fowl.

It shall be unlawful for any person in the city to cause to be placed or to place, or allow to remain at any location in the city, any dead animal, either wild or domesticated, or any dead fowl, either wild or domesticated, for any reason other than temporary deposit pending final disposal within 24 hours. The carcass of any animal or fowl found dead on any premises within the city from disease or other cause not slaughtered for food shall be removed and disposed of by the owner of such animal or fowl, if known, and if not known, the owner of the premises where such dead animal or fowl is found, at his own expense within 24 hours after such death, according to such method as may be approved by the animal control officer.

Sec. 4-13. Trapping of animals or fowl prohibited; exceptions.

- (a) It shall be unlawful for any person to trap by any means any animal or fowl within the corporate limits of the city.
 - (b) *Affirmative defense.* It is an affirmative defense to the prosecution of the violation in subsection (a) of this section if:
 - (1) The trap in question is a live trap containing nothing which might produce injury to the person using the trap the animal or fowl sought to be trapped, and any animal that might be accidentally caught
-

therein or any third person; and further, the trap is placed in a location safe from the elements to prevent harm or injury to any trapped animal from exposure to the elements, or

- (2) The trap is being used by or under the specific direction of the city marshal.

Sec. 4-14. Prima facie evidence.

In any prosecution under this chapter in the municipal court or any other court of competent jurisdiction, proof that any premises situated within the city are listed on the tax rolls of the city in the name of any person shall be prima facie proof that such person is the owner of such premises and proof that any animal or fowl mentioned in this chapter is found in the possession of any person or has been kept on any premises shall be prima facie proof that the person having possession of such animal or fowl or the owner of such premises is the owner of such animal or fowl. However, the prima facie proof herein provided for may be rebutted by the defendant in any such prosecutio

Sec. 4-15. Violation and penalty.

- (a) A person who violates this chapter commits a criminal offense involving public safety for which proof of a culpable mental state may be dispensed within the charging instrument when a complaint is filed. An offense under this chapter is a misdemeanor punishable upon conviction by a fine not to exceed \$500.00, unless proof of a culpable mental state is pled in the complaint, in which case the fine upon conviction shall not exceed \$2,000.00.
- (b) The minimum penalty for a conviction of a first offense in this chapter shall be by a fine of not less than \$50.00, the minimum penalty for a conviction of a second offense within any 12 month period under this chapter shall be by a fine of not less than \$100.00, and by a fine of not less than \$300.00 upon a third or subsequent conviction within any 12-month period; , provided, however, that where the offense is one for which a penalty is fixed by state law, the penalty for such offense shall be the same as fixed by state law.
- (c) Each day a violation occurs or continues shall constitute a separate offense and punishable as such.

Chapter 5 BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 5-1. Enforcing officer.

The mayor or his/her designee is authorized to appoint all code officials identified by this chapter and to delegate duties under this chapter to any code official or deputy. Any deputy authorized by this chapter or any code adopted by this chapter shall not be appointed unless approved by the mayor.

Sec. 5-2. General permit requirements.

In addition to the permit requirements of all building codes adopted by this chapter, no building permit shall be issued except in conformity with the following provisions, unless the code official receives a written order from the city council in the form of an administrative review, special exception, or variance. The drawings and specifications for any new building must include:

-
- (1) The construction of sidewalk meeting the minimum city specifications across every portion of the lot on which such building is to be constructed having a common boundary with any street;
 - (2) The improvements required relating to flood-damage prevention have been or are satisfied with respect to the land on which such construction is to be permitted;
 - (3) Screening fences, if required by city zoning ordinance;

Sec. 5-3. Permit fees.

The city council shall adopt by resolution a schedule of fees to be charged for the various permits authorized to be issued under any provision of this chapter, such fees to be paid to the city.

Sec. 5-4. Windstorm and energy inspection.

Any windstorm and energy inspection required by the terms any provision of this chapter shall be done by a state-approved third-party inspector and the inspection reports provided to the city.

Sec. 5-5. Work done by owner.

An owner of a structure may perform any work requiring a permit under any provision of this chapter only if such structure is the residence of such owner and such owner has filed application with the Brazoria County Appraisal District to receive a homestead exemption for such structure in the owner's name and provide a copy of said filed application with the city building official.

Sec. 5-6. Decisions of city council final.

The city council shall constitute and sit as the board of appeals in all matters pertaining to this chapter. Any decision rendered by the city council of the city, sitting as the board of adjustments and appeals under any provision of this chapter, shall be final and not subject to review or revision except by a court of competent jurisdiction.

Sec. 5-7. Penalties.

Any person, firm, corporation, or organization violating any provision of this chapter or of a code adopted by this chapter shall be guilty of a misdemeanor and on conviction punished by a fine up to \$2,000.00. Each day that any violations of, or failure to comply with, this article is committed or permitted to continue shall constitute a separate and distinct offense under this section. This penalty shall be in addition to all other remedies available at law or equity.

Sec. 5-8. Conflicts between requirements.

In the event of a conflict between any requirement of this chapter or a code adopted by this chapter with any other requirement of City Code, the most restrictive requirement shall apply. If it is not clear which provision is more restrictive, the City Code provision or local amendment shall control. A specific requirement shall control over a general requirement.

Sec. 5-9. Definitions.

The following definitions shall apply to this chapter and to any code adopted by this chapter, notwithstanding any definition of the same word provided in any code adopted by this chapter.

Hillcrest Village in all codes adopted by this chapter shall mean City of Hillcrest Village, Texas.

Building code or Building codes shall mean any and all codes, with amendments, adopted by this Chapter.

Chief appointing authority shall mean the mayor.

City Code shall mean the Code of Ordinances of the City of Hillcrest Village, Texas, as amended.

Governing body shall mean the City Council of Hillcrest Village, Texas.

Code official shall mean the building official, plumbing inspector, fire marshal, or any other designee of the mayor, including deputies.

Board of appeals or board shall mean the City Council of Hillcrest Village, Texas.

Owner shall mean any person, holding legal or equitable title to the property at issue according to public deed and/or tax records, and shall include: any person in actual possession of the property; any person paying for utility service to the property; a lender who has changed the locks on the mortgaged property and for at least ten days after the changing of the locks the owner has not requested entrance to the mortgaged property; a lender whose residential mortgagee is more than 90 days delinquent on their residential mortgage loan; and a lender who files suit for judgment of foreclosure and sale if the property is vacated by the mortgagee.

Premises shall mean the entire portion of real property under the same owner or owners, including all improvements on the property, including but not limited to fences, pipes, utilities, underground and aboveground plumbing and drainage systems, structures, buildings, and trees.

Sec. 5-10. Work in city easements and rights-of-way.

- (a) A permit is required before any work or construction is initiated in the city right-of-way or easement within the jurisdiction of the Hillcrest Village;
- (b) Prior issuance of said permit, the utility provider, contractor or installer shall complete a permit application in the form determined by the building official and submit a permit fee of \$1,000.00 along with completed application to the building official.
- (c) The utility provider, contractor or installer must produce a bond or insurance policy, listing the city as the beneficiary to pay for any damages caused to the city water lines or infrastructure incurred during the work or construction in the city right-of-way or easement. The amount of insurance or bond shall be determined by the building official based on the water line size and other infrastructure in the permitted work area.
- (d) All permits must be approved by the building official prior to the permit being issued.

Secs. 5-11—5-35. Reserved.

ARTICLE II. BUILDING AND RESIDENTIAL CODES

DIVISION 1. GENERALLY

Sec. 5-36. International Residential Building Code adopted.

The International Residential Building Code, 2024 Edition, published by the International Code Council, Inc., together with appendix chapters J and K, and with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein.

Sec. 5-37. Amendments.

The code adopted by section 5-36 is amended as follows:

- (1) *Section 103*, including all subsections, is hereby deleted in its entirety.
 - (2) *Section 104.8* is hereby deleted in its entirety.
-

-
- (3) *Section 105.5* is amended by adding the following subsection:

Section 105.5.1, Permit Expiration. Regardless of when work authorized by a permit is commenced, Every permit issued shall expire 1 year after the date of issuance unless an alternative expiration date is identified on the permit.

- (4) *Section 105.2* is amended by deleting the exemptions numbered 1, 2, 4, and 6 under "Building" to require permits for those categories.
- (5) *Section 113.3* is hereby deleted in its entirety.
- (6) *Section 1612.3* insert adopted by section 54-37 of the City of Hillcrest Village Code of Ordinances, and dated June 5, 1989. In the event of a conflict between any provision of chapter 54 of the City Code and a requirement of chapter 16 of the building code, the City Code requirement shall apply.
- (7) Roofing Requirements – adopt and include all portions of the building code relating to the construction, replacement or repair of roofs in order to conform with The Texas Windstorm Insurance Association (TWIA) and fire protection requirements

Sec. 5-38. International Residential Code adopted.

The International Residential Code, 2024 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 5-39. Amendments.

The code adopted by section 5-38 is amended as follows:

- (1) *Section R104.8* is hereby deleted in its entirety.
- (2) *Section R105.5* is amended by adding the following subsection:

Section 105.5.1, Permit Expiration. Regardless of when work authorized by a permit is commenced, Every permit issued shall expire 1 year after the date of issuance unless an alternative expiration date is identified on the permit.

- (3) *Section 105.2* is amended by deleting the exemptions numbered 1, 2, 3, and 5 under "Building" to require permits for those categories.
- (4) *Section R112.3* is hereby deleted in its entirety.
- (5) *Table R301.2(1)*. Insert the following as a single chart:

Ground Snow Load	Wind Speed (mph)	Seismic Design Category	Subject to Damage From				Winter Design Temp	Ice Shield Underlay Required
			Weatheri ng	Frost Line Depth	Termite	Decay		
0	120 b or c	A	Negligible	6"	Very heavy	Slight to moderate	32	No
Flood Hazards					Air Freezing Index		Mean Annual Temp	
Ord. No. 660 11-30-87 2-16-83 Firm and FBFM					9		69.9	

- (6) *P2603.5.1*. Insert: six inches (6")
- (7) *P2603.5.1*. Insert: eighteen inches (18")
-

DIVISION 2. INSTALLATION OF BACKUP ENERGY SYSTEMS

Sec. 5-40. Definition.

The regulations of this article apply to backup energy systems.

A permanent generator system is a system in which one or more combustion engine generators are connected to a structure for backup or alternative power.

A residential energy backup system is a residential energy backup system that is capable to generate up to 50kw to the residence or has a storage capacity up to 100kw of storage capacity, including combustion engine generators or and solar/ESS.

Sec. 5-41. Inspection and permit.

It shall be unlawful to install a permanent generator system or a residential energy backup system without a building permit issued by the City of Hillcrest Village.

Sec. 5-42. Requirements for a permanent generator system.

All permanent generator systems must comply with the following guidelines:

- (1) Must be installed to an elevation four inches above finished floor of structure.
- (2) Must be on permanent cement foundation.
- (3) Must be connected with transfer switch rated for application.
- (4) Load calculations must be supplied during the application process.
- (5) Generator must be at least 18 inches from the structure.
- (6) Generator must not be installed five feet from any opening, doors, and windows. Three feet from any flammable material.

Sec. 5-42.1. Requirements for a residential energy backup system.

All residential energy backup systems must comply with the following guidelines:

- (1) Permit covers service modifications related to the homes service equipment.
 - (2) No plan submittal required.
 - (3) The city's inspections will be limited to the main disconnect/emergency disconnect, grounding and bonding of service equipment, other components such as the ATS or Gateway systems that are part of the residential service equipment.
 - (4) The city will not inspect components of the generator, solar panels, inverters, batteries or ESS units themselves.
 - (5) The city will charge the normal permit fee for this inspection.
 - (6) Inspection, pressure testing and tagging available at applicant's option for no additional fee.
-

DIVISION 3. HIGH-PRESSURE GAS SYSTEMS

Sec. 5-43. Definition.

The regulations of this article apply to high pressure gas systems. A high-pressure gas system is a system that supplies natural gas, propane gas or other combustible gas to a structure or generator at a level exceeding one pound of pressure. This article does not apply to high pressure gas systems related to residential energy backup systems as defined in section 5-43.

Sec. 5-44. Inspection and permit.

It shall be unlawful to install a high-pressure gas system without a building permit issued by the City of Hillcrest Village.

Sec. 5-45. Requirements for a high-pressure gas system.

All high-pressure gas systems must comply with the following guidelines:

- (1) The piping or delivery system must be installed underground or on the external of any structure;
- (2) No portion of a high-pressure gas system may be installed within the interior envelope of a structure.

Secs. 5-46—5-70. Reserved.

ARTICLE III. ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 5-71. Permits.

- (a) No person shall install, extend or alter any electrical wiring, poles, duct line, guy anchors, apparatus, fixtures or equipment within the city without first obtaining a permit to do such work from the electrical inspector, except as follows:
 - (1) No permit shall be required for replacing fuses or lamps or the connection of portable devices to suitable receptacles.
 - (2) No permit shall be required for minor repair work, such as repairing or replacing flush or snap switches, receptacles or lamp sockets, or minor repairs on permanently connected apparatus or equipment.
 - (3) No permit shall be required for the installation, alteration or maintenance of poles, guy anchors, electrical wiring, apparatus, devices, appliances or equipment for telegraph, telephone, signal service or central station protective service used in conveying signals or intelligence, except where electrical work is done on the supply side of the power switchboard but excluding the connecting switch on the power switchboard.
 - (4) No permit shall be required for the installation, alteration or maintenance of poles, guy anchors, electrical wiring, apparatus, devices, appliances or equipment for use by a public electric service company holding a franchise to do business within the city in the generation, transmission, distribution, sale or utilization of electric energy. However, a public electric service company shall not do any electrical work on a customer's premises other than that work that is a part of the company's distribution system, including metering equipment wherever located and transformer vaults in which such company's employees do any electrical work other than that done for such company as hereinbefore provided, by virtue of this exemption.
-

- (5) No permit shall be required for the installation of temporary electrical wiring, apparatus, devices, appliances, or equipment used by a recognized school in teaching electricity.
- (b) It shall be unlawful for any person to bridge, tamper with or change from its original installation, except after receipt of a proper permit, any fuse, cartridge or link plug installed in panel boards, main switches or switchboards, or to alter or change circuit breakers so that the original calibration will be affected, or to tie down or secure any circuit breaker so it will not function properly.
- (c) Where no permit is required for electrical work within the city, such work shall be done in conformity with this article.
- (d) Permit applications shall describe the proposed electrical work in writing, and shall be accompanied by any plans, specifications and schedules necessary to determine whether or not the proposed work complies with the provisions of this article. Permit applications will be received only from holders of valid master electricians' licenses from the city or a homeowner in his own home actually doing his own work, and permits will be issued only to such persons. Issuance of a permit shall not be taken as permission to violate any provision of this article or any other ordinance of the city. Any change, deletion or addition to the proposed electrical work must be covered by an additional permit prior to making such change, deletion or addition.
- (e) Permits shall be prominently displayed at all installations or kept in possession of the person in charge of the work if display is not practical.

Sec. 5-72. Final inspection.

- (a) *Procedure.*
 - (1) No person shall conceal or cause to be concealed any electrical wiring, materials, equipment or apparatus governed by this article except with the express permission of the electrical inspector; and he is hereby authorized and directed to remove any flooring, lathing, plaster, sheet metal or other material that may conceal any electrical wiring or apparatus contrary to the provisions of this article. On completion of the electrical inspector's inspection and his determination that the installation conforms to the provisions of this article in all respects, he shall post a notice to that effect at the main switch; and such notice shall be considered as an express permission to conceal such wiring, materials, equipment and apparatus.
 - (2) Upon the completion of the installation, extension or alteration of electrical wiring, materials, equipment or apparatus, the person holding the permit for the work shall notify the electrical inspector, who shall at once inspect the work; and if approved by him, he shall issue a certificate of satisfactory inspection, which shall contain the date of inspection and outline of the results of the inspection; but no such certificate shall be issued unless the installation conforms to the provisions of this article, nor shall current be turned on to any installation until a certificate of satisfactory inspection is issued. In addition, any work requiring a reinspection will be charged an additional fee for reinspection as provided in the schedule in subsection (b) of this section.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - (1) Fixture means any current-consuming device permanently attached to an outlet for illuminating purposes.
 - (2) Outlet means all electrical outlets, including but not limited to all light switches, and receptacle openings and bell-ringing transformers.

Sec. 5-73. National Electrical Code adopted.

The National Electrical Code, 2024 Edition, NFPA 70, together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein.

Sec. 5-74. Amendments.

The code adopted by section 5-73 is amended as follows:

(1) *Section 110-35* is added to read as follows:

110-35 No electrical materials, apparatus, devices, appliances, fixtures or equipment shall be installed in the city unless they conform with the provisions of this article and the statutes of the state. All electrical materials, apparatus, devices, appliances, fixtures or equipment used or installed in the city shall be of the type approved by the Underwriters' Laboratories, Inc.; and the symbol of such approval shall be placed on all such electrical materials, apparatus, devices, appliances, fixtures or equipment so used or installed.

(2) *Section 110-36* is added to read as follows:

110-36 In general, any type of wiring or wiring system may be used in the city if approved by the technical codes adopted, except as modified herein.

(3) *Section 110-37* is added to read as follows:

110-37 Armored cable type AC and armored cable lead sheath type ACL shall not be used underground or imbedded in concrete and shall only be used within structures of frame or frame and veneer used exclusively for dwelling occupancies.

(4) *Section 110-38* is added to read as follows:

110-38 Flexible metallic conduit shall not be used within the fire limits, except for temporary work, store fixtures, electric ranges, motor connections and for other equipment where flexibility is necessary, but may be used outside of the first and second fire districts, only within structures of frame or frame and veneer used exclusively for dwelling occupancies and for the purpose outlined in the first part of this subsection.

(5) *Section 110-39* is added to read as follows:

110-39 Nonmetallic sheathed cable or knob and tube wiring shall be used only for temporary work or outside of the first and second fire districts, and then only within structures of frame or frame-and-veneer used exclusively for dwelling occupancies.

(6) *Section 110-41* is added to read as follows:

110-41 Joints in or to branch lighting circuits shall have soldered connections or approved positive pressure solderless connectors.

(7) *Section 110-42* is added to read as follows:

110-42 Wiring for cold-storage vaults shall be approved for moist or wet locations, and encased in rigid conduit or metallic tubing. Equipment shall be vapor-proof where possible.

(8) *Section 110-43* is added to read as follows:

110-43 Open wiring shall be used only for temporary work, and in central stations, substations, transformer vaults and switchboards.

