



CITY COUNCIL MEETING AGENDA

The City Council of the City of Gun Barrel City, Texas will meet in a Regular Meeting in City Hall Council Chambers, located at 1716 W. Main Street Gun Barrel City, Texas, on Wednesday, May 27, 2026 at 6:30 PM.

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL & QUORUM**
- 5. CITIZEN COMMUNICATIONS (Limited to three minutes)**

Pursuant to Texas Government Code section 551.007, members of the public may speak on any topic. Comments are limited to three minutes and no action may be taken by the Council. Any response from a member of the City Council to non-agenda comments is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff for follow-up.

6. CONSENT AGENDA

All matters listed are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. Consider approving the following:

- 6.A April 14, 2026 Special meeting minutes.
- 6.B April 28, 2026 Regular meeting minutes.
- 6.C EDC March 2026 financials.
- 6.D Ordinance No. O-2026-015, amending Chapter 36 (Fire Department).
- 6.E Ordinance No. O-2026-016, amending Chapter 37 (Emergencies).
- 6.F Ordinance No. O-2026-017, amending Chapter 38 (Finance and Taxation).
- 6.G Ordinance No. O-2026-018, amending Chapter 39 (Records Management).

- 6.H Ordinance No. O-2026-019, amending Chapter 40 (Park and Recreation).
- 6.I Ordinance No. O-2026-020, amending Chapter 41 (Water and Wastewater Department).
- 6.J Ordinance No. O-2026-021, amending Chapter 42 (Procurement Policies and Procedures).
- 6.K Ordinance No. O-2026-022, amending Chapter 50 (Utilities Regulations).
- 6.L Ordinance No. O-2026-023, amending Chapter 51 (Solid Waste Management).
- 6.M Ordinance No. O-2026-024, amending Chapter 52 (Sewers).

7. NEW BUSINESS

- 7.A Recognition of outgoing Council members. (Mayor)
- 7.B Judge Grace Wallace, Gun Barrel City Associate Judge, will administer the oaths of office and seat newly elected City Council members and Mayor. (Mayor)
- 7.C Consider and take action to elect a Mayor Pro-tem per section 3.05 of the City Charter. (Mayor)
- 7.D Recognition of the Gun Barrel City Beautification Committee as a Gold Star Affiliate honored for exceptional community improvement efforts from Keep Texas Beautiful. (Mayor)
- 7.E Presentation of quarterly department reports including Building and Code (Shannon Wiggins), Police, Dispatch and Animal Control (Keith Stephens) and Court (Grace Wallace).
- 7.F Recognition of Court Clerk, Julie Kelley for receiving her Level 1 certified court clerk certification. (Associate Judge)
- 7.G Consider and take action to enter into a publicity and tourism agreement with Texas Bass nation youth to award a \$50,000 sponsorship from the Hotel/Motel tax fund in support of the 2026 Texas Bass Nation youth state championship tournament to be held at Cedar Creek Reservoir and Gun Barrel City in June 2026. (Community Engagement)
- 7.H Consider and take action to enter into a Publicity and Tourism Agreement with the Lone Star Mower Racing Association (LSMRA) to award a \$4,000 sponsorship from the Hotel/Motel Tax Fund in support of the final LSMRA race to be held in Gun Barrel City in June 2026. (City Manager)
- 7.I Consider and take action to adopt Resolution No. R-2026-011 authorizing the City Manager to close the certificate of deposit account numbers ending in 4821

and 4830 at First State Bank and transfer the proceeds to the city's general fund account to be held for future investment. (City Treasurer)