(9) *Section 110-44* is added to read as follows:

110-44 Elsewhere, except in central stations and substations, circuits operating at more than 600 volts shall enter buildings or structures in conduit run underground or extended overhead from another structure.

(10) *Section 110-45* is added to read as follows:

110-45 All sockets within eight feet of earth or grounded surfaces such as floors of conducting materials, bathroom fixtures or kitchen sinks shall be controlled by a wall switch fully insulated from the operator.

(11) *Section 110-46* is added to read as follows:

110-46 On services of not over 600 volts between conductors, no disconnects or overcurrent devices will be required ahead of the meters. In a multiple-occupancy building using multiple metering, each set of service entrance conductors shall be limited to six sets of service disconnects and overcurrent devices if grouped at the meters; where the number

of meters exceeds six, a single main service disconnect and set of overcurrent devices shall be provided for each meter. If the branch circuit panels are not located with the meters, a single main service disconnect shall be provided for each meter for protecting the feeder to each panel.

(12) *Section 110-47* is added to read as follows:

110-47 Where meters are installed in inaccessible places in houses or buildings and the public electric service company desires to relocate such meters for convenience in rendering its service, it may, upon request to the chief electrical inspector, have a licensed electrician reinstall meter loops to a point where the same would be located if the building were having a new wiring system installed. All such work done exclusively at the request of the public electric service company shall be paid for by such company.

(13) *Section 110-48* is added to read as follows:

110-48 The public electric service company shall never require the placing of a meter on the front or street side of a building without the consent of the owner. Where not practical in the opinion of the chief electrical inspector to place metering devices on the exterior of a building, they shall be located at a point or points convenient to the public electric service company's service, as determined by the chief electrical inspector.

(14) *Section 110-49* is added to read as follows:

110-49 Service conduit for any occupancy shall not be less than one inch in size.

(15) All underground utilities and television cable must be encased in a rigid or PVC carrier. That all underground utilities and television cable must run in the easement until they come in line with the house meter, then make a 90-degree turn going directly to the house meter.

(16) All interior electrical wiring must be a minimum of 12-gauge copper only.

(17) Aluminum wiring is prohibited on the interior of the building except as used by electrical power companies with franchise agreements with the City of Hillcrest Village to the City.

(18) No person shall engage in the business of contractor for, installing, altering, or repairing any electrical work within the City of Hillcrest Village, Texas which is regulated by this ordinance unless said person shall hold a valid, unexpired Master or Journeyman's State of Texas License.

(19). Electrical contractors shall fill out application for electrical wiring permit forms, as provided by the City of Hillcrest Village.

(20) See Resolution for Fee Schedule for pricing.

DIVISION 2. CHIEF ELECTRICAL INSPECTOR

Sec. 5-75. Creation of office.

The council shall appoint or designate a chief electrical inspector from time to time.

Sec. 5-76. Powers and duties.

- (a) The chief electrical inspector is authorized and directed to enforce all of the provisions of this article. The chief electrical inspector upon presentation of proper credentials may enter any building or premises at reasonable times for the purpose of making inspections or discovering or preventing violations of this article.
 - (b) The chief electrical inspector is authorized and directed to inspect all electrical wiring, materials and equipment for which a certificate of approval or final inspection is required but has not been issued.
-

-
- (c) The chief electrical inspector shall have the authority to make re-inspections of all electrical wiring, materials and equipment within the city at such times as he deems necessary.
 - (d) The chief electrical inspector, the fire marshal, or the chief of the fire department, or a competent person delegated by any of them, shall have the power to at once cause the turning off of all electric current where the circuits interfere with the work of the fire department during the progress of a fire.
 - (e) The chief electrical inspector shall decide all questions not provided for in this article pertaining to the installations, alteration, maintenance and operation of electrical wiring, materials and equipment.

Sec. 5-77. Deputies.

The chief electrical inspector by and with the consent of the mayor shall have the power to deputize one or more persons as electrical inspectors to assist the inspector in his work. Interpretations of the code adopted by section 5-73 by a deputy electrical inspector shall be subject to review and modification by the chief electrical inspector and the chief electrical inspector's interpretation may then be appealed in accordance with the code adopted in section 5-73.

DIVISION 3. ELECTRICIANS

Sec. 5-78. Registration of journeyman and apprentice electricians.

- (a) No person shall undertake any work as a master electrician unless such person shall have first registered with the chief electrical inspector.
- (b) Except as otherwise provided in this division, those persons undertaking electrical work, under the supervision, direction and control of a master electrician, and who have been properly registered with the chief electrical inspector, shall be known as journeymen electricians.
- (c) No person shall undertake any work as a journeyman electrician unless such person shall have first registered with the chief electrical inspector.
- (d) Except as otherwise provided in this division, those persons undertaking electrical work, under the direct, constant, personal supervision and control of either a master electrician or a journeyman electrician, and who have been properly registered with the chief electrical inspector, shall be known as apprentice electricians.
- (e) No person shall undertake any work as an apprentice electrician unless such person shall have first registered with the chief electrical inspector. Nothing in this division shall be construed as prohibiting an apprentice electrician from doing electrical work under the direct, constant, personal control and supervision of either a master electrician or journeyman electrician.

Secs. 5-79—5-100. Reserved.

ARTICLE IV. MECHANICAL CODE

Sec. 5-101. International Mechanical Code adopted.

The International Building Code, 2024 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 5-102. Amendments.

The code adopted by section 5-101 is amended as follows:

- (1) *Section 103.4* is hereby deleted in its entirety.
- (2) *Section 106.4.9* is added to read as follows:

106.4.9 State license required. No person, corporation, firm or contractor shall engage in the design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration or process cooling or heating systems or ventilation without first obtaining an air conditioning and refrigeration contractor's license, as issued by the state, and be registered with the city.
- (3) *Section 106.4.10* is added to read as follows:

106.4.10 Registration with city. To register with the city as an air conditioning and refrigeration contractor, an application shall be made in writing on forms furnished for the purpose and filed with the city building official. The application shall be made in person and shall contain a copy of the applicant's state air conditioning and refrigeration license and certificate of insurance made out to the city with coverage as required by applicable law.
- (4) *Section 106.5.2* is amended to read as follows:

The fees for mechanical work shall be in accordance with the fee schedule adopted by the City of Hillcrest Village.
- (5) *Section 106.5.3* is amended to read as follows:

The code official is authorized to establish a refund policy.
- (6) *Section 108.4* is amended to read as follows:

Penalties for violation of this code shall be in accordance with Section 5-7 of the Code of Ordinances of the City of Hillcrest Village.
- (7) *Section 108.5* is amended to read as follows:

Failure to comply with a stop work order shall constitute a violation under Section 108.4.
- (8) *Section 109, Means of Appeal*, is hereby deleted in its entirety, including all subsections, and replaced with the following:

Appeals shall be in accordance with the procedure in the building code adopted by section 5-36.

Secs. 5-103—5-195. Reserved.

ARTICLE V. PLUMBING AND SEWER LINES

Sec. 5-196. Connections

All sewer lines on and lines considered to be connected to must be secure and prevent any water, gas, sewage, or any other material that might be within the lines from escaping therefrom or any substance of whatever nature that is outside the lines from infiltration or entering the lines.

Sec. 5-197. Financial Responsibility

It is the property owner's financial responsibility to prove the integrity of his or her house sewer line from the house to the sewer tap by a State of Texas licensed plumber before it becomes necessary for the City of Hillcrest Village to perform work on the City sewer main line.

Sec. 5-198 Fees

The property owner may be deemed liable for any expenses incurred by the City, including administrative fees, if it is determined that the issue lies in the sewer line from the house to the sewer tap.

Sec. 5-199. Required Pipe

A minimum of schedule 40 PVC pipe shall be used for all new or repairs to private building drains/building sewer lines.

Sec. 5-199. Dumping Prohibited

No party, owner or person shall permit, cause or engage in introducing or dumping any substance of whatever nature into the City sewage system other than household sewage from a home or building permanently attached to the real estate. Any violation of this ordinance shall be punishable by a fine in an amount not exceeding \$200.00 for each event or occurrence.

Sec. 5-200 Permits Required

All private sewer systems whether new, modified, enlarged or replaced must be permitted and inspected. Plans must be reviewed by a City approved building inspector and City utilities operator.

Sec. 5-201 Inspection

The City shall have the right to inspect any sewer lines by smoke injection, or any other method acceptable to the City Council. Upon a determination by the City Council, Building Inspector or the City Utility Operator that water, gas, sewage, or any other material that might be within the lines is escaping therefrom or infiltrating therein, the City shall notify the owner of the property which the sewer line is on or buried under of such conditions. The owner must correct said private drain, sink or privy to fill up, clean, drain, alter, relay or improve said drain, sink, privy or sewer line within thirty days of this notice.

Sec. 5-2002 License Required

No person shall engage in the business of contractor for installing, altering, or repairing any plumbing within the City of Hillcrest Village, Texas, which is regulated by this ordinance, unless said person shall hold a valid, unexpired Master or Journeyman's State of Texas license.

Sec. 5-2003 State Compliance

Ensuring compliance with the regulations of the TCEQ for Prevention of Cross Connections will require plumbing inspection by a State of Texas Licensed Inspector from either the City Water or Sewer Utility Operations Company or an independent, certified TSBPE Inspector. Fee is an hourly rate for Utility Operations Company contract, or set by resolution for fees.

Sec. 5-2004 REPLACING BUILDING DRAINS: (NEW)

- a) RISER CLAMPS ARE THE ONLY APPROVED METHOD TO SUPPORT BUILDING DRAIN LINE
- b) ALL WORK MUST BE INSPECTED BEFORE REPAIRS ARE COVERED

Sec. 5-2005 Plumbing, Water Line Requirements

A. All meter boxes housing the water meters must be kept free from overgrown grass, brambles, brush, insects and dirt. This is each resident's responsibility.

B. All plumbing construction allowed in the City of Hillcrest Village, Texas will be in accordance with the International Residential Building Code and TSBPE requirements.

C. No person shall engage in the business of contractor for, installing, altering, or repairing any plumbing within the City of Hillcrest Village, Texas which is regulated by this ordinance unless said person shall hold a valid, unexpired Master or Journeyman's State of Texas license.

D. Ensuring compliance with the regulations of the TCEQ for Prevention of Cross Connections will require plumbing inspection by a State of Texas Licensed Inspector from either the City Water or Sewer Utility Operations Company or the Building Inspections Office. Fee is hourly rate for Utility Operations Company contract, or as set by resolution for fees.

E. A minimum of schedule 40 PVC pipe shall be used for all new private underground water lines.

F. Plumbing contractor to fill out plumbing application permit form as provided by the City of Hillcrest Village.

G. The property owner may be deemed liable for any expenses incurred by the City, including administrative fees, if it is determined that the issue lies in the water line from the house to the water meter

Secs. 5-206—5-250. Reserved.

ARTICLE VI. GAS CODE

Sec. 5-251. International Fuel Gas Code adopted.

The International Fuel Gas Code, 2024 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 5-252. Amendments.

The fuel gas code adopted by section 5-51 is amended as follows:

(1) *Section 103, (FGC) Department of Inspection*, is hereby deleted in its entirety, including all subsection.

(2) *Section 106.5.9* is added to read as follows:

106.5.9 State license required. No person, corporation, firm or contractor shall engage in the design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration or process cooling or heating systems or ventilation without first obtaining an air conditioning and refrigeration contractor's license, as issued by the state, and be registered with the city.

(3) *Section 106.5.10* is added to read as follows:

106.5.10 Registration with city. To register with the city as a fuel gas contractor, an application shall be made in writing on forms furnished for the purpose and filed with the city building official. The application shall be made in person and shall contain a copy of the applicant's state air conditioning and refrigeration license and certificate of insurance made out to the city with coverage as required by applicable law.

-
- (4) *Section 106.6.2* is amended to read as follows:

The fees for work permitted under this code shall be in accordance with the fee schedule adopted by the City of Hillcrest Village.

- (5) *Section 106.6.3* is amended to read as follows:

The code official is authorized to establish a refund policy.

- (6) *Section 108.4* is amended to read as follows:

Penalties for violation of this code shall be in accordance with Section 5-7 of the Code of Ordinances of the City of Hillcrest Village.

- (7) *Section 108.5* is amended to read as follows:

Failure to comply with a stop work order shall constitute a violation under Section 108.4.

- (8) *Section 109, Means of Appeal*, is hereby deleted in its entirety, including all subsections, and replaced with the following:

Appeals shall be in accordance with the procedure in the building code adopted by section 5-36.

Secs. 5-253—5-240. Reserved.

ARTICLE VII. ENERGY CONSERVATION CODE

Sec. 5-241. International Energy Conservation Code adopted.

The International Energy Conservation Code, 2024 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth at herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 5-242. Amendments.

The energy conservation code adopted by section 5-241 is amended as follows, in accordance with the International Energy Conservation Code as amended and adopted by the Texas Legislature:

- (1) *Section C102.1.2 and R102.1.2* are added and shall read as follows:

C102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance.

R102.1.2 Alternative compliance. A building certified by a national, state, or local accredited energy efficiency program and determined by the Energy Systems Laboratory to be in compliance with the energy efficiency requirements of this section may, at the option of the Code Official, be considered in compliance. The United States Environmental Protection Agency's Energy Star Program certification of energy code equivalency shall be considered in compliance. Regardless of the program or the path to compliance, each 1- and 2-family dwelling shall be tested for air and duct leakage as prescribed in Section R402.4 and R403.3.3 respectively.

- (2) *Section R402.4.1.2* the 1st paragraph is amended to read as follows:

Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zones 3.

-
- (3) *Section R402.4.1.2* an additional last paragraph is added and shall read as follows:

Mandatory testing shall only be performed by individuals that are certified to perform air infiltration testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

- (4) *Section R403.3.3* an additional last paragraph is added and shall read as follows:

Mandatory testing shall only be performed by individuals that are certified to perform duct testing leakage testing certified by national or state organizations as approved by the building official. The certified individuals must be an independent third-party entity, and may not be employed; or have any financial interest in the company that constructs the structure.

- (5) *Table R406.4* is amended to read as follows:

TABLE R406.4 MAXIMUM ENERGY RATING INDEX
(This table is effective until August 31, 2019)

CLIMATE ZONE	ENERGY RATING INDEX
3	65

TABLE R406.4 MAXIMUM ENERGY RATING INDEX
(This table is effective from September 1, 2019 to August 31, 205)

CLIMATE ZONE	ENERGY RATING INDEX
3	63

TABLE R406.4 MAXIMUM ENERGY RATING INDEX
(This table is effective on or after September 1, 205)

CLIMATE ZONE	ENERGY RATING INDEX
3	59

Secs. 5-243—5-290. Reserved.

ARTICLE VIII. EXISTING BUILDINGS CODE

Sec. 5-291. International Existing Building Code adopted.

The International Existing Building Code, 2024 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 5-292. Amendments.

The existing building code adopted by section 5-291 is amended as follows:

- (1) *Section 103, Department of Building Safety*, is hereby deleted in its entirety, including all subsection.
 - (2) *Section 104.8* is hereby deleted in its entirety.
-

Secs. 5-293—5-360. Reserved.

ARTICLE IX. SWIMMING POOL CODE

Sec. 5-361. Swimming Pool and Spa Code adopted.

The International Swimming Pool and Spa Code, 2024 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 5-362. Amendments.

The swimming pool and spa code adopted by section 5-361 is amended as follows.

(1) *Section 103, Department of Building Safety*, is hereby deleted in its entirety, including all subsection.

(2) *Section 105.6.2* is amended to read as follows:

The fees for work permitted under this code shall be in accordance with the fee schedule adopted by the City of Hillcrest Village.

(3) *Section 105.6.3* is amended to read as follows:

The code official is authorized to establish a refund policy.

(4) *Section 107.4* is amended to read as follows:

Penalties for violation of this code shall be in accordance with Section 5-7 of the Code of Ordinances of the City of Hillcrest Village.

(5) *Section 107.5* is amended to read as follows:

Failure to comply with a stop work order shall constitute a violation under Section 107.4.

(6) *Section 108, Means of Appeal*, is hereby deleted in its entirety, including all subsections, and replaced with the following:

Appeals shall be in accordance with the procedure in the building code adopted by section 5-36.

(7) All pools must be securely fenced and secured to prevent unsupervised entry by children.

Secs. 5-363—5-375. Reserved.

ARTICLE X. PROPERTY MAINTENANCE CODE

Sec. 5-376. International Property Maintenance Code adopted.

The International Property Maintenance Code, 2024 Edition, published by the International Code Council, Inc., together with all amendments thereto, is hereby adopted and incorporated and made a part of this chapter as fully as if set forth herein. One copy of such code shall be maintained in the office of the city clerk.

Sec. 5-377. Amendments.

The property maintenance code adopted by section 5-376 is amended as follows.

(1) Chapter 1 is amended to read as shown in Exhibit A to this ordinance, which is adopted and incorporated as if fully set out herein.

-
- (2) Section 304.7 is amended to add the following subsection:
- 304.7.1 Unsafe equipment.* Unused, unsafe, or unnecessary equipment or other items shall be removed from all roofs and roofing areas.
- (3) Section 304.14 is amended to add the following subsection:
- 304.14.1. Insect Screens, exception.* Insect screens shall not be required where air conditioning or other approved method of air circulation is present and properly maintained.
- (4) Section 403 is amended to add the following subsection:
- 403.6* All ventilation systems installed in the unit, including central air and air conditioning window units, shall be maintained in working order.
- (5) Section 505.4 is amended to add the following subsection:
- 505.4.1 Maintenance of Boilers and Water Heaters.* Notification must be given to the city within 24 hours of loss of hot water. Boiler systems and hot water heaters must be repaired within 72 hours. If repairs cannot be made within 72 hours, a timeline for the repairs must be submitted to the fire marshal within 48 hours of the loss of hot water. Any changes to the timeline must be approved by the fire marshal.
- (6) Sections 602.3 and 602.4 are amended to read as follows:
- 602.3 Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms either expressed or implied, shall supply heat to maintain a temperature of not less than 65 F (18 C) in all habitable rooms, bathrooms, and toilet rooms.
- 602.3.1.* All heating systems installed in the unit shall be maintained in working order.
- 602.4 Work spaces able to be occupied.* Indoor work spaces shall be supplied with heat to maintain a temperature of not less than 65 F (18 C) during the period the spaces are occupied.
- Exceptions:
1. Processing, storage and operation areas that require cooling or special temperature conditions.
 2. Areas in which persons are primarily engaged in vigorous physical activities.
- (7) Section 704.1 is amended to add the following subsections:
- 704.1.3 Smoke alarms to be tested.* Smoke alarms and/or fire alarms shall be tested at least once every 12 months. A record of the testing of the smoke alarms shall be kept on property and available to the fire marshal's office or fire marshal upon request. An owner or operator may be exempted from testing the alarms of a specific unit if that tenant gives the owner or operator a letter stating that they refuse entry for the purposes of testing the alarms.
- 704.1.3.1* This section is not intended to impose any additional duty on landlords other than the duties in Ch. 92, Subchapter F (Smoke Detectors) of the Texas Property Code.

Secs. 5-378—5-457. Reserved.

ARTICLE XII. MOVING OF BUILDINGS

Sec. 5-458. Conditions prior to commencement.

It shall be unlawful for any person to move any building or structure into the city, or within the city, which moving shall require the use of the public streets or alleys of the city until such person shall have:

-
- (1) First notified the city fire marshal and the building code official in writing at least ten days in advance of the date planned for the moving of such building or structure, and had such building inspected by the fire marshal, and received an approval from the fire marshal.
 - (2) Provided to the fire marshal that the person who seeks to move such a building upon and across city streets or alleys has coordinated such proposed move with all utility companies that are or might be concerned with such move and has made arrangements with such utility companies to assure that no damage will or can occur to such utility company's service lines.
 - (3) Secured a permit from the building code official to move the building within the city. No permit to move a building or structure in the city shall be granted until the approval of the fire marshal has first been secured.

Sec. 5-459. Filing application; fees; charting route.

- (a) Application for such building permit described in section 5-458 to move any building from one place to another over any street or alley in the city shall be made upon a form furnished by the city. The permit fee for the issuance of the building permit to move a building shall be \$5.00 per building for the first 1,000 lineal feet of streets or alleys over which the building is to be moved, provided the building has 500 square feet or less of floor space. For each 1,000 lineal feet after the first 1,000, the fee shall be \$0.50. For each building having more than 500 but less than 1,000 square feet of floor space, the fee shall be \$10.00 for the first 1,000 lineal feet of streets and alleys to be used and \$0.50 for each 1,000 lineal feet of streets and alleys to be used thereafter in moving the building. For each building having 1,000 or more square feet of floor space, the fee shall be \$20.00 for the first 1,000 lineal feet of streets and alleys to be used in moving the building and \$1.00 for each 1,000 lineal feet of streets and alleys to be used thereafter in moving the building. In each of the above instances less than 1,000 lineal feet considered shall count as 1,000 lineal feet.
- (b) The streets and alleys are to be used in a manner approved in any way that may be set forth by the city.
- (c) The mayor or mayor's designee shall have the right to chart the route of all buildings moved on the streets and alleys of the city.

Sec. 5-460. Certificate of occupancy required.

After placing a moved building or structure within the city, the permittee shall secure a new certificate of occupancy.

Sec. 5-461. Bond.

The applicant for a permit to move a building shall make such good and sufficient surety bond as the city may require.

Sec. 5-462. Not to conflict with building code.

Nothing contained in sections 5-458—5-462 is intended to conflict with any code or local amendment adopted by this chapter regulating the construction or alteration of buildings within the city.

ARTICLE XIII. SUBSTANDARD AND VACANT BUILDING ABATEMENT

DIVISION 1. SUBSTANDARD BUILDING ABATEMENT

Sec. 5-501. Minimum standards.

The standards set forth in the International Building Code and the International Property Maintenance Code adopted in this Chapter are hereby adopted as the minimum standards for the continued use and occupancy of all buildings within the city regardless of the date of their construction.

Sec. 5-502. Authority.

In accordance with this article, the city's building official may require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is:

- (1) Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- (2) Boarded up, fenced, or otherwise secured in any manner if:
 - a. The building constitutes a danger to the public even though secured from entry; or
 - b. Regardless of its structural condition, it is unoccupied by its owners, lessees, or other invitees and is inadequately secured to prevent unauthorized entry or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.

When used in this article, the term "building official" shall include the city's building official or a representative of that person.

Sec. 5-503. Substandard buildings described.

Any building that has any of following conditions or defects shall be considered dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare:

- (1) Any building with roof, ceiling, floors, sills, or foundations, or any combination thereof, rotted or decayed and falling apart, windows out, uninhabitable, and untenable, due to obsolescence and deterioration caused by neglect or vandalism or fire damage or old age or the elements;
- (2) Any building in danger of falling and injuring the person or property of another;
- (3) Any building which is a fire menace, to wit, by being in a dilapidated condition, as fully described in subsections (1) or (2) hereof, and which has an accumulation of rubbish, vegetation and solid waste which is likely to become a fire, or be set on fire, in and around said building and endanger the person or property of others;
- (4) Any building which is in the condition or conditions described in subsections (1) or (2) or (3) hereof, which is damp and in unsanitary condition, which is likely to foster disease and sickness;
- (5) Any building that is considered unsafe, unfit for human occupancy, or dangerous as described in Section 108.1 of the International Property Maintenance Code as it may be amended from time to time.

When used in this article the term "building" shall include any erection or structure of any kind or any part thereof. All substandard structures are declared to be public nuisances and shall be vacated, secured, repaired, removed, or demolished as provided in this article.

Sec. 5-504. Placard warnings.

The chief building official may place or cause to be placed a placard on a building that is dilapidated, substandard or otherwise unfit for human habitation or use as a warning of its substandard conditions. An offense is committed under this section if a person, without authority from the chief building official:

- (1) Defaces, removes or destroys a placard placed in accordance with this section;
- (2) Enters, occupies, or otherwise uses a structure on which the chief building official has placed a placard; or
- (3) As owner or operator of a structure, authorizes a person to enter, occupy, or otherwise use a structure on which the chief building official has placed a placard.

Sec. 5-505. Notice of hearing.

- (a) *Generally.* Whenever the chief building official determines that a building within the city does not comply with the standards set forth in this chapter and is substandard as described in section 5-503, notice of a public hearing must be sent to the owner, lienholder and mortgagee of the property.
 - (b) *Contents of notice.* The notice shall contain the following:
 - (1) The name and address of the owner of the affected property if the information can be determined;
 - (2) A legal description of the affected property;
 - (3) An identification of the building subject to the hearing;
 - (4) A description of the violation of minimum standards set forth in this article that is present at the building;
 - (5) A description of the hearing;
 - (6) A statement that the city will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time; and
 - (7) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
 - (c) *Identity of persons to receive notice.* To determine the identity and address of each owner, mortgagee, and lienholder, the chief building official shall search the following records:
 - (1) County real property records of the county in which the building is located;
 - (2) Appraisal district records of the appraisal district in which the building is located;
 - (3) Records of the Secretary of State;
 - (4) Assumed name records of the county in which the building is located;
 - (5) Tax records of the city; and
 - (6) Utility records of the city.
 - (d) *Delivery of notice.*
 - (1) Notice of a hearing shall be personally delivered, sent by certified mail with return receipt requested, or delivered by the United States Postal Service using signature confirmation service, to each identified owner, mortgagee and lienholder. If personal service cannot be obtained and the owner's post office address is unknown, notice shall be given by publishing it at least twice within a ten-day period in a newspaper of general circulation in the county in which the building is located and posting the notice on or near the front door of the building.
-

-
- (2) The notice will be considered delivered if notice is mailed in accordance with this section to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed."
 - (e) *Filing notice.* In addition to providing notice of the hearing in accordance with subsection (d) of this section, the chief building official shall also file notice of the hearing in the official public records of real property in the county in which the property is located. Such notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing.

Sec. 5-506. Public hearing.

- (a) *Hearing.* The board of adjustments shall hold a public hearing to determine whether a building complies with the standards set forth in this article. At the public hearing, the owner, lienholder and mortgagee will be given the opportunity to comment, testify or present witnesses or written information about any matter relating to the substandard building.
- (b) *Burden of proof.*
 - (1) In the public hearing, the city shall have the burden of proof to demonstrate by a preponderance of the evidence that the building is substandard as described by section 5-503.
 - (2) In a public hearing, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.

Sec. 5-507. Order.

- (a) *Generally.* After the public hearing, if a building is found in violation of standards set out in this article, the board of adjustments may order that the building be vacated, secured, repaired, removed, or demolished and may also order that the occupants be relocated within a reasonable time. The order issued by the board of adjustments shall specify a reasonable period of time for the owner to take the ordered action and may specify an additional reasonable period of time for the ordered action to be taken by the mortgagees or lienholders in the event the owner fails to comply with the order within the time period provided for action by the owner. The order shall require the owner, lienholder or mortgagee to file proof of compliance with the city clerk as specified in subsection (g) below.
 - (b) *Conditions of order.*
 - (1) *Submission of reports.* If the board of adjustments allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the order shall require the owner, lienholder, or mortgagee to regularly submit progress reports (including inspection results) to the chief building official to demonstrate compliance with the time schedules established for commencement and performance of the work.
 - (2) *Appearance before the board.* If the board of adjustments allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the order may require that the owner, lienholder, or mortgagee appear before the board to demonstrate compliance with the board's order.
 - (c) *Filing the order.* Within ten days after the date that the order is issued, the chief building official shall file a copy of the order in the office of the city secretary.
 - (d) *Publishing the order.* Within ten days after the date that the order is issued, the chief building official shall publish in a newspaper of general circulation in the city in which the building is located a notice containing:
 - (1) The street address or legal description of the property;
 - (2) The date of the hearing;
-

-
- (3) A brief statement indicating the results of the order; and
 - (4) Instructions stating where a complete copy of the order may be obtained.
- (e) *Mailing the order.* After the hearing, the chief building official shall promptly mail by certified mail with return receipt requested, delivered by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building in the event the owner fails to timely take the ordered action. The order will be considered delivered if notice is mailed to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed."
- (f) *Reasonable period of time to comply with order.*
- (1) *Thirty days.* The order shall require the owner, lienholder, or mortgagee of the building, within 30 days, to:
 - a. Secure the building from unauthorized entry; or
 - b. Repair, remove, or demolish the building, unless the owner lienholder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days.
 - (2) *Securing.* If the board of adjustments allows the owner, lienholder, or mortgagee more than 30 days to complete any part of the work required to repair, remove, or demolish the building, the order shall require the owner, lienholder, or mortgagee to secure the property (in accordance with section 5-511 of this chapter) from unauthorized entry while the work is being performed.
 - (3) *Thirty-one to 90 days.* If the board of adjustments grants the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building, the order shall set forth specific time schedules for the commencement and performance of the work.
 - (4) *Over 90 days.* The order shall not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:
 - a. Submits a detailed plan and time schedule for the work at the hearing; and
 - b. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (g) *Proof of compliance.* The following shall be proof of compliance with the order of the board of adjustments:
- (1) A certificate of completion issued by the chief building official if the building is secured in accordance with section 5-520 of this chapter;
 - (2) A certificate of completion issued by the chief building official if the building is demolished in accordance with a board of adjustments order;
 - (3) A certificate of occupancy issued by the chief building official if the building is repaired in accordance with a board of adjustments order.

Sec. 5-508. Failing to comply with order.

- (a) If the building is not repaired, vacated, secured, removed, or demolished, or the occupants are not relocated within the allotted time, the board of adjustments shall hold a show cause hearing pursuant to section 5-506 and issue another order pursuant to section 5-507 authorizing the city to vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
 - (b) If the city incurs expenses under subsection (a), the city may assess the expenses, including the actual cost of elimination procedures plus an administrative charge of \$100.00, and the city shall have a lien against the property on which the building was located unless it is a homestead as protected by the Texas Constitution. The lien will be extinguished if the property owner or another person having an interest in the legal title to
-

the property reimburses the city for its expenses. The lien arises and attaches to the property at the time the notice of lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice of lien must contain the name and address of the owner if that information has been determined in accordance with section 5-505(c), a legal description of the real property on which the building was located and the amount of expenses incurred by the city and the balance due. Any lien filed pursuant to this section shall be security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the city. The lien shall be superior to all other liens except tax liens.

- (c) The chief building official may revoke any permit issued in furtherance of an order to secure, repair, remove or demolish if the action ordered by the board of adjustments is not performed within the time schedules established for commencement and performance of the work pursuant to the board of adjustments order.

DIVISION 2. VACANT BUILDING ABATEMENT

Sec. 5-509. Purpose.

- (a) The city council finds and declares that:
- (1) Buildings that are vacant and unsecured or not properly maintained attract criminals and serve as prime locations to conduct illegal criminal activities.
 - (2) Buildings that are vacant and unsecured or not properly maintained are vulnerable to being set on fire by unauthorized persons.
 - (3) Buildings that are vacant and unsecured or not properly maintained are a blight and cause deterioration and instability in neighboring properties and surrounding areas.
 - (4) Buildings that are vacant and unsecured or not properly maintained pose serious threats to the public's health and safety.
 - (5) Abatement and rehabilitation of buildings that are vacant and unsecured or not properly maintained are necessary.
 - (6) Buildings that are vacant and unsecured or not properly maintained are declared to be public nuisances.
- (b) The purpose of this article is to protect the public health, safety, and welfare of the city and its citizens.

Sec. 5-510. Applicability.

This article applies only to buildings which are either (i) ordered by the board of adjustments to be secured in accordance with article XIII, division 1 of this Code or (ii) any building or structure regardless of whether it is used or intended for supporting or sheltering any use or occupancy as described in division 2 of article XIII.

Sec. 5-511. Definitions.

Unless otherwise expressly stated, the following words, terms, and phrases, when used in this article, have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning:

Administrator means the city's chief building official or a representative of that person.

Board when used as a verb means to cover an opening of a building or structure with lumber or panels of wood or other material.

Boarded building means a building on which any opening to the outside is covered with lumber or panels of wood or other material in accordance with section 5-518. The term does not include a building secured by normal measures.

Building means any structure used or intended for supporting or sheltering any use or occupancy to which this article applies, and includes an enclosed building, open building, and partially open building.

Owner means the owner of record in the county where the real property is situated; the holder of an unrecorded contract for deed; a mortgagee or vendee in possession; a mortgagor or vendor in possession; and an assignee of rents, receiver, executor, trustee, lessee, or other person in possession or with the right to control of the premises or a portion of the premises. Any person who is included in this definition as an owner has joint and several obligations for compliance with the provisions of this article. A tenant who does not have the right of possession or control of a portion of the building that is unoccupied is not an owner for the purposes of this article.

Properly maintained means taking measures to:

- (1) Prevent the physical deterioration of the building;
- (2) Keep a building and in a clean, safe, secure, and sanitary condition, compliant with all applicable codes; and
- (3) Prevent the building from becoming a public nuisance.

Secure means to take measures to ensure that the building is weatherproof and watertight and that the interior of the building cannot be accessed by:

- (a) Unauthorized persons; or
- (b) Birds, rodents or other animals through broken windows or other openings in the structure.

Secured by normal measures means the use of structural components of a building, including fixtures, such as doors, unbroken windows, locks, latches, electronic security systems, storm shutters, and security shutters which were installed while the building was constructed or added to the building while the building was occupied and being used for lawful purposes.

Secured by other than normal measures means a building secured by means other than those used in the design of a building or that are normally installed and utilized while a building is occupied and being used for lawful purposes. The term includes boarding any window or door opening.

Solid waste means any and all garbage, trash, refuse, and other discarded materials held or accumulated in containers, including without limitation, animal and waste materials resulting from the preparation, processing, or consumption of food; combustible waste materials such as paper, rags, cartons, boxes, plastics; noncombustible materials such as glass, crockery, and metal cans.

Unoccupied means not being used for a lawful occupancy. Vacant building means a building that is any of the following:

- a. Occupied by unauthorized persons and unsecured;
- b. Unoccupied and unsecured;
- c. Unoccupied and has had three or more violations of property maintenance ordinances within the previous 12-month period.

Sec. 5-512. Enforcement authority.

The administrator is authorized to enforce the provisions of this article and to make all necessary inspections, to issue citations, to give notice and to file applicable charges in the enforcement of this article.

Sec. 5-513. Notice of vacant building.

- (a) Upon reasonable suspicion that a building may be a vacant building as determined by the administrator or receipt of a complaint about a vacant building, the administrator may inspect or cause an inspection of the property in order to determine if the building should be classified as a vacant building.
- (b) If the administrator determines that a building may be classified as a vacant building under this article, the administrator:
 - (1) Shall attempt to contact the owner or an agent of the owner, identified by any sign posted on the property, by telephone or by electronic communication, and advise the owner or agent that the building is a vacant building and that the following measures need to be taken by the owner:
 - a. Take action to correct any code violations; and
 - b. Take measures to secure the building by normal or other than normal means within seven days from receipt of the notice given pursuant to subsection (b)(2) of this section;
 - (2) Shall mail a notice to the owner, with a copy to any agent identified by any sign posted on the property that advises the owner that the building is a vacant building and that the following measures need to be taken by the owner:
 - a. Take action to correct any code violations; and
 - b. Take measures to secure the building by normal or other than normal means within seven days from receipt of the notice given pursuant to this subsection;
 - (3) May post notice on the building that it appears that the building is a vacant building and that the following measures need to be taken by the owner:
 - a. Take action to correct any code violations; and
 - b. Take measures to secure the building by normal or other than normal means within seven days from the receipt of the notice given pursuant to section (b)(2) of this section; and
 - (4) May issue a citation or file a complaint in municipal court for any violations of this article or other applicable provisions of this Code.
- (c) If the owner disputes the administrator's determination that the building should be classified as a vacant building under this article, the owner shall file a written notice of appeal with the administrator within 20 days from receipt of the notice provided in this section. The administrator shall schedule a hearing before the board of adjustments to determine whether the building should be classified as a vacant building under this article.

Sec. 5-514. Maintenance of vacant building and premises.

- (a) *Compliance with applicable laws.* Any repairs, improvements, or alterations to the vacant building or on the property must comply with all applicable laws, codes, and regulations.
 - (b) *Duty to clean.*
 - (1) The owner of a vacant building shall remove all solid waste from the interior of the building.
 - (2) The owner of a vacant building shall remove all solid waste, high weeds and brush from the premises on which the vacant building is located.
 - (3) The owner shall keep the premises on which the vacant building is located properly maintained until the building is returned to an authorized occupancy or demolished.
-

(c) *Duty to secure.*

- (1) The owner of a vacant building shall lock or secure all doors, windows, and other openings to the vacant building.
- (2) The owner shall keep a vacant building secured, safe, and properly maintained.
- (3) If securing a vacant building by normal measures fails to keep the vacant building secure, the owner must use other than normal measures to secure the building, including boarding the vacant building in accordance with section 5-518.