- 7.J Public hearing to receive public input regarding a petition requesting disannexation of the Lakeside Acres subdivision from the corporate limits of Gun Barrel City. (Mayor)
- 7.K Consider and take action regarding a petition requesting disannexation of the Lakeside Acres subdivision from the corporate limits of Gun Barrel City. (City Secretary)
- 7.L Public hearing to discuss the unsafe structure located at 250 Overlook Trl., Gun Barrel City, Texas. (Mayor)
- 7.M Consider and take action to determine whether the structure located at 250 Overlook Trail, Gun Barrel City, Texas is considered unsafe. (Building Official)
- 7.N Consider and take action to adopt Order - 250 Overlook Trail, making findings of fact and ordering the demolition of structures located at 250 Overlook Trail, Gun Barrel City, Texas. (Building Official)
- 7.O Discussion regarding an ordinance of the City Council of the City of Gun Barrel City, Texas, amending the Code of Ordinances of the City of Gun Barrel City by Amending Chapter 111 "Amusements" and replacing Section 111.01 "Coin-Operated Machines". (City Manager)
- 7.P Discussion regarding final draft of ordinances, Chapters 70-92. (City Manager)

8. ECONOMIC DEVELOPMENT

- 8.A First reading of Resolution No. R-2026-012 approving a potential performance agreement by and between the Gun Barrel City Economic Development Corporation and Texas Plumbing Pros, LLC for a Small Business Incentive Grant not to exceed \$25,000 to make interior and exterior improvements on a building located at 322 N. Gun Barrel Lane, Gun Barrel City, Texas. (EDC)

9. EXECUTIVE SESSION

- 9.A Convene into executive session pursuant to Texas Local Government Code section 551.074 — Personnel matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the EDC Director position. (Mayor)
- 9.B Reconvene into open session to take any action necessary as a result of the executive session. (Mayor)

10. ADJOURNMENT

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting on any item on the agenda as long as it is within one of the permitted categories of the Texas Government Code.

Attest:


Janet Dillard, City Secretary

Approved:


Brian Crull, Mayor

I certify that this Notice of Meeting was posted in a glass-enclosed case in front of City Hall at 1716 West Main Street, Gun Barrel City, Texas, and available for viewing by the public three business days prior to the meeting, as well as at the City's website at www.gunbarrelcity.gov.


Janet Dillard, City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary Office at (903) 887-1087 for further information.

STATE OF TEXAS
COUNTY OF HENDERSON
CITY OF GUN BARREL CITY

The City Council of the City of Gun Barrel City, Texas met in a special meeting in City Hall Council Chambers, located at 1716 W. Main Street Gun Barrel City, Texas, on Tuesday, April 14, 2026, at 4:30 p.m.

1. CALL TO ORDER

Mayor Brian Crull called the meeting to order at 4:30 p.m. Roll was called and a quorum established. Members in attendance included Mayor Brian Crull, Mayor Pro-tem, April Burns and City Council members Jennifer Jacobs and Robert Edwards. Brian Henson was absent.

2. ROLL CALL & QUORUM

3. CITIZEN COMMUNICATIONS (Limited to three minutes)

Brent Mickey of 5880 Co. Rd. 4518, Henderson County shared his gratitude for being able to speak openly at meetings in Gun Barrel unlike the city of Athens, record with his camera and have well maintained facilities and activities at the park for people his age.

4. NEW BUSINESS

4.A Discussion regarding the Gun Barrel City FY2026 mid-year budget amendment. (City Manager)

City Manager, Dr. Angela Smith advised the city has an amount of \$376,374. that we rolled over from the close of fiscal year 2025. A department requests chart was provided, and Council went line by line discussing each request.