(d) *Duty to remove or repair.* The owner of a vacant building shall promptly remove or repair any element of the building that is in a condition of decay or partial ruin by reason of neglect, misuse, or deterioration.

Sec. 5-515. Standards for boarding a vacant building.

- (a) Except as provided in subsection (c) of this section, if the owner is unable to secure a vacant building by normal means, the owner shall board the vacant building in accordance with the following:
- (1) All unsecured doorways, windows, or other exterior openings must be covered by exterior grade wooden structural panels or other means as approved in writing by the administrator in order to ensure that such doorways, windows and other exterior openings are secured on the exterior of the building and not easily penetrated.
 - (2) All exterior materials used to board a vacant building must be painted or coated the same color that is the predominant color of the building.
 - (3) All broken glass and any other loose material must be removed from the opening before the covering systems are installed.
 - (4) Exterior access to floor areas above the first floor, such as fire escapes and ladders, must be secured.
 - (5) Fascia signs, overhanging signs, roof signs, and all other appurtenances, such as sun visors or awnings must be removed if they are in a dangerous condition or could create such a condition.
 - (6) All loose or defective materials, trim, or structural elements on the exterior of the building must be removed.
 - (7) Any condition which may become a hazard or danger to the public must be corrected.
 - (8) The administrator maintains the sole discretion to determine if the building was secured in a manner that meets the requirements and article XIII.

Sec. 5-516. Notice and order to abate.

- (a) Upon finding a violation of this article and following the exhaustion of any right to appeal the administrator's determination, the administrator shall serve, in person or by certified mail, return receipt requested, a final written notice and order to abate upon the owner.
- (b) If the owner fails to abate the violation within the period stated in the notice or within any additional time as the administrator may grant, the administrator may, without further notice, enter upon the property and abate the violation. The owner is liable for the costs incurred by the city to secure the premises and to abate the violation, including any administrative expenses, materials, and labor.

Sec. 5-517. Notice of costs incurred by city; lien.

- (a) The administrator shall mail a notice to the owner, mortgagee and lienholder of the property upon which the nuisance has been abated of the costs incurred or expended by the city to abate the nuisance.
-

-
- (b) The notice must advise the owner and lienholder that the city proposes to assess its costs against the property and place a lien on the property to collect the costs incurred by the city.
 - (c) The administrator shall file a lien against the property for the city's costs.
 - (d) Any lien filed pursuant to this section shall be security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the city. The lien shall be superior to all other liens except tax liens.

Sec. 5-518. Entry or interference with notice prohibited.

- (a) No person may enter or occupy any building that has been posted under section 5-513(b) except to repair or demolish the building under proper permit or for a purpose authorized by the owner, or as allowed under section 5-514.
- (b) No person may remove or deface any notice that has been posted under section 5-513(b).

Sec. 5-519. Cumulative remedies.

The provisions of this article are not exclusive. The remedies provided by this article are in addition to other procedures or remedies provided by law. Nothing in this article may be deemed to abolish or impair existing authority or remedies of the city.

Sec. 5-520. Penalties.

Any person violating any provision of this article or providing false information to the administrator shall upon conviction be punished by a fine in an amount not to exceed \$2,000.00. A person commits an offense if he or she intentionally, knowingly, or recklessly engages in conduct that violates any provision of this article.

Sec. 5-521 – 5-549 RESERVED.

ARTICLE XIV. BUILDING INSPECTOR

Sec. 5-550. Appointment of Inspector

The City Council of the City of Hillcrest Village may appoint or contract for inspectors to apply and enforce the provisions contained herein. The various inspectors identified in this Chapter can be one or more individuals, but shall collectively be referred to as a “building inspector” herein.

Sec. 5-551. Right of Entry

The building inspector shall enforce the provisions of this code and he may enter any building or premise within the City to perform any duty imposed upon him by this code.

Sec. 5-552. Stop Work Orders

The building inspector shall have the authority to issue a stop work order on any building or structure that is being constructed contrary to the provisions of this code or in a dangerous or unsafe manner, and such work shall be immediately stopped. This notice shall be in writing and shall be given to the owner, his agent, or to the person doing the work. The stop order shall describe the portions of this code being violated and the conditions under which work may be resumed.

Sec. 5-553. Revocation of Permits

The building inspector or permit issuer may revoke a permit issued under the provisions of this code, in case

there have been any false statements or misrepresentations as to a material fact in the application on which the permit was based.

Sec. 5-554. Records

The building inspector and/or City shall keep a record of all construction, and such records shall be open to public inspection.

Sec. 5-555. Liability

The building inspector or deputy charged with the enforcement of this code, acting in behalf of the City in the discharge of their duties, shall not be held liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required in or resulting from the discharge of his duties.

Sec. 5-556. Salary

The City Council of the City of Hillcrest Village may be responsible for setting compensation of the building inspector. All costs will be covered in the permit.

Sec. 5-557 – 5-579 Reserved

ARTICLE XV. PERMITS

Sec. 5-580. Permit Required

Building Permits shall be issued by the City, prior to the beginning of any on-site construction, and the fees shall be set by the City of Hillcrest Village Council by way of fee resolutions. Resolutions will be updated as required. The permit valuation shall be based upon the fee schedule as set by resolution, plus any processing and administration fees. Only the cost of the lot shall be excluded.

Building permits shall be required and shall be issued by the City prior to the beginning of, but not limited to, any of the following construction or repair:

- A. New construction, including houses, garages, storage, recreational, or any other permanent or semi-permanent structures
 - B. Additions or modifications of existing structures or portable buildings
 - C. Repairs to water and sewer lines on private property
 - D. Re-roofing
 - E. Fencing of any and all approved types
 - F. Swimming Pools of all types
 - G. Electrical changes
-

H. Stand-by Generators

I. Solar Panels

J. HVAC and Ductwork Replacement

All construction or repairs authorized by a building permit must be completed within six months from the date of issue of the permit. After that time, the permit becomes null and void, and another building permit shall be required for completion of the work or demolition and removal of any unfinished construction shall be required at owner's expense.

Where any remodeling, modifications, and construction will change the architectural looks of an existing home or structure, detailed plans and plot plans must be submitted (in duplication) to City Council for review and approval before any permit can be issued. Plans must be stamped by an architect or engineer when applicable.

Any new construction must be Texas Windstorm Certified before a permit will be issued.

Any remodeling or modification to existing homes must be of similar construction materials as if it was part of original construction.

A11 fees associated with building permits must be paid in full before a final inspection for occupancy is issued.

New construction plans to be reviewed by the City of Hillcrest Village Council and a City-approved Building Inspector.

Sec. 5-581. Penalty

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled and with an additional maximum fine of \$200.00/day per each violation, but the payment of such double fee and/or fine shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work, nor from any other penalties prescribed herein

Sec. 5-582. Moving of Building or Structures

For moving of any building or structure into or out of the City of Hillcrest Village, Texas, City Council must be contacted prior to moving any older non-conforming building or structure onto an existing subdivision lot. This fee includes the moving of small storage type structures from one location in the City to another location within the City and refers to persons and/or corporations that move houses and other structures from one city to another for a living. The fee shall be \$75.00.

Sec. 5-583. Plan-checking Fees

A construction plan is required to be submitted and a plan-checking fee shall be paid to the City of Hillcrest Village at the time of submitting plans and specifications for checking. Said plan-checking fee shall be determined based on permit fee as set forth in the fee resolution. This plan-checking fee is in addition to the building permit fee. Plans will be reviewed by inspector hired or appointed by the City of Hillcrest Village.

Sec. 5-584. Tap Fees

Building fees shall also include an additional charge for water and sewer tap fees. This charge shall be per fee resolution per tap depending upon the actual reimbursable cost incurred by the City of Hillcrest Village for connection to either the City sanitary sewer system or for connection to the City water system. These fees are for the normal case where water and sewer lines already exist in the adjacent easement; otherwise, Council will have to determine costs to extend lines to the property. These tap fees shall be payable at the time the building permit fee is payable. All taps will be done by the City's Utility Operator.

Sec. 5-585. Demolition of Building or Structure

For the demolition of any building or structure, a permit fee shall be paid to the City of Hillcrest Village per fee resolution.

Sec. 5-586. Limitation of Building Per Parcel

Not more than one single family residence or dwelling shall be erected or constructed on any one residential lot as platted for the subdivision in which said residence is erected. If a "guest quarters" area is constructed, maximum square footage is limited to 800 sq. ft. No kitchen or cooking area shall be allowed. This area can never be utilized as a rental property

Sec. 5-587. Driveways

All driveways and patios must be of concrete construction and permitted.

6 X 6 Beam required at transitions with ether 2 number 5 bars or 4 number 3 bars.

CHAPTER 8 – MUNICIPAL COURT

ARTICLE I. MUNICIPAL COURT – IN GENERAL

Sec. 8-1 Establishment of Court

The City Council of the City of Hillcrest Village hereby establishes a municipal court, known as the "Municipal Court of City of Hillcrest Village" and as "the municipal court", in this code of ordinances.

Sec. 8-2 – 8-10 Reserved

ARTICLE II. MUNICIPAL COURT

Sec. 8-11. Reports of judge.

The judge of the municipal court shall prepare and file a report in writing and under oath with the city council not later than the second Monday in each month. Such report shall cover matters handled in such court the previous calendar month and shall show at least the following information:

- (1) Case docket number;
 - (2) Name of defendant;
 - (3) Nature of offense;
-

-
- (4) Disposition of case;
 - (5) Amount of fine; and
 - (6) Amount of costs and tax.

If the fine and costs are not paid in full, the report shall explain what amount remains unpaid and what arrangements have been made to pay the balance due.

Sec. 8-12. Powers, rights and duties of court.

Where applicable to the jurisdiction of such court, the municipal court shall have all the powers, rights and duties of courts of justices of the peace, except as otherwise provided, and shall be governed in its actions by the Texas Code of Criminal Procedure.

State law reference(s)—Jurisdiction of municipal court, V.T.C.A., Government Code § 29.003, and Vernon's Ann. C.C.P. art. 4.14.

Sec. 8-13. Deputy clerk of municipal court.

- (a) *Office created.* There is created the office of deputy clerk of the municipal court.
- (b) *Powers and duties.* The deputy clerk shall have the power to perform such duties as the clerk shall designate, and such duties as performed shall be performed in the name of the clerk. The deputy clerk, when performing such duties, shall indicate that such duties have been performed by the deputy clerk, signing the deputy clerk's name over such title under the name of the clerk of the court.

Sec. 8-14. Adoption of rules of practice and procedure relating to justice courts.

Except as otherwise provided in this article, the Charter of the city or the constitution and laws of the state, rules of practice and procedure prescribed by the laws of the state for the trial of criminal cases in the justice of the peace courts shall be the rules of practice and procedure before the municipal court.

Sec. 8-15. Judicial notice of Charter, ordinances and corporate limits.

The municipal court shall take judicial notice of all state laws applicable to its jurisdiction in addition to all ordinances of the city as well as judicial notice of the corporate limits of the city.

Sec. 8-16. Judgment.

A judgment, in the case of conviction in all actions before the municipal court, shall be that the state, for the use and benefit of the city, recover from the defendant the fine assessed and all costs of court, and that the defendant remain in the custody of the city marshal until such fine and costs are paid or otherwise discharged by law, and that execution issue to collect the same. However, the judge may direct the defendant to pay the entire fine and costs when sentence is pronounced, to pay the entire fine and costs at some later date, or to pay a specified portion of the fine and costs at designated intervals.

Sec. 8-17. Commitment and length of confinement.

- (a) All persons committed to the custody of the city marshal by the judge of the municipal court shall be kept by him at the city jail or designated jail facility; however, the city marshal shall be authorized to make arrangements with the sheriff and, for this purpose, to incur indebtedness on the part of the city to the sheriff for the keeping of any prisoner committed to the custody of the city.
 - (b) Any defendant committed to the custody of the city marshal by the judge of the municipal court after conviction on account of failure to pay the fine, costs of court, if any, and tax assessed shall be discharged
-

after such person has remained in jail a sufficient length of time to satisfy such fine, costs of courts, if any, and tax at the minimum legal rate.

Sec. 8-18. Disposition of fine and costs of court.

All fines collected in the municipal court shall be delivered by the judge or clerk of the court to the director of finance, to be deposited by the director of finance in the general fund of the city within a reasonable time after the receipt by the judge or clerk.

Sec. 8-19. Notice to appear in court for violations of city ordinances and promise to appear.

Whenever a person is found to be in violation of any penal ordinance of the city by any peace officer or code enforcement officer, in lieu of arresting such person, the officer may prepare a written notice directing such person to appear before the municipal court, containing the name and address of such person, the offense charged, the time and place when and where such person shall appear in court, and such other matters as the officer may deem appropriate. The time specified in the notice to appear must be at least ten days after the date of issuance unless the person to whom the notice is issued shall demand an earlier hearing. The place specified in the notice to appear must be the municipal court at the city hall. In order to prevent his arrest for such violation prior to the expiration of the time specified in the notice, the person to whom such notice is issued must give a written promise so to appear in court by signing the written notice prepared by the officer. A copy of the notice shall be delivered to such person, a copy shall be retained by the officer, and the notice shall be delivered by the officer to the judge or his clerk at the time such officer files the complaint charging such person with such violation. When such person has appeared as directed in the notice, all proceedings in such court shall be the same as if a warrant for such person's arrest had been issued and returned executed.

Sec. 8-20. Violation of promise to appear; penalty.

Any person willfully violating a written promise to appear in the municipal court given as provided in section 8-20 shall be guilty of a misdemeanor regardless of the disposition of the case wherein he is charged with the violation set forth in such notice, and upon conviction shall be punished by a fine not exceeding \$500.00.

State law reference(s)—Failure to appear, Texas Penal Code § 38.10.

Sec. 8-21. Appearance by counsel.

A written promise to appear in the municipal court under the provisions of this article may be complied with by an appearance by counsel.

Sec. 8-22. Procedure not exclusive.

The procedure prescribed in sections 8-20—8-22 shall not be exclusive of any other method prescribed by the laws of the state for the arrest and prosecution of any person for an offense within the exclusive original jurisdiction of the municipal court.

Sec. 8-23. Pay of jurors.

Each juror in a case in the municipal court is entitled to receive the sum of minimum sum set by state law for each day or fraction of a day that he serves as a juror, to be paid out of the general funds of the city by the finance director on order of the judge of the court.

Sec. 8-24. Dismissal fees.

Dismissal reimbursement fees shall be collected by the court clerk when a charge is remedied via a compliance dismissal in a sum not to exceed the amount as permitted by state law.

State law reference(s)—Special expenses, Vernon's Ann. C.C.P. art. 45.06.

Sec. 8-25. Building security fund and Technology Fund.

There is hereby created a fund to be known as the municipal court building security and technology fund. Each defendant convicted of a misdemeanor offense in the municipal court of the city is hereby required to pay a security and technology fee as costs of court, in the amount set by state law. Provided, however, such fund may only be expended for one or more of the purposes specified in Vernon's Ann. C.C.P. art. 102.017.

Sec. 8-26. Payment by credit cards or electronic means.

- (a) The municipal court clerk or any deputy municipal court clerk, the mayor, and any other employee of the city who is authorized, as a designee of the mayor, to collect payments on behalf of the city, is hereby authorized to accept payment, or to direct the acceptance of payments by credit card, of fees, fines, court costs or other charges due the city.
- (b) Regarding the collection of credit card processing fees, the municipal court clerk or any deputy municipal court clerk, the mayor and any other employee of the city who is authorized by the provisions of subsection (a) to collect payments on behalf of the city, other than at the city marshal's office shall also collect, whenever a credit card is used to pay any fee, fine, court cost or other charge due the city, the accompanying processing fee, and which is an amount which the city council finds is reasonably related to the expense that will be incurred by the city in the acceptance of payment by credit card of any fee, fine, court cost or other charge due the city.
- (c) The city council finds that \$30.00 is the amount set by section 3.506(a), Business and Commerce Code, as the maximum fee that can be charged for the collection of a check drawn on an account by a payer with insufficient funds; and therefore, if, for any reason, a payment to the city by a payer to the city using a credit card to pay a fee, fine, court cost or other charge is not honored by the credit card company on which the funds are drawn, the city may collect a \$30.00 service charge from such payer in addition to the original amount of the unpaid fine, court cost, fee or other charge, which was not honored.
- (d) The mayor and city secretary are hereby authorized to execute and attest, respectively, a contract with any company that issues credit cards whereby the clerk of the municipal court, or any deputy municipal court clerk, the city manager and any other employee of the city who is authorized, as a designee of the city manager, to collect payments on behalf of the city, will collect and seize credit cards issued by that company that are outdated or otherwise unauthorized for a fee to be specified therein which the mayor may find to be reasonable.
- (e) All fees, fines, court costs and other charges collected by the city by credit card payments pursuant to this section shall be deposited in the general fund of the city; but all cash bonds, any restitution paid to the clerk of the municipal court and any other funds required by law to be deposited in a separate account shall be deposited in a separate account maintained for that purpose.

Sec. 8-27. Local youth diversion administrative fee.

- (a) There is hereby created a fund to be known as the local youth diversion fund;
 - (b) Subject to the issue of indigency or other financial inability, the court shall collect a sum of \$50.00 from the parent of each child entering into a youth diversion agreement with the court;
-

-
- (c) The clerk of the court shall keep a record of all fees collected and shall forward all collected fees to the municipal treasurer;
 - (d) The fees collected shall be kept in a separate account, known as the local youth diversion fund, and may only be expended to offset the cost of the operations of the city's youth diversion programs.

CHAPTER 10 FLOOD DAMAGE PREVENTION

ARTICLE 1: GENERAL PROVISIONS

SEC. 10.01 LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of Hillcrest Village, Texas.

SEC. 10.02 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled,

"The Flood Insurance Study (FIS) for Brazoria County," dated December 30, 2020, with accompanying Flood Insurance Rate Maps and/ or Flood Boundary-Floodway Maps (FIRM and/ or FBFM) dated December 30, 2020 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SEC. 10.03 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SEC. 10.04 COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SEC. 10.05 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SEC. 10.06. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SEC. 10.07 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

ARTICLE 2 ADMINISTRATION

SEC. 10.08 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Emergency Management Coordinator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance -National Flood Insurance Program Regulations) pertaining to floodplain management.

SEC. 10.09. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (1WDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any

SEC. 10.10 PERMIT PROCEDURES

- (1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);
 - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (e) Maintain a record of all such information in accordance with Article 4, Section (B)(I);
 - (2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
 - (a) The danger to life and property due to flooding or erosion damage;
 - (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (c) The danger that materials may be swept onto other lands to the injury of others;
 - (d) The compatibility of the proposed use with existing and anticipated development;
 - (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
-

-
- (g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (h) The necessity to the facility of a waterfront location, where applicable;
 - (i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SEC. 10.11 VARIANCE PROCEDURES

- (1) The City Council shall hear and render judgment on requests for variances from the requirements of this ordinance.
 - (2) The City Council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
 - (3) Any person or persons aggrieved by the decision of the City Council may appeal such decision in the courts of competent jurisdiction.
 - (4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
 - (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
 - (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1 /2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1 /2 acre, the technical justification required for issuing the variance increases.
 - (7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
 - (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (10) Prerequisites for granting variances:
 - (a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
-

-
- (11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE 2 PROVISIONS FOR FLOOD HAZARD REDUCTION

SEC. 10.12 GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/ or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SEC. 10.13. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

- (1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.
 - (2) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/ or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation(in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
-

-
- (3) Enclosures -new construction and substantial improvements, withfully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) Manufactured Homes -
- (a) Require that all manufactured homes to be placed within Zone Aon a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 - (b) Require that manufactured homes that are placed or substantially improved within Zones AI-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - (c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones AI-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - (i) the lowest floor of the manufactured home is at or above the base flood elevation, or
 - (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones AI-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

SEC. 10.14. STANDARDS FOR SUBDIVISION PROPOSALS

- (1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
 - (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
-

-
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.
 - (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 - (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SEC. 10.15 STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- (2) All new construction and substantial improvements of non-residential structures;
 - (a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or
 - (b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

SEC. 10.16. FLOODWAYS

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
 - (3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would
-

result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

SEC. 10.17 PENALTIES

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$200.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent City Council from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 11 – HEALTH AND SANITATION

ARTICLE I. CLEANLINESS OF PREMISES

DIVISION 1. IN GENERAL

Sec. 11-1 – 11-3 Reserved

Sec. 11-4. - Minimum standards generally; responsibilities of owners and occupants.

(a). It is unlawful for a person knowingly to allow a property of which the person has ownership or control to be kept or used in violation of this division.

(b). Each person who owns or otherwise has control of a property is responsible for maintaining in a sanitary condition the shared or public areas of the property and the premises thereof.

(c). Each occupant of a dwelling unit or a sleeping unit shall keep in a sanitary condition the part of the unit that the occupant occupies or controls.

(d). No person who owns, controls, or occupies real property shall use the property for the open storage of any dead tree, refuse, glass, building material, or of any inoperable motor vehicle, boat, refrigerator, stove, or other object of a reasonably similar size. For the purposes of this division, "inoperable" means either incapable of use for its intended purpose or reasonably appearing to be incapable of use for its intended purpose. It is an affirmative defense to prosecution for violation of this subsection that the person to whom the citation was issued was licensed by a proper authority to store the item in the manner in which it was stored at the time the citation was issued.

(e). A violation of this division does not of itself create a negligence per se standard or otherwise expand existing liability in tort.

(f). This division applies to manufactured homes and house trailers to the extent allowed by law.

Sec. 11-5. - Responsibilities of occupant.

(a) An occupant, with regard to any portion of a building under the occupant's control, shall:

(1). Keep the premises free from refuse and other conditions likely to encourage infestation by insects, ectoparasites, or rodents;

(2). Install in accordance with applicable codes and laws any plumbing fixtures, heating equipment, electrical equipment, and mechanical equipment supplied by the occupant; and

(3). Not alter the property so as to create a violation of this Code.

(b). With regard to dwellings, if the building was treated to eliminate insects, **ectoparasites**, and rodents by a duly licensed exterminator within either (i) two weeks before the date the resident took occupancy or (ii) the preceding six months if there has been more than one residential lease during the preceding six months, the resident of the structure is responsible for keeping the interior of the structure free from insects, **ectoparasites**, and rodents.

Sec. 11-6. Mosquito control.

- (a) *Impounded water.* No person shall maintain or permit to be maintained any pond, well, cistern, rain barrel or any receptacle that contains or may contain water or permit the accumulation of water upon any premises owned, controlled or operated by him in such a manner that mosquitoes may breed.
- (b) *Running water.* No person shall have, keep, maintain, cause or permit any flowing water in which mosquitoes breed or are likely to breed.
- (c) *Drainage obstruction.* No person shall throw or place in any street, alley, drainage ditch or gutter any trash, tin, shavings, refuse or other matter whatsoever, so as to prevent the free passage of water or cause it to stagnate, or in laying down or repairing water, gas or service pipes, to leave any street, alley, drainage ditch or gutter in such condition as to impair the drainage.
- (d) *Evidence.* The natural presence of mosquito larvae in standing or running water shall be deemed sufficient evidence to assume that mosquitoes are breeding there and failure to prevent such breeding within three days after due notice has been given by the health authority shall constitute a violation of this Code.
- (e) *Abatement.* If at any time it shall develop upon examination that any well, pool, spring or collection of water, or running water, in which mosquitoes may breed, becomes evident, the health authority shall instruct the person owning or controlling the property upon which the condition is located to seal, fill up or drain the well, pool, spring or water, or otherwise treat the same. In case the person owning or controlling the premises fails immediately to so cover over, fill, drain or seal or treat the well, pool, spring or water, the health authority shall file complaint against the person in the municipal court and shall report the condition, together with recommendations, to the city council. If upon investigating the facts the city council shall deem it for the best interest of the public health that the well, pool, spring or water be eliminated or treated, it shall instruct the chief of police to carry out the required work and the cost shall be charged to the person owning or controlling the property.

Sec. 11-7. Industrial debris or waste.

No material, cinders, ashes or waste products of any character from any commercial entity, junk establishment, or any other industry or utility shall be allowed to escape or be stored or deposited so as to cause pollution or contamination of the surrounding atmosphere, land or water, or to be injurious to public health or comfort.

Secs. 11-8—11-09. Reserved.

DIVISION 2. ACCUMULATIONS AND VEGETATION

Sec. 11-10. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Other objectionable, unsightly or unsanitary matter of whatever nature means weeds and grass, or either of them, over 12 inches in height, as well as accumulations of lawn clippings, dead leaves, cut trees or tree limbs and other debris of whatever nature, but does not include composts maintained according to the specifications issued by the city manager or waste materials placed for collection in accordance with the applicable ordinances of the city.

Owner means any person holding legal or equitable title to any lot of land within the city.

Sec. 11-11. Duty of owner or occupant to keep lot free from prohibited matter.

- (a) It shall be unlawful for the owner or occupant of any lot within the city to allow weeds, rubbish, brush or any other unsightly, objectionable or unsanitary matter to accumulate or grow on the lot.
- (b) It shall be unlawful for such owner to fail to correct or remove any such accumulation or growth within seven days after the notice provided for in section 58-103 has been given to such owner.

Sec. 11-12. Notice to owner; work by or at the direction of city; charging owner and fixing and foreclosing liens.

- (a) Notice shall be given in writing by the code or law enforcement officer of the city and shall inform the owner of such lot that, if any growth of grass or weeds over 12 inches in height or any accumulation of rubbish, brush or other objectionable, unsightly or unsanitary matter of whatever nature is not corrected or removed by such owner within seven days after such notice is given, the city without further notice may correct or remove or cause the same to be corrected or removed at the expense of the owner and assess such expense against such lot. The code or law enforcement officer may also inform the owner by regular mail and a posting on the property that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expenses against the lot.
 - (b) The notice provided for in subsection (a) of this section shall be given:
 - (1) Personally to the owner in writing;
 - (2) By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
 - (3) If personal service cannot be obtained:
 - a. By publication at least once;
 - b. By posting the notice on or near the front door of each building on the property to which the violation related; or
 - c. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
 - (c) If the code or law enforcement officer has informed the owner by regular mail and a posting on the property that, if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expenses against the lot; and if a violation covered by such notice occurs within such one-year period and the city has not been informed in writing by the owner of an ownership change, then the city without further notice may do the work or make the improvements required or pay for the work done or improvements made and assess the expenses to the owner of the lot as provided in subsection (c) of this section.
-

-
- (d) If a violation occurs within one year after the owner of such lot has been notified by certified mail, return receipt requested, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of such notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the lot; and if the city has not been informed in writing by the owner of an ownership change, the city without further notice may do the work or make the improvements required and pay for the work done or improvements made and charge the expenses to the owner of the property as provided in subsection (c) of this section.
- (e) If the notice is mailed to a property owner in accordance with this subsection section, and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

State law reference(s)—Abatement by prosecuting attorney, V.T.C.A., Health and Safety Code § 341.012; abatement by city, V.T.C.A., Health and Safety Code ch. 342.

CHAPTER 16 – LAW ENFORCEMENT

DIVISION 1. IN GENERAL

Sec. 16-1 – 16-20 Reserved

DIVISION 2. POLICE RESERVE FORCE

16.21 POLICE RESERVE FORCE

- (A) There is hereby established a police reserve force for the City of Hillcrest Village, Texas.
- (B) The qualifications and standards of training required of the members of the police reserve force shall be consistent with those promulgated by the Texas Commission on Law Enforcement for reserve law enforcement officers. All reserve police officers shall hold a permanent peace officer license issued under Chapter 1701, Texas Occupations Code.
- (C) The police reserve force may not exceed 20 members.
- (D) The City Marshal shall appoint members of the police reserve force. Members of the police reserve force serve at the City Marshal's discretion and shall be temporary employees during the periods that they are called into service.
- (E) The City Marshal may call any or all members of the police reserve force into service at any time the Marshal considers it necessary to have additional officers to preserve the peace and enforce the law.
- (F) Members of the police reserve force shall serve as peace officers during the actual discharge of their duties.
- (G) An appointment to the police reserve force must be approved by the city council before the person appointed may carry a weapon or otherwise act as a peace officer. After the appointment is approved, the person appointed may act as a peace officer, including carrying a weapon in their capacity as a peace officer, only when authorized by to do by the City Marshal and only when discharging official duties as a peace officer.
-

-
- (H) Reserve police officers may act only in a supplementary capacity to the regular police force and may not assume the full-time duties of regular police officers without complying with the requirements for regular police officers.
 - (I) A reserve police officer is not a member of the classified service of the police department under Chapter 143, Texas Local Government Code.
 - (K) Members of the reserve police force shall serve without compensation.
 - (L) The City Marshal shall establish qualifications and standards of training for members of the police reserve force and shall establish rules and regulations governing reserve police force officers.
 - (M) Each officer that joined the department prior to January 1, 2026 is required to donate a minimum of 16 hours per month. Each officer that joined the department after January 1, 2026 is required to donate a minimum of 24 hours per month.

CHAPTER 18 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE I. IN GENERAL

Sec. 18-1. Air guns—Discharge prohibited.

It shall be unlawful for any person to shoot or discharge any air gun or air rifle of any description in the city or to knowingly, willfully or negligently cause any air gun or air rifles to be shot or discharged in the city by a minor who is in his custody or under his control.

Sec. 18-2. Defacing, destroying, etc., property.

It shall be unlawful for any person to injure, tamper, break, destroy or deface, or assist in injuring, breaking, destroying or defacing any bridge, fence, building, schoolhouse, church, depot or other public or private building or structure, street sign, lamppost, electric line or pole, electrical lamp or any appurtenance thereto, alarm box, hydrant or any other public or private property within the city.

Sec. 18-3. Fighting in public.

If any two (2) or more persons shall fight together in any public place, street or alley, or any public place, they shall be deemed guilty of a misdemeanor.

Sec. 18-4. Firearms—Discharge prohibited.

No person shall fire or discharge any gun, revolver, pistol or other firearm within the City or knowingly, willfully or negligently cause any gun, revolver, pistol or other firearm to be fired or discharged within the city by a minor who is in his custody or under his control.

Sec. 18-5.1. Noise—Sound nuisances.

It shall be unlawful for any person to make, continue, or cause to be made or continued, any unreasonably loud, disturbing, or unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities. It also shall be unlawful for any person to make, assist in making, permit, continue, cause to be made or continued or permit the continuance of any sound which exceeds the maximum permitted sound levels

specified in section 18-5.2. The acts enumerated in this article, among others, are declared to be sound nuisances which are unreasonably loud, irritating, disturbing or excessive sounds in violation of this article, but such enumeration shall not be deemed to be exclusive:

- (1) *Horns or other signaling devices.* The sounding of any horn or signaling device on any automobile or other vehicle on any street or public place of the city, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.
- (2) *Power and pneumatic equipment.* Operate or permit to be operated any power or pneumatic equipment outdoors in a residential area, or within one hundred fifty (150) feet of the boundary line of a residential lot between the hours of 10:00 p.m. and 7:00 a.m. Motorized electric or fuel powered equipment including, but not limited to tractors, lawnmowers and other similar devices or equipment shall be considered power equipment.
- (3) *Defect in vehicle or load.* The use of any automobile or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (4) *Construction or repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector which shall be granted for a period of time not to exceed the period in which the emergency continues.
- (5) *Vehicular sound amplification systems.*
 - a. A sound amplifier which is part of or connected to a radio, stereo receiver, compact disc player, mp3, cellular devices or other similar device or service operated within a motor vehicle operated at such a volume that is plainly audible.
 - b. If the sound [is] audible at a distance of thirty (30) feet from the source or causes a person to be aware of or feel the vibration accompanying the sound at a distance of thirty (30) feet from the source, a prima facie case shall be established that the radio, stereo receiver, compact disc player, cassette player or other similar device is being operated at a volume that is plainly audible.

For purposes of this subsection, "plainly audible" means any sound produced by a sound amplification system from within a vehicle that clearly can be heard at a distance of thirty (30) feet or more. Measurement standards shall be the auditory senses, based on direct line of sight. Words or phrases need not be discernible, and bass reverberations are included.
- (6) It shall be prima facie unlawful and a violation of this article for any person to operate or cause to be operated any source of vibration or to discharge or allow the escape of any vibration in such a manner as to cause by such operation a vibration that can be detected without the aid of instruments at any point within the receiving real property.

Sec. 18-5.2. Maximum permissible sound levels.

- (a) No person shall conduct, permit or allow any activity or sound source to produce a sound that is discernible beyond the property line of the property on which the sound is being received that, when measured as provided in section 18-5.3, exceeds the following applicable dB(A) level listed for the property on which the sound is received:
 - (1) *Residential property.*
 - a. Sixty-five (65) dB(A) during daytime hours.
-

-
- b. Sixty (60) dB(A) during nighttime hours.
 - (2) *Nonresidential property.* Seventy (70) dB(A) during either daytime or nighttime hours.
 - (b) The dB(A) levels set forth in this section applies to the property where the sound is being received. Any sound that, when measured at the property where the sound is being received, exceeds the dB(A) levels set forth in this section is a prima facie violation of this article.

Sec. 18-5.3. Measures and standards.

Under this article, measurement of sound may be made, as applicable, with a sound level meter meeting the standards prescribed by the American National Standards Institute (ANSI). Measurements of sound shall be taken so as to provide a proper representation of the sound being measured. The chief of police shall develop procedures to be followed in measuring sounds.

Sec. 18-5.4. Exemptions.

Sounds caused by the following are exempt from the prohibitions set out in section 18-5.2 and are in addition to the exemptions specifically set forth in this section:

- (1) Repairs of utility structures which pose a clear and immediate danger to life, health, or significant loss of property;
- (2) Sirens, whistles, or bells lawfully used by emergency vehicles, or other alarm systems used in case of fire, collision, civil defense, police activity, or imminent danger;
- (3) The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work;
- (4) Repairs or excavations of bridges, streets, or highways by or on behalf of the city, or other governmental entity, between the hours of 7:00 p.m. and 7:00 a.m., when public welfare and convenience renders it impractical to perform the work between 7:00 a.m. and 7:00 p.m.;
- (5) Reasonable activities conducted on public playgrounds, which are conducted in accordance with the manner in which such spaces are generally used; and
- (6) Individuals possessing an authorized permit from the city, such as a special event or parade permit, shall be allowed to engage in activity authorized by the permit.

Sec. 18-5.5. Noise—Use of amplifying devices and sound trucks.

- (a) It shall be unlawful for any person to use or operate, or cause to be used or operated, any mechanical or electrical device, machine, apparatus or instrument to intensify, amplify or reproduce the human voice or to produce, reproduce, intensify or amplify any other sound in any building or on any premises of the city or in or on any vehicle in the city for any purpose whereby the sound therefrom is cast directly upon the public streets or places, or which is so placed or operated that the sound coming therefrom can be heard on the streets or on neighboring premises to the annoyance or inconvenience of a reasonable person having normal nervous sensibilities, and being of ordinary tastes, habits and modes of living.
 - (b) Notwithstanding the above provisions, amplifying devices and sound trucks may be used in the city provided a permit therefor is first obtained from the city marshal and such permit designates the term of the permit as determined by the city marshal.
 - (c) All permits issued under this chapter are subject to restrictions designated at time of issuance and may be revoked due to violations of restrictions or other cause.
-

ARTICLE II. JUNKED VEHICLES

Sec. 18-6. Junked vehicles as public nuisance; exceptions.

A junked vehicle that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city and is a public nuisance. There is expressly excepted, and this article shall not apply to a vehicle or vehicle part:

- (1) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
- (2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - a. Maintained in an orderly manner;
 - b. Not a health hazard; and
 - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

Sec. 18-7. Definitions.

As used herein the following words and phrases shall have the meaning set forth adjacent to them:

Antique vehicle means a passenger car or truck that is at least twenty-five (25) years old.

Collector means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Demolisher means a person whose business is to convert a motor vehicle into processed scrap or scrap-metal or to otherwise wreck or dismantle a motor vehicle.

Junked vehicle means a vehicle that is self-propelled and:

- (1) Displays an expired license plate or does not display a license plate; and
- (2) Is:
 - a. Wrecked, dismantled or partially dismantled, or discarded; or
 - b. Inoperable and has remained inoperable for more than:
 1. Seventy-two (72) consecutive hours, if the vehicle is on public property; or
 2. Thirty (30) consecutive days, if the vehicle is on private property.

Junkyard means an establishment or place of business maintained, used, or operated for storing, keeping, buying, or selling junk, for processing scrap metal, or for maintaining or operating an automobile graveyard. The term includes garbage dumps and sanitary fills.

Motor vehicle means a motor vehicle subject to registration under the Certificate of Title Act (V.T.C.A., Transportation Code ch. 501).

Person means any individual, firm, partnership, association, corporation, company or organization of any kind.

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

Sec. 18-8. Abatement procedures.

- (a) Whenever a nuisance exists on private property, as defined by this article, the chief of police or his designated agent shall give not less than ten (10) days' notice stating the nature of the public nuisance on private property, that it must be removed and abated within ten (10) days, and that a request for a hearing must be made before expiration of the ten-day period. The notice must be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record, and to the owner or occupant of the private premises on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day after the date of the return.
 - (b) Whenever a nuisance exists on public property, as defined by this article, the chief of police or his designated agent shall give not less than ten (10) days' notice stating the nature of the public nuisance on public property or on a public right-of-way, that the nuisance must be removed and abated within ten (10) days, and that a request for hearing must be made before expiration of the ten-day period. The notice must be mailed, by certified mail with a five-day return requested, to the last known registered owner of the junked motor vehicle, any lienholder of record, and to the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which the public nuisance exists. If the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner is physically located, the notice may be hand delivered. If any notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day after the date of return.
 - (c) After a vehicle has been removed it shall not be reconstructed or made operable.
 - (d) A public hearing shall be held before the municipal court prior to the removal of the vehicle or part thereof as a public nuisance if within ten (10) days after service of notice to abate the nuisance such hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which said vehicle is located. At the hearing it is presumed unless demonstrated otherwise by the owner, that the vehicle is inoperable. Any resolution or order requiring the removal of a vehicle or part thereof shall include a description of the vehicle and the correct identification number and license number of the vehicle, if available at the site.
 - (e) Notice by the city is to be given to the Texas Department of Highways and Public Transportation not later than the fifth day after the date of removal. The notice must identify the vehicle or vehicle part. The department shall immediately cancel the certificate of title in accordance with the Certificate of Title Act (V.T.C.A., Transportation Code ch. 501).
 - (f) The removal of a vehicle or vehicle part from property may be by any duly authorized person.
 - (g) Relocation of a junked vehicle that is a public nuisance to another location within the city after a proceeding for the abatement and removal of the public nuisance has commenced shall have no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.
-

Sec. 18-9. Removal with permission of owner or occupant.

If within ten (10) days after receipt of notice to abate the nuisance, as herein provided, or at any time thereafter the owner or occupant of the premises shall give his/her written permission to the city for removal of the junked motor vehicle from the premises, the giving of such permission shall obviate the need for a hearing under the provisions of this article.

Sec. 18-10. Disposal of junked vehicles.

If such public nuisance is not abated by said owner or occupant after notice is given in accordance with this article, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrap yard, demolisher, or any suitable site designated by the city for processing as scrap or salvage. After removal of the junked vehicle or parts thereof to a scrap yard, demolisher, or other suitable site, it shall not be reconstructed or made operable by any person.

Sec. 18-11. Authority to enforce.

The chief of police or his designees, or the inspection department of the city and its employees, may enter upon private property for the purposes specified in this article to examine vehicles or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof, obtain information as to the identity of vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The municipal court of the city shall have authority to issue all orders necessary to enforce the provisions stated herein.

Sec. 18-12. Application.

Nothing in this article shall affect ordinances that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic. Furthermore, nothing in this article shall prohibit the city from enforcing the offense provisions of V.T.C.A., Transportation Code § 683.073 and such provisions shall be considered an enforcement mechanism that is cumulative of the abatement procedures set forth in this article.

Secs. 18-13—15-49. Reserved.

ARTICLE V. SHORT-TERM RENTALS

Sec. 18-50. Definitions.

City. The City of Hillcrest Village, Texas.

Operator. Any person who operates a Short-Term Rental, as defined in this Article.

Owner. The person or entity that holds legal and/or equitable ownership or title interest to real property rented out as a Short-Term Rental.

Person. Any individual, corporation, business, or other organization.

Residential Property. Any structure built, designed or used as a dwelling place for residential purposes, whether single-family or multi-family.

Short-Term Rental. A residential dwelling unit or bedroom(s) in a residential dwelling unit that is rented out for compensation on a temporary basis for a period of less than thirty (30) consecutive days.

Sec. 18-51. Short Term Rental Prohibited.

It shall be unlawful for and person, owner, or operator to advertise, offer to rent, or rent or lease a residential property within the City as a Short-Term Rental.

Secs. 18-52—18-79. Reserved.**ARTICLE VIII. GRAFFITI ABATEMENT****Sec. 18-80. Finding and intent.**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the city council and made a part hereof for all purposes as findings of fact. Further, the city council finds that graffiti presents visual blight, is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless the city acts to regulate the removal of graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti, and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the city.

It is the intent of this article to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city by providing an additional enforcement tool to protect public and private property from acts of graffiti vandalism and defacement.

Sec. 18-81. Definitions.

The following words, terms, and phrases; when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Graffiti means any unauthorized painting, scratching, writing or inscription, including initials, slogans, symbols or drawings, that has been applied to any wall, building, fence, window, sign or other structure or surface, which is visible from:

- (1) Any public property;
- (2) Any public right-of-way; or
- (3) Another person's property.

"Graffiti" does not include any of the foregoing that is placed on the property in compliance with any applicable city ordinance, state or federal law.

Owner means any owner of record, person who has contractual responsibility for the property, or person who has the legal right of possession of the property. There shall be a rebuttable presumption in prosecutions under this article that the person who is listed on the tax records for the county wherein the property is situated is the owner. There shall be a rebuttable presumption in prosecutions under this article that the last named customer on the account for utility services furnished by the city is the person who has the legal right of possession of the property.

Remove or removal means to take off, eliminate or covering the graffiti to the point it is no longer or reasonably discernible as graffiti.

Unauthorized means without the consent of the owner or without authority of law. Unless the owner proves otherwise, lack of consent will be presumed under circumstances tending to show:

- (1) The absence of evidence of specific authorization by the owner;
-

-
- (2) That the visual blight is inconsistent with the design and the use of the subject property; or
 - (3) That the person causing the visual blight was unknown to the owner.

Sec. 18-82. Graffiti declared a public nuisance.

The city finds and determines that graffiti is an impure and unwholesome matter and its existence:

- (1) Is detrimental to the safety and welfare of the public;
 - (2) Tends to reduce the value of private property;
 - (3) Invites vandalism, additional graffiti, and other criminal activities; and
 - (4) Produces urban blight which is adverse to the maintenance and continuing development of the city.
- The existence of graffiti on public or private property in violation of this chapter is expressly declared to be a public nuisance and is subject to the removal and abatement provisions provided by law. It is the duty of the owner of the property to which graffiti has been applied to at all times keep the property clear of graffiti.

Sec. 18-83. Owner duty to remove graffiti and graffiti removal program.

- (a) It shall be unlawful for an owner to permit graffiti to remain on their property except where:
 - (1) The graffiti is located on transportation infrastructure; or
 - (2) The removal of the graffiti would create a hazard for the person the removal.
 - (b) Prior to the enforcement or removal efforts by the city; the building official, code enforcement, police department or their designee shall inform a property owner in writing that the city will remove the graffiti from the owner's property free of charge and shall request that the property owner give written permission for removal and release the city, its contractors, and/or volunteer personnel from liability in the performance of the graffiti abatement program by completing a permission and release from liability form.
 - (c) Should the property owner give written permission for the city to remove the graffiti, the city may remove the graffiti free of charge. No enforcement or lien efforts shall be undertaken against a property owner who has given written permission for the city to remove the graffiti.
 - (d) If the property owner refuses the offer of removal free of charge, the building official, code enforcement or their designee shall serve the property owner with written notice to abate graffiti from the property within fifteen (15) days after the date the notice is received. The notice to abate the graffiti shall be given:
 - (1) Personally to the owner in writing;
 - (2) By letter sent by certified mail, addressed to the property owner at the property owner's address as contained in the records of the appraisal district in which the property is located; or
 - (3) If service cannot be obtained under subsection (1) or (2), then by:
 - a. Publication at least once in a newspaper of general circulation in the county or municipality;
 - b. Posting the notice on or near the front door of each building on the property to which the notice relates; or
 - c. Posting the notice on a placard attached to a stake driven into the ground on the property to which the notice relates.
 - (e) If the building official, code enforcement or their designee mails a notice to a property owner in accordance with this section and the United States Postal Service returns the notice as "refused" or "unclaimed", the validity of the notice is not affected, and the notice is considered delivered.
-

Sec. 18-84. Content of notice to owner.

The notice provided to an owner in section 18-83 shall include the following:

- (1) The name of the owner.
- (2) The date and nature of the graffiti, to include a description detailing the color and approximate size and location of the graffiti;
- (3) The physical location of the property on which the graffiti exists by street address or lot and block number;

Sec. 18-85. Failure to abate graffiti.

- (a) If the graffiti is not removed by the owner within fifteen (15) calendar days after the date the notice is received, or the property owner refuses the offer of removal free of charge, the city may, without further notice, make entry upon by city personnel or a city contractor and/or volunteer personnel and remove the graffiti.
- (b) If the city removes the graffiti after notice is given and the fifteenth after the date of the notice has passed, the expenses of removal in accordance with the chapter 28 fees adopted by the city will be charged to the property owner for the expense of removal and a lien may be filed against the property.

Sec. 18-86. Assessment of expenses, liens and penalty.

- (a) The city may assess the expenses of removal by the city for the abatement of graffiti pursuant to section 18-85 against the real property on which the graffiti abatement was done.
 - (b) To obtain a lien against the property for expenses incurred under section 18-85, the building official, code enforcement or their designee, on behalf of the city, must file a statement of expenses with the county clerk of the county in which the property is located. The statement of expenses must contain:
 - (1) The name of the property owner, if known,
 - (2) The legal description of the property, and
 - (3) The amount of expenses incurred under section 18-85.
 - (c) The lien shall be subordinate to:
 - (1) Any previously recorded lien, and
 - (2) The rights of a purchaser or lender for value who acquires an interest in the property subject to the lien before the statement of expenses is filed as described by subsection 18-86(b).
 - (d) Any person violating a provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with the **general penalty section 1-5** of the Code of Ordinances.
 - (e) When a property owner refuses the offer of free removal or the graffiti is not removed by the owner within fifteen (15) calendar days after the date the notice is received, the city shall assess to the owner a charge for all work done to abate the graffiti nuisance, and cause the expense thereof to be assessed on the property upon which such expense is incurred. All revenue collected shall be deposited in a separate account in the city dedicated to graffiti abatement.
 - (1) A statement of the costs incurred by the city to abate the nuisance shall be mailed to the owner, if the owner and mailing address are known, and, if not known, may be published in a newspaper of general circulation in the city. The statement shall demand payment within thirty (30) calendar days from the date of receipt or publication.
-

-
- (2) If such statement has not been paid within such period, the city manager, or designee, may file a statement of expenses incurred with the county clerk, stating the owner's name, if known, and the legal description of the lot or parcel. The statement of expenses or a certified copy of the statement shall be prima facie proof of the expenses incurred. Such statement shall be, and the city shall have a privileged lien for expenditures made and interest accruing at the rate allowed by applicable law on the amount due from the date incurred by the city.

CHAPTER 24 TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

Sec. 24-1 Definitions.

Whenever in this chapter any of the following terms are used, they shall have, for the purposes of this chapter, the meanings respectively ascribed to them in this section, unless the context clearly indicates a different meaning:

Crosswalk: That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

Double parking: That method of parking in the traveled section of any street and being outside that space intended to be used for parking or being alongside or parallel to any vehicle already parked in the lane of traffic.

Intersection: The area embraced within the prolongation of the property lines of two (2) or more streets which join at an angle, whether or not one such street crosses the other.

Major recreational equipment: Boats, motorized dwellings, pick-up campers or coaches (designed to be mounted on automotive vehicles), boat trailers, travel trailers, tent trailers, horse trailers, pole trailers, utility trailers and any other type of trailers, and cases or boxes used for transporting recreational equipment, whether or not equipment is stored in such case(s) or box(es).

Motor vehicle: Every vehicle which is self-propelled.

Operator: Any person who is in actual physical control of a vehicle.

Parallel parking: That method of parking of vehicles adjacent to and alongside the curb of the sidewalks headed in the customary direction of traffic, such method of parking to be on the right-hand lane of traffic with the vehicle, when so parked, within one foot from the outside of the sidewalk.

Pole trailer: A vehicle without motive power (i) designed to be drawn by another vehicle and secured to the other vehicle by pole, reach, boom, or other security device; and (ii) ordinarily used to transport a long or irregularly shaped load, including poles, pipes, or structural members, generally capable of sustaining themselves as beams between the supporting connections.

Roadway: That portion of any alley or street between the regularly established curblines.

Sidewalk: That portion of the street between the curbline and the adjacent property line.

Street: Every roadway set aside for public travel.

Through street: Any specially designated street at which all classes of cross traffic are required to stop before entering or crossing such street.

Traffic: Vehicles, either singly or together while using any street for the purposes of travel.

Trailer: A vehicle, other than a pole trailer, with or without motive power (i) designed to be drawn by a motor vehicle and to transport persons or property; and (ii) constructed so that no part of the vehicle's weight and load rests on the motor vehicle.

"U" turn: The making of a complete turn so as to reverse the direction being traveled by the operator of a vehicle.

Vehicle: Every device by which any person or property is or may be transported or drawn, either by animal or any other motive power upon or across any street or thoroughfare, excepting any device motivated by human power. For the purposes of this chapter, a bicycle is deemed a "vehicle."

Sec. 24-2. Uniform traffic act adopted.

The Rules of the Road, as set out in the Texas Transportation Code Chapter. 541 et seq., as amended, are hereby adopted as a part of this Code as if set out at length herein and it shall be unlawful for any person to violate any provision of such act within the city.

Sec. 24-3. Direction of traffic by police.

The city marshal and all other duly elected or appointed officers of the police department are hereby authorized to direct all traffic in accordance with the provisions of this chapter or, in an emergency, as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal or direction of such police officer on duty.

State law reference(s)—Authority of city to regulate traffic by means of police officers, Texas Transportation Code § 542.202(a)(1); obedience to police officers, Texas Transportation Code § 542.501.

Sec. 24-4. Installation of traffic lights.

The city council from time to time, shall designate intersections at which traffic shall be controlled by electric traffic control signals or lights and shall cause such signals or lights to be installed and maintained at such intersections. The fact that an intersection has been so designated, as indicated by the installation of such lights or signals, shall be prima facie evidence that the designation was authorized by the city council.

State law reference(s)—Authority of city to regulate traffic by means of traffic-control devices, Texas Transportation Code § 542.202(a)(1).

Sec. 24-5. Speed limit—Generally.

Any operator of a vehicle on a street or roadway within the city limits shall operate the same at a careful and prudent speed not greater than is reasonable and prudent, having due regard to the traffic, surface and width of the roadway and of any other conditions then existing, and no operator shall drive any vehicle upon a roadway at such speeds as to endanger the life, limb or property of any person. The city council may, by ordinance, from time to time provide for prima facie speed limits on certain streets and roadways within the city limits. The speed limits so ordained shall be posted by appropriate signs on the streets and roadways covered. Rates of speed in excess of twenty (20) miles per hour shall be prima facie evidence of a violation of this section

Sec. 24-6. "U" turns.

It shall be unlawful for any person driving or operating any motor vehicle within the Hillcrest Village city limits to make a "U" turn on any two-lane streets, or on any roadway or intersection where prohibited by a "no U-turn" sign, or, if the person driving or operating the motor vehicle is unable to see at least five hundred (500) feet in both directions of the flow of traffic.

In other circumstances, it shall be lawful for any person driving or operating any motor vehicle to make a "U" turn on any roadway within the Hillcrest Village city limits or on a divided roadway where median openings are provided for such movement.

State law reference(s)—Authority of city to regulate and prohibit turns at intersections, Texas Transportation Code § 542.202(a)(7).

Sec. 24-7. Stop intersections.

- (a) After authorization of and in accordance with the directives of the city council, the mayor shall cause any street intersection to be designated and maintained as a stop intersection and to designate the streets upon which vehicles shall stop before entering such intersection. Whenever an intersection has been so designated, the mayor shall cause the same to be identified by the erection of signs indicating which vehicles approaching the intersection shall stop according to the Texas Manual on Uniform Traffic Control Devices.
- (b) The fact that a stop intersection has been designated by the city council, as indicated by appropriate signs erected as provided herein, shall be prima facie evidence that the mayor was authorized by the city council to designate the same and that it was determined by the council that the same should be designated according to the signs as they then exist.

State law reference(s)—Authority of city to designate stop intersections, Texas Transportation Code § 542.202(a)(8).

Sec. 24-8. No-passing.

Motor vehicles shall be prohibited from passing or from driving left of the center of any streets within the city. Any person who passes another vehicle or operates his vehicle to the left of the center of the roadway within the city shall be guilty of a misdemeanor and punished in accordance with the penal provisions of this Code of Ordinances.

Sec. 24-9. Pedestrian conduct and solicitation on public roadways.

This article is and shall be deemed an exercise of the police power of the state and of the City for the public safety, comfort, convenience and protection of the City and its citizens, and all the sections of this article shall be construed for the accomplishment of that purpose.

- (a) It shall be unlawful for any person to stand, sit, walk, or otherwise remain on any traffic island, median, or upon any portion of a roadway, including an improved shoulder, except for the purpose of:
 - (1) Crossing the roadway at an intersection or designated crosswalk; or
- (b) It shall be unlawful for any person to solicit or distribute materials or items to the occupants of motor vehicles on any roadway within the city;
- (d) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as prescribed by Section 1-5 of the Code of Ordinances of the City of Hillcrest Village, Texas.

Secs. 24-10—24-24. Reserved.

ARTICLE II. PARKING AND STORAGE

Sec. 24-25 Definitions

Commercial or Noncommercial Vehicle means any motor vehicle designed or used primarily for the transportation of persons or property for, or in connection with a business.

Personal Vehicle means any motor vehicle designed or used primarily for transportation of persons or property for, or in connection with personal use.

Recreational Vehicle (RVs) means an vehicle or piece of equipment intended for recreational use, including but not limited to, boats, jet skies, camping or travel trailers, motor homes, detachable travel equipment of a type adaptable to light duty trucks, boat trailers, water craft, horse trailers, or trailers mounted with a recreational vehicle such as water craft or off-road vehicle or other equipment or vehicles of similar nature.

Utility Trailers mean a trailer, not defined as a recreational vehicle, that has an axle or axles and a frame that can be used to haul or contain any type of material or equipment.

Sec. 24-26 Adoption of Texas Transportation Code Provisions

The City of Hillcrest Village, Texas adopts Texas Transportation Code Title 7, Subtitle H, Chapter 683, Subchapter A, Section 683.001 through Section 683.078 current editions with all subsequent revisions and amendments made by the Texas Legislature and hereby made part of this code of ordinances.

Sec. 24-27. Designation and marking of parking spaces and areas where parking is prohibited or limited.

The mayor is hereby authorized to cause parking spaces to be designated, maintained and marked off in and on such part or parts of the streets of the city as may be authorized by the city council from time to time and is also authorized to cause no parking spaces to be designated, maintained and marked off in and on such part or parts of such streets as may be authorized by the city council from time to time. The mayor is further authorized to cause time limit parking areas to be designated, maintained and marked off in and on such part or parts of city streets as may be authorized by the city council from time to time. All spaces for parking vehicles shall be laid out either parallel with the street or at an angle of approximately forty-five (45) degrees and shall be designated by painted lines showing clearly the manner in which a vehicle is to be parked. The fact that a parking space, a no parking area or a time parking area is designated by lines or markings painted on the surface of the street or by clearly visible signs indicating the area affected shall be prima facie evidence that the city engineer was authorized by the city council to designated the same at the place it is located and that it was determined by the city council that the same should be designated according to the markings or signs, as the case may be, as they then exist.

Sec. 24-28. Double parking.

It shall be unlawful for any person to double park any vehicle upon any street in the city. This section shall not be construed to cover or include any fire truck, ambulance or other emergency vehicle.

Sec. 24-29. Parking for longer than twenty-four hours.

It shall be unlawful for the owner or person in possession or control of any motor vehicle to permit the same to remain parked or standing on any street within the city for a longer period than twenty-four (24) hours, except in front of or adjacent to his own dwelling

Sec. 24-30. Width of roadway available for traffic.

No person shall stop, stand, or park any vehicle upon a street in such a manner or under such conditions that less than ten (10) feet of width of the roadway is available for free movement of vehicular traffic; provided, however, that a person may stop temporarily during the loading or unloading of passengers or when necessary in obedience to traffic signs or signals of a police officer.

Sec. 24-31. Parking vehicles exceeding twenty-five feet in length.

No person shall stop, stand or park any vehicle, trailer or combination thereof which exceeds twenty-five (25) feet in length on any street, alley or other public way of the city.

Sec. 24-32. Parking/placement of major recreational equipment.

It shall be unlawful for any person to place or park or permit to be placed or parked any major recreational equipment owned by him/her or under his/her control upon any street within the City for a period in excess of twenty-four (24) hours. The twenty-four-hour restriction shall apply to motorized dwellings parked in front of or adjacent to the person's own dwelling. This offense shall be subject to the penalty provisions set forth in section 1-5 of this Code.

Sec. 24-33. Obstruction of traffic.

It shall be unlawful for any person to place or park any vehicle or other article belonging to such person on any property belonging to the city or upon any dedicated public right-of-way under the control of the city when to do so would obstruct traffic traveling upon the streets of the city or obstruct the view of any operator of a vehicle approaching an intersection so that such vehicle operator cannot see a distance of at least two hundred (200) feet over such public property before entering into such intersection.

Secs. 24-34—24-40. Reserved.

ARTICLE III. COMMERCIAL MOTOR VEHICLES

Sec. 24-41. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein:

- (a) *City*. "City" is the City of Hillcrest Village.
- (b) *Person*. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.
- (c) *Commercial motor vehicle*. "Commercial motor vehicle" means a self-propelled motor vehicle, other than a motorcycle, designed or used for:
 - (i) The transportation of property; or
 - (ii) Delivery purposes.

Sec. 24-42. Load limits.

- (a) It shall be unlawful for any person to operate any commercial motor vehicle on any public street or right-of-way in the city, other than state highways, which has a gross weight in excess of:
 - (1) The total gross weight for which the commercial motor vehicle is licensed with the State of Texas; or,
-

-
- (2) Six hundred fifty (650) pounds per inch of width of tire on the surface, up to eighteen thousand (18,000) pounds per single axle, thirty-two thousand (32,000) pounds per tandem axle or per triple axle combination;
 - (3) In no event shall the gross weight of any commercial motor vehicle exceed thirty-two thousand (32,000) pounds in the absence of permit from the city marshal.

Sec. 24-43. Permits.

The city marshal may issue a permit for the travel of commercial motor vehicles over city streets within the City with loads in excess of the load limits provided in section 24-42 but only when it is impossible or impractical to reduce the weight of the load or use a commercial motor vehicle capable of hauling the load within the prescribed limit. Such permit shall be issued for only one (1) day and for only one (1) trip by each commercial motor vehicle. The city marshal shall determine the route of travel of said commercial motor vehicle and the permit shall specify the date of the trip, the license plate number of the commercial motor vehicle, and the route of travel. Prior to issuance of the permit, the applicant shall pay to the City Secretary a permit fee in the amount of \$500.

Sec. 24-44. Truck routes.

All commercial motor vehicles shall confine their travel within the city to the following streets or highways or parts thereof: There are no truck routes within the City of Hillcrest Village.

Each of such commercial motor vehicle routes shall be clearly marked "truck route" at its intersection with the city limits, at each intersection with other commercial motor vehicle routes, and at such other locations along its course as shall be deemed necessary by the director of public works to adequately designate it for commercial motor vehicle travel.

Sec. 24-45. Periods of loading and unloading.

In the event that a commercial motor vehicle must completely or partially load and/or unload at a point which does not lie on a designated commercial motor vehicle route, the commercial motor vehicle may proceed to and from such points of loading and/or unloading, providing that the commercial motor vehicle follows the shortest route from a designated truck route to and from each point of loading or unloading or otherwise as may be specified by the city marshal.

Sec. 24-46. Exceptions from article provisions.

This article shall not prohibit:

- (a) *Emergency vehicles.* The operation of emergency vehicles upon any street in the city.
- (b) *City vehicles.* The operation of commercial motor vehicles owned or operated by the city upon any street in the city.
- (c) *Detoured trucks.* The operation of commercial motor vehicles upon detours established by the director of public works, provided such commercial motor vehicle could lawfully be operated upon the street for which such detour is established.

Sec. 24-47. Enforcement of article; maps; weighing.

- (a) The city secretary shall keep and maintain accurate maps setting out truck routes and streets upon which commercial motor vehicle traffic is permitted. The maps shall be kept on file in the office of the city secretary and shall be made available to the public.
 - (b) The city marshal shall have the authority to require any person driving or in control of any commercial motor vehicle to proceed to any public or private scale available for the purpose of weighing and determining
-

whether this article has been complied with. Upon such weighing, if it is determined that the commercial motor vehicle so weighed is in excess of the load limit, then the cost of such weighing shall be immediately due and payable by the operator of such commercial motor vehicle and such commercial motor vehicle may be lawfully detained by the police department until such charge has been paid. In the event that the weight of such commercial motor vehicle is not in excess of the load limit, any charges for weighing shall be paid by the city. Any charge for weighing under the terms of this article shall be in addition to any fine imposed for a violation of its provisions.

Sec. 24-48. Penalty for violation of article.

Any person violating any provision of this article shall be found guilty of a misdemeanor and shall be punished by a fine prescribed by section 1-5.

Secs. 24-49—24-54. Reserved.

ARTICLE IV. HAZARDOUS MATERIALS TRUCK ROUTES

Sec. 24-55. Definitions.

For purposes of this article the following terms shall have the meanings set forth below:

City: The Hillcrest Village, Texas.

Hazardous material: Includes any type of material designated as hazardous under title 49, part 172 of the Code of Federal Regulations.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind whatsoever.

Shall: The word "shall" is always mandatory and not merely directory.

Truck: Every motor vehicle designed, used or maintained primarily for the transportation of property and every motor vehicle designed and used primarily for drawing other vehicles and not constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Sec. 24-56. Offense and Penalty.

Unless otherwise permitted by this article, it shall be unlawful for any person to transport hazardous materials within or through the city on any street, road or highway not designated as a hazardous materials truck route in this article. An offense under this article shall constitute a Class "C" misdemeanor punishable by a fine of not less than two hundred dollars (\$200.00) nor more than two thousand dollars (\$2,000.00).

Secs. 24-57—24-65. Reserved.

ARTICLE V. PARKING AND STORAGE OF RECREATIONAL AND LARGE VEHICLES

Sec. 24-66 General Provision

The outdoor storage or parking of recreational vehicles, commercial or non-commercial vehicles, and non-commercial trucks rated at more than one (1) ton shall be prohibited within the city limits of Hillcrest Village for more than a total of 72 hours during any thirty (30) day period and for more than thirty-six (36) consecutive hours except as otherwise permitted by this Article, provided the following conditions are met:

Sec. 24-67 Recreational Vehicle/Utility Trailer parking and storage:

All recreational vehicles and equipment shall be placed within a completely enclosed building or located behind the furthest front face of the main building, as measured from the setback line and no closer than five feet to any side or rear lot line. Once a house is constructed, the effective set back line for that lot is established as the front edge of the structure. If the property is a corner lot, in an addition to the above requirements, all such vehicles and equipment shall be placed within a completely enclosed building or located behind the furthest side face of the main building, as measured from the setback line and no closer than five feet to any side or rear lot line. Once a house is constructed, the effective set back line for that lot is established as the side edge of the main structure.

1. On interior lots, all such vehicles and equipment shall be placed within a completely enclosed building or located behind the furthest front face of the main building, as measured from the setback line and no closer than five feet to any side or rear lot line. Once a house is constructed, the effective set back line for that lot is established as the front edge of the structure.
 2. Recreational Vehicles/Utility Trailers when parked or stored on residential properties, must be kept neat and clean at all times. Spider webs, debris, excessive dirt, weed accumulation on and under a Recreational Vehicles/Utility Trailers are prohibited at all times as are broken windows and flat tires. All Recreational Vehicles/Utility Trailers must be weather resistant at all times.
 3. All Recreational Vehicles/Utility Trailers when parked or stored on residential properties must display current vehicle registration tags. Those Recreational Vehicles/Utility Trailers not displaying current registration tags will be considered in-operable and must be removed from the public view which includes streets, sidewalks and adjacent properties.
 4. All covers and tarps or any other material employed to protect a Recreational Vehicle/Utility Trailer from the elements must be secured and must be weather proof
 5. Rocks/bricks or other weighted items cannot be used to secure the weather proofing cover.
 6. All Recreational Vehicle/Utility Trailer parking and storage areas shall be properly maintained and kept free of weeds, mud and other debris.
 7. In no instance shall a Recreational Vehicle/Utility Trailer be parked or stored where any portion of the Recreational Vehicle blocks or overhangs the sidewalk within the public right-of-way.
 8. A Recreational Vehicle/Utility Trailer shall not be parked or stored where such parking or storage constitutes a clear and demonstrable traffic hazard and threat to public health and safety. Either the City Marshal or Mayor can, at their discretion declare the parking or storage of a particular Recreational Vehicle/Utility Trailer to be a traffic hazard and require the immediate removal of the Recreational Vehicle/Utility Trailer.
 9. No Recreational Vehicle/Utility Trailer shall be parked or stored in the corner lot side yard next to the street unless it complies with all other provisions of this section.
 10. All Recreational Vehicle/Utility Trailer must park perpendicular to the street except where they are parked on a curved or circular driveway
 11. All Recreational Vehicles/Utility Trailers in the front yard or the side yard must be parked or stored on an improved surface such as concrete, asphalt, laid brick, or other impervious material. Recreational Vehicles/Utility Trailers parked in the back yard may be parked on gravel in lieu of an impervious surface.
-

-
12. All paved areas including areas used for Recreational Vehicle/Utility Trailer parking and storage shall not exceed fifty percent of the lot area located between the front property line and the required front setback line of the residential zone and of the lot area located between the corner side property line and the required side yard setback line of a corner lot.
 13. Recreational Vehicles/Utility Trailers shall not be occupied for living purposes or be used as a storage container. Electrical hookups are prohibited except during loading and unloading or for the charging of batteries for no more than 48 consecutive hours per week. Sewer hookups are prohibited at all times.
 14. No Recreational Vehicle/Utility Trailer shall be parked or stored on a residential site for a period exceeding one month unless it is owned by the resident.
 15. No camper shells or cab-over-campers shall be stored in the front yard or the corner side yard of a corner lot other than on an operable and licensed pick-up truck parked in a lawful manner. Said camper shells or cab-over-campers may be stored unmounted in the interior side yard or rear yard so long as they are screened in conformance with the provisions set forth below.
 16. No boats or other water craft shall be stored in the front yard or side yard other than on a validly licensed trailer parked in a lawful manner.
 17. No more than one Recreational Vehicle/Utility Trailer shall be parked in the front yard or side yard for any lot or parcel less than 20,000 square feet in size. A maximum of one additional Recreational Vehicle/Utility Trailer may be parked in the rear yard for any parcel less than 20,000 square feet. For parcels 20,000 square feet or larger, two Recreational Vehicles/Utility Trailers may be parked in the front yard or side yard. A maximum of two additional Recreational Vehicles/Utility Trailers may be parked in the rear yard for any parcel 20,000 square feet or larger.
 18. No second driveways or driveway approaches may be created or used for the purposes of parking or storing a Recreational Vehicle/Utility Trailer except where the lot is 100 feet wide or except where the second driveway would be on the side of a corner lot where there is no existing driveway or driveway approach. Any second driveway shall have the proper driveway approach requiring a City permit.
 19. No Recreational Vehicle/Utility Trailer shall be parked on a public street if it is within 50 feet of any intersection or within 50 feet of any crosswalk.
 20. All non-motorized Recreational Vehicles/Utility Trailers must be attached to the tow vehicle if parked on a public street. Any owner of a detached, nonmotorized Recreational Vehicle/Utility Trailer parked on the public street for any length of time will be subject to immediate citation and/or to the removal of the Recreational Vehicle/Utility Trailer at the owner's expense.
 21. No Recreational Vehicle/Utility Trailer shall be parked on a public street longer than 72 consecutive hours without being moved. The total number of days a recreational vehicle may be parked on a public street shall not exceed 6 days per month.
 22. Minor modifications or adjustments to this Section may be administratively approved by the Community Development Director by means of a Recreational Vehicle/Utility Trailer parking minor variance where conditions such as, but not limited to, lot size, lot configuration, house location, previous construction or improvements warrant a minor modification or adjustment. If the Community Development Director cannot make such a determination, the matter may be appealed to the City's Planning Commission with the appropriate appeal fee. In no instance shall a modification or adjustment be made to the provisions of this Section if it violates a safety concern/regulation of this Section.
-

-
23. If a Recreational Vehicle/Utility Trailer is parked or stored on a portion of a driveway leading to the garage of the residence, the garage door must be fully operational which means it can be fully opened at all times.
24. Storage or parking shall be limited to a parcel of land upon which is located on an inhabited dwelling unit and the vehicle or equipment so stored or parked shall be owned by the occupant of the unit.
25. The time limitations contained in this section may be suspended during natural disasters.
26. Visual Screening of Unsightly Uses, modified as follows
All open storage of motor vehicles, recreational vehicles, trailers, unmounted camper shells or cab-over-campers, building materials, appliances and similar materials shall be screened from all other properties and public streets by a six (6) foot high solid fence on residential properties, unless otherwise approved by the City Council.

Sec. 24-68 Recreational Vehicle/Utility Trailer Parking and Storage Fines and Penalties

It shall be unlawful to violate the provisions of this article and the fines and penalties for violation of this Article are as follows:

Parking within 50 feet of a crosswalk or intersection	\$75
Parking/ storage on unimproved surface	\$25
Inoperable vehicle parked on property	\$30
Accumulation of dirt, debris, litter under/around an RV/Utility Trailer	\$25
Torn RV/utility trailer cover or improper use of articles to secure Cover (rocks, bricks, or other heavy objects)	\$25
Sewer Hook-up	\$100
Electrical hook-up for more than 48 consecutive hours - 1st Violation	\$50
Electrical hook-up for more than 48 consecutive hours – 2nd or more Violation	\$100
Parking an unattached RV/Utility Trailer on the street, City right of way, or any city property.	\$75
RV/Utility Trailer blocking or overhanging a sidewalk within Public right of way.	\$75
Blocking a garage door with a RV/Utility Trailer	\$25
RV/Utility Trailer parking/storage on unimproved surface in The front yard or the side yard of a corner lot.	\$25

Sec. 24-69 Enforcement

- A. Be it ordained that it shall be the duty of the City of Hillcrest Village Marshal's Department to enforce the provisions of this ordinance. Citations shall be issued and set in the municipal court.
- B. Second or more violations of this article, shall be punished with a maximum fine of up to \$200.00 per day
- C. Each continuing day of violation is a separate offense and punishable by a citation being issued each and every day of continued violation until the violation is corrected and compliance with this ordinance has occurred.
-

ARTICLE IV – GOLF CARTS

Sec. 24-80 Definition

Golf Cart in this code means the Texas Department of Motor Vehicles a definition of golf cart as a vehicle that has no less than three wheels, has a nominal maximum speed of between 15-25 mph, and is manufactured primarily for operation on golf courses.

Sec. 24-81 Speed Limit

- (a) No person shall operate a golf cart within the City of Hillcrest Village on any street or other designated public way at a speed in excess of any posted limit.
- (b) Any golf cart which is not able to attain the posted speed limits on the City's streets, must display a "Slow Moving Vehicle" sign.

Sec. 24-82 Restriction on Equipment

No golf cart may be operated on any street within the City limits unless it conforms to all noise, registration, and other equipment requirements as determined by the City.

Sec. 24-83 Headlights and Taillights

- (a) Every golf cart operating within the City, upon any public street, must display a lighted headlight and taillight during the hours of darkness and said lights must conform to the requirements of this ordinance.
- (b) Headlights shall be of a white or clear light and be capable of illuminating the road ahead during hours of darkness and must be observable to a distance of 500 feet. Headlights must be properly adjusted, as not to interfere with the operation of other vehicles on the roadway.
- (c) Taillights shall be red in color and be observable to a distance of 500 feet.

Sec. 24-84 Age and Hour Restrictions

- (a) A person must be at least 13 years of age to operate a golf cart on a roadway and can do so only between sunrise and sunset.
- (b) Any under aged, non-licensed driver ages 13 and up may operate a golf cart, only if accompanied in the front seat by a parent or other responsible licensed adult over 18 years old.

Sec. 24-85 Unattended Vehicles

No person shall leave or allow any golf cart to remain unattended on any public street or public property while the motor is running or with the starter key left in the ignition.

Sec. 24-86. Operation on Sidewalks Prohibited

No person shall operate a golf cart upon any sidewalk or pedestrian way or the area between the sidewalk and the curb line of any street in the City, except as a specially authorized for the purpose of legally crossing the street or to obtain immediate access to an authorized area of operation.

Sec. 24-87. Routes Designated

No person shall operate any vehicle upon any public right-of-way or easement except city streets, or in any public park or on any public or private property within the City.

Sec. 24-88. Signs and Markers to Be Observed

- (a) No person shall fail to obey any marker, traffic sign, traffic signal, or speed limit posted in the City.
 - (b) Golf carts shall be operated on the right side of the roadway and travel with the flow of traffic.
-

-
- (c) Golf carts shall be operated in single file with headlights and taillights in operation during dawn, twilight, and nighttime.
 - (d) If a trailer is towed behind, the trailer must conform to all lighting requirements for golf carts.
 - (e) Golf Cart operators shall yield the right-of-way to all other motor vehicular traffic and pedestrians.

Sec. 24-89 Penalty

It shall be unlawful for any person to violate any provision of this article regarding golf carts, and the fines and penalties for violation of this Article are set at a maximum of \$500 per violation.

CHAPTER 26 – SEXUAL OFFENDERS

Sec. 26-1. Definitions.

The following words, terms and phrases, when used in sections 78-42, 78-43 or 78-44 shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Permanent residence means a place where the person abides, lodges or resides for 14 or more consecutive days.

Sexual offender means a person who has been convicted by a court of competent jurisdiction of a violation of V.T.C.A., Penal Code §§ 20.04(a)(4), 21.08, 21.11, 22.011, 22.021, 25.02, 30.02(d), 43.25 or 43.26, regardless of whether the adjudication was deferred, in which the victim of the offense was less than 17 years of age, and because of such conviction the person is required to register with local law enforcement for inclusion in the department of public safety sex offender database.

Temporary residence means a place where the person abides, lodges or resides for a period of 14 or more days, in the aggregate, during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, resides or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Sec. 26-2. Sexual offenders residence prohibited; exceptions.

- (a) It shall be unlawful for any person who is a sexual offender to establish a permanent residence or a temporary residence within 1,000 feet of any premises where children commonly gather, including, but not being limited to, a primary or secondary public or private school, a day care facility, playground, park, ball park, public or private youth center, public swimming pool or video arcade facility, or school bus stop as those terms are defined in V.T.C.A., Health and Safety Code § 481.134.
 - (b) For the purpose of determining the minimum distance separation, the requirement shall be measured following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather as described in subsection (a).
 - (c) It shall be an affirmative defense to a prosecution for a violation of subsection (a) if:
 - (1) The person accused was a minor when the person committed the offense and was not convicted as an adult.
 - (2) The person is a minor.
 - (3) The permanent or temporary residence of the person accused was established before the effective date of this article and that person had complied with all the sex offender registration laws of the state prior to the effective date of this article.
 - (4) The premises where children commonly gather, as specified herein, within 1,000 feet of the permanent or temporary residence of the person accused was opened after the person accused established that
-

person's permanent or temporary residence and the person accused had complied with all the sex offender registration laws of the state prior to the opening of the premise where children commonly gather.

Sec. 26-3. Prohibition against renting or leasing.

It shall be unlawful for the owner, lessee or occupant of any place, structure, manufactured dwelling, mobile home, camping trailer or other conveyance, with knowledge that it will be used as a temporary or permanent residence of such person, to rent or lease the same, or any part thereof, to a sexual offender, if such place, structure, manufactured dwelling, mobile home, camping trailer or other conveyance is located within 1,000 feet of any premises where children commonly gather, including but not being limited to a public or private school, a day care facility, playground, public or private youth center, public swimming pool or video arcade facility, as those terms are defined in V.T.C.A., Health and Safety Code § 481.134.

Sec. 26-4. Posting of signs.

Every sexual offender, as defined in section 78-41, shall display a sign with at least two-inch lettering on all accessible exteriors of his or her residence, as well as post a sign with a least two-inch lettering along the sidewalk leading into such residence, stating "SEXUAL OFFENDER RESIDENCE", on each October 30 and 31 between the hours of 4:00 p.m. and 11:00 p.m.

Sec. 26-5. Registration by sexual offenders without permanent residence.

- (a) Every sexual offender that does not have a permanent residence shall physically appear at the Hillcrest village Police Department at least once per calendar week and register by providing the following information in writing:
 - (1) Full name;
 - (2) Address of the location he or she has temporarily resided for each day since the last registration was made to the Hillcrest village Police Department;
 - (3) Address of the location he or she intends to temporarily reside for the seven day period subsequent to the current registration.

Sec. 26-6. Offense—Failure to register by sexual offenders without a permanent residence.

- (a) It shall be unlawful for any sexual offender without permanent residence to register in accordance with section 26-5.

Sec. 26-7. Violation, penalty.

- (a) Each day that a sexual offender violates section 26-2 shall constitute a separate violation.
- (b) Each day that a property owner violates the provisions of section 26-3 shall constitute a separate violation.
- (c) Each day that a sexual offender without permanent residence does not comply with section 26-5 shall constitute a separate violation.
- (d) Penalty. Any person violating a provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of up to \$500.00 for each occurrence.

Sec. 26-8. Defense.

It is an affirmative defense and a person does not commit a violation of this article if the person is a minor.

Chapter 30 PANHANDLING, PEDDLERS, SOLICITING, LOITERING AND TRESPASS

Sec. 30-1. Definitions.

Automated teller machine (ATM) means a device linked to a financial institutions account records which is able to carry out transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

Obstructing means to walk, stand, sit, or lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact.

Panhandling means seeking through a communication with another person, either by gesture, use of a sign, or verbally, funds, goods, food, transportation, clothing, lodging or any other purpose to directly benefit an individual or his family members on or near public roads and right-of-ways, and other areas prohibited by this ordinance. Panhandling shall not include a request for assistance due to a damaged or malfunctioning motor vehicle, an automobile collision, or request for emergency medical care.

Peddler means any person with no fixed place of business who goes from house to house, from place to place, or from street to street, carrying or transporting goods, wares, or merchandise and offering or exposing the same for sale, or making sales and deliveries to purchasers of the same.

Soliciting means the actions of any person who goes from house to house, from place to place, or from street to street soliciting or taking or attempting to take orders for any goods, wares or merchandise, including books, periodicals, magazines, or personal property of any nature whatsoever for future delivery.

Sec. 30-2. Purpose and intent.

It is the purpose of this chapter to regulate panhandling, soliciting, peddling and trespass in order to promote the health, safety, peace, and general welfare of the citizens and visitors of the City of Hillcrest Village.

Sec. 30-3. Place of panhandling—Violation.

It shall be unlawful for any person to panhandle when the person solicited is in any of the following places within the city limits of Hillcrest Village:

- (1) On any public road or public road right-of-way, whether or not the person solicited is operating a motor vehicle;
- (2) Within 50 feet of any automated teller machine (ATM);
- (3) On private property, unless the panhandler is in physical possession of written permission from the owner or lawful occupant thereof;
- (4) Within 50 feet of any school.

Sec. 30-4. Manner of panhandling—Violation.

It shall be unlawful for any person to panhandle in any of the following manners:

- (1) By intentionally coming within three feet of the person solicited, unless that person has indicated that he or she does wish to give the item requested; or
 - (2) By intentionally obstructing the path of the person or vehicle of the person solicited; or
 - (3) By intentionally obstructing the passage through the entrance or exit of any building; or
 - (4) By soliciting anyone under the age of 16; or
-

-
- (5) By following a person who walks away from the panhandler, if the panhandler's conduct is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation; or
 - (6) By using profane or abusive language, either during the solicitation or following a refusal.

Sec. 30-5. Panhandling—Where permitted.

Panhandling is permitted in any place and manner not otherwise restricted by this chapter.

Sec. 30-6. Peddling and soliciting.

It shall be unlawful for any person to engage in soliciting or be a peddler in the City of Hillcrest Village:

- (1) unless each person soliciting is wearing and prominently displaying a valid permit issued by the City of Hillcrest Village in the manner set forth by the city marshal, and in compliance with the sections set forth below; or
- (2) unless such activities are specifically allowed by section 30-15, listing exceptions.
- (3) and even with a permit or exception, before 9:00 a.m. or after 7:00 p.m. on any day.

Sec. 30-7. Private property—Right to exclude.

Any property owner or authorized tenant, who wishes to exclude peddlers or solicitors from his premises may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers and Solicitors Prohibited". Such placard shall be at least three and one-half inches long and three and one-half inches wide and the lettering thereon shall not be smaller than 48 point type. No peddler or solicitor shall enter in or upon any premises or attempt to enter in or upon any premises, where such placard or sign is placed and maintained. No person other than the person occupying such premises shall remove, injure or deface such placard or sign.

Sec. 30-8. Permit—Application and issuance.

Application for a permit to engage in soliciting or be a peddler in the City of Hillcrest Village shall be made to the city marshal on a form supplied by the city.

Approval of the city marshal shall be granted upon his discretion after an investigation of the moral character and criminal history of the applicant. If granted, a permit shall be issued by the city marshal upon payment of the required fee. Permittee shall have the option to appeal the decision to the city council, by requesting said appeal from the secretary.

Sec. 30-9. Permit fee.

The applicant, upon filing the application for permit, shall pay an application fee in the amount of \$100.00 to the City of Hillcrest Village. No refund shall be made of any fee paid to the city marshal and the city marshal shall deposit the money in the general fund of the city. Permittee shall have the option to appeal the decision to the city council, by requesting said appeal from the city secretary.

Sec. 30-10. Permit bond.

The city marshal shall issue no license to any person unless such person shall have first deposited with the city marshal a bond in the sum and amount of not less than \$1,000.00. Said bond shall be payable on the condition that the permittee violates any ordinances related to soliciting, noise, nuisance, disorderly conduct, assault, or trespass as set forth in the Hillcrest Village Code of Ordinances or under state law. No refund shall be made of any bond funds paid to the city, and all such funds shall be deposited in the general fund of the city.

Sec. 30-11. Duration of permit.

Each permit shall be valid only for the period specified therein and no permit may extend beyond the 31st day of December of the year in which it is granted.

Sec. 30-12. Permit.

All permits shall be non-transferable. No refunds shall be made on unused portions of the permit except by resolution of the city council. All permits shall be worn and prominently displayed by the permittee in the manner proscribed by the chief of police and the permit shall be exhibited to any officer or citizen for close examination upon request.

Sec. 30-13. Practices prohibited.

It shall be unlawful for a permittee to call attention to his/her business or to his/her merchandise, by crying out, by blowing a horn, by ringing a bell, or by any loud or unusual noise.

Sec. 30-14. Revocation.

Any permit may be revoked by the city marshal for a violation of any ordinances related to soliciting, noise, nuisance, disorderly conduct, assault, or trespass as set forth in the Hillcrest Village Code of Ordinances or under state law, after the licensee has been given a reasonable notice and an opportunity to be heard before the city marshal. Permittee shall have the option to appeal the decision to the city council, by requesting said appeal from the city secretary.

No permittee whose permit has been revoked shall make further application until at least six months have elapsed since the last previous revocation.

Sec. 30-15. Permit exceptions.

- (a) This ordinance does not apply to sale under court order, to any bona fide auction sale, to a sale at wholesale to a retail dealer, or to any sale requiring a state dealer's license.
 - (b) No permit shall be required for any persons to sell or attempt to sell, or to take or attempt to take orders for, any product grown, produced, cultivated, or raised on any farm or garden occupied and cultivated by themselves.
 - (c) No permit shall be required of any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit and or delivery by said person.
 - (d) No permit shall be required of any person going from house-to-house, door-to-door, business-to-business, street-to-street, or other type of place-to-place when the activity is for the purpose of exercising that person's State or Federal Constitutional rights such as the freedom of speech, press, religion and the like, except that this exemption may be lost if the person's exercise of Constitutional rights is merely incidental to a commercial activity.
 - (e) No permit shall be required for children participating in fundraising for any public school, private school, Boy Scouts, Girl Scouts, 4-H, FFA and organizations qualified under Section 501(c)(3) of the IRS code.
 - (f) Professional fundraisers working on behalf of an otherwise exempt person or group shall not be exempt from the permit requirements of this chapter.
-

Sec. 30-16. Loitering.

- (a) A person commits an offense if, after having been notified by a law enforcement officer that the conduct violates this section:
 - (1) the person is asleep outdoors on city owned property;
 - (2) the person sits or lies down in city or government owned property including public roads, sidewalks, and the right-of-way abutting or adjacent to public roads.
- (b) This section does not apply to a person who:
 - (1) sits or lies down because of a medical emergency;
 - (2) as the result of a disability, uses a wheelchair or similar device to move about;
 - (3) participates in or views a parade, festival, performance, rally, demonstration or similar event;
 - (4) sits on a chair or bench that is supplied by a public agency or by the abutting private property owner;
 - (5) sits within a bus stop zone while waiting for public or private transportation; or
 - (6) is waiting in a line to purchase tickets to or attend a performance or public event.

Sec. 30-17. Penalty.

- (a) Any person, firm or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof be punished by a fine not to exceed \$500.00 for each occurrence or day of violation.
- (b) Each and every occurrence of violation of this ordinance shall constitute a separate offense;
- (c) A violation of this chapter is a nuisance. The prosecution of an offense under this chapter does not limit the city's right to abate the nuisance, including the use of injunctive relief.

Secs. 30-18—30-50. Reserved.**Sec. 30-51. Camping prohibited.**

- (a) Persons are prohibited from camping on public property; outside of public buildings; and on streets, sidewalks, and public parking lots.
 - (1) Public property includes, but is not limited to, public rights-of-way, sidewalks, parks lands, bus stops, government buildings, government facilities and public parking lots servicing public land and facilities.
 - (2) Camping means lodging out of doors, which is demonstrated by:
 - a. The laying down of bedding, such as a blanket, sleeping bag, bed roll, newspapers, cardboard, or similar material; or
 - b. The erection, use, or occupation of any tent, hut, lean-to, shack, temporary shelter, hammock, or similar device; or
 - c. The use of existing covered areas such as bus stops, covered walkways, porch stoops, or covered entryways on public property for sleeping or occupying for more than a two-hour period; or
 - d. Evidence of existing or past cooking activities; or
 - e. Evidence of existing or past fires.

-
- (3) Persons who are camping will receive an oral or written warning and will be given an opportunity to remove the camping items. If the person refuses to remove the items or the person returns to camping, then that person will be in violation of this chapter. Only one warning per person is required.

Sec. 30-52. Storage of personal property prohibited.

- (a) It shall be unlawful for any person to store personal property on public property.
 - (1) Store means to put aside, place, or leave for future use. Store does not include personal property being constantly held on the person. Store does not include personal property contained in a single backpack or case sized less than 27 liters or less than 19 by 14 by eight inches. Store does not include hand-held signs, posters, or placards.
 - (2) *Unattended stored items.* The city shall remove unattended stored items and post a notice listing the place the items are stored, a phone number that can be called to inquire about the items, the date by which the items must be retrieved, and a warning that the items will be destroyed if not retrieved by that date. If the items are not claimed within 30 days, the city may destroy the items.
 - (3) *Attended stored items.* The city shall request that attended stored items be removed. If the owner does not remove the items or if the owner removes the items but then stores them later, the city shall remove the items and give the owner 30 days to claim the items. If the items are not claimed within 30 days, the city may destroy the items. Only one request per person is necessary, regardless of the location of the subsequent storage.
 - (4) A sign stating that personal items are prohibited from being stored in the area negates the need for a removal request.
 - (5) The city may immediately destroy any items that are a threat to the health, safety or welfare of the public, such as fire hazards; explosive hazards; noxious odor emanations; infectious or pathogenic hazards; or infestations of vermin, including rodents, lice, roaches or fleas.
- (b) *Exceptions.* The following people are not subject to this section:
 - (1) People taking part in a permitted activity such as a parade, festival, assembly, or concert.
 - (2) People taking part in city sponsored events.
 - (3) City officials, employees, or agents acting in their official capacities.

Sec. 30-53. Warning required.

No person may be arrested or given a citation for violating sections 30-51 or 30-52 until that person has received an oral or written warning to cease the prohibited conduct. No more than one warning per individual is required.

CHAPTER 35 UTILITIES

ARTICLE 1 – GENERALLY

Sec. 35-01 to 35.29 reserved

ARTICLE 2 – PUBLIC WATER WELLS

35.30 Definitions

- (a) *City Council* shall mean the City Council of the City of Hillcrest Village, Texas.
 - (b) *City* shall mean the City of Hillcrest Village, Texas.
-

-
- (c) *Improperly constructed water wells* are those wells that do not meet the surface and subsurface construction standards for a public water supply well.
 - (d) *Person* shall mean any individual, partnership, co-partnership, firm, company, corporation, association, Joint stock company, trust, estate, governmental entity, or any other legal entity, or its legal representatives, agents, successors, or assigns.
 - (e) *Wells* shall mean the water wells owned and operated by the City.

35.31 Prohibitions

It shall be unlawful and the following activities are prohibited within the designated areas of land surrounding the Wells:

- (a) Construction and/or operation of any underground petroleum and/or chemical storage tank, liquid transmission pipeline, stock pen, feedlot, dump grounds, privy, cesspool, sewage treatment plant, sewage wet well, sewage pumping station, drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems, solid waste disposal site, land on which sewage plant or septic tank sludge is applied, land irrigated by sewage plant effluent, septic tank perforated drain field, absorption bed, evapotranspiration bed, area irrigated by low dosage, low angle spray on-site sewage facility, military facility, industrial facility, wood treatment facility, liquid petroleum and petrochemical production, storage, and/or transmission facility, Class I, 2, 3, 4 and/or 5 injection well, pesticide storage and/or mixing facility, abandoned well, inoperative well, improperly constructed water well of any depth, and all other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the Wells.
- (b) Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area offland within a 50-foot radius of the Wells. Construction of homes or building upon any area of land within a 150-foot radius of the Wells is permitted, provided the restrictions described in items (a) and (b) above are met.
- (c) Nominal farming and ranching operations are not prohibited by this Article provided, however, livestock shall not be allowed within 50-foot radius of the Wells.

35.32 Right of Entry

City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within a 150-foot radius of any Well to conduct any inspection or observation necessary to enforce the provisions of this Article.

35.33 Penalty

Any person who shall violate any provision of this Article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punishable by a fine not to exceed two thousand and 00/100 Dollars (\$2000) for each act of violation and for each day of violation.

35.34 Required Removal

Any person who shall violate any provision of this Article shall be required to remove the prohibited construction or potential source of contamination within 30 days after notification that they are in violation of this Article.