FY2026 Department Requests - Mid Year					
Item #	Department	Item	Amount	Notes	Add'l Notes
A	Administration	Sound for Chambers	\$25,381	Phase II of AV update for Council - New microphones, programming of crestron, microphones for work sessions	
B	Administration	Conex Container	\$10,075	220' containers to replace existing containers plus shelving for documents - verified via email, 2 containers - \$5,800, installation of door - \$3,000; Delivery \$1275	storage for PD for equipment, storage for documents that must be kept with shelving
C	Administration	Time Clock Plus Software	\$30,230	\$30,230 upfront, \$3,190 annually	Time Management and Scheduling Software
D	Buildings	Funding for property clean up	\$30,000	15 Cleanups need to be done - price ranges from \$3,000-\$12,000 - roughly \$100,000 - \$30,000 will let us begin to make a dent with some in house work	
E	Fire	Admin Vehicle	\$47,000	This vehicle will serve as an administration vehicle so we are exploring options but will need to have all wheel drive. \$47,000 truck.	Fire is losing the Fire Marshall's truck (which was funded through a grant) to become the new brush truck with the grant for the new slip on
F	Fire	exterior wall repair	\$23,235	replace damaged exterior walls, paint the exterior walls	
G	Police	Breaching tools & Shields	\$30,000	6 leatherhead 30" breaching tools (\$504 each) & 6 armor-upfitters ballistic shields (\$1,000 each) Price confirmed online	mandated equipment by HB33
I	Police	Raincoats for Officers	\$1,600	Raincoats for 15 officers and 1 animal control officer	
J	Police	Exhaust Fans for evidence room	\$1,200	Have stopped working and need to be vented outside	waiting on final quote
K	Police	Crime scene packing and labeling supplies	\$2,500	Running short on supplies, buying out of office supplies will deplete funding	
L	Police	2 Computers	\$3,400	Two computers must be upgraded to Windows 11 for compliance and cannot be upgraded due to hardware limitations. We will upgrade two police computers to run technology they need and use those two to replace two at Streets.	Mandated Upgrade - Price from Syslogic
M	Streets	Skid Steer	\$79,621	Kubota SxL75-3 Skid Steer - track system - \$72,000, Grapple Bucket \$5,750,	Can be used for park, clean up and road work
TOTAL			\$244,342		

Quotes for each request were provided to Council and the consensus was to move these items to the April regular meeting for approval.

5. ADJOURNMENT

The City Council adjourned the meeting at 5:33 p.m.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

STATE OF TEXAS *
COUNTY OF HENDERSON *
CITY OF GUN BARREL CITY *

The City Council of the City of Gun Barrel City, Texas met in a regular meeting in City Hall Council Chambers, located at 1716 W. Main Street Gun Barrel City, Texas, on Tuesday, April 28, 2026, at 6:30 p.m.

1. CALL TO ORDER

Mayor Brian Crull called the meeting to order at 6:30 p.m. and gave the invocation followed by the Pledge of Allegiance.

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL & QUORUM

Roll was called and a quorum established. Members in attendance included Mayor Brian Crull, Mayor Pro-tem April Burns and City Council members, Jennifer Jacobs and Robert Edwards. Rita Evans attended remotely with full AV capabilities. Brian Henson was absent.

5. CITIZEN COMMUNICATIONS (Limited to three minutes)

Joe Padett of 127 Island Park Drive shared his opposition to the animal control ordinance stating this doesn't stop the bad animals or owners from doing bad things. He had concerns about enforcement of the ordinance, the fee schedule and the criminal pursuit stated in the ordinance.

Roy Key, President of the EDC explained that although a statement was put on social media pertaining to the developer, Steven Haynes of the Pier 334 project coming to speak and give an update on the project, he is unable to attend due to a family medical matter. Key advised the EDC's post was intended for information purposes only and a member of the EDC will instead be sharing a letter written by Mr. Haynes.

Keith Bond read a written statement from Mr. Steven Haynes, developer of the Pier 334 project. Key notes from the letter included the project has its permits, approvals, contracts and redesigns in hand. This past year's hurdles were mentioned with resolutions involving buying materials far in advance with cash and storing them, reengineering peers and footings, waiting out the 45-day government closure and leaving Pier 334 debt free today with lots of loan availability. It was noted that this coming Wednesday, foundation pouring would take place weather permitting and this is the last of three planned pours. Structural work is scheduled to be completed by June, again weather permitting and by the end of August work will move inside for final construction. The target date for the certificate of occupancy is December 31, 2026, and it was noted that the key to hitting that

date will be whether the delivery and installation of furniture, kitchen equipment, elevators and other mechanical products are complete. The reading concluded with rumors being put to rest regarding YNS is broke, YNS is planning to flip the land and YNS has a loan with the EDC.

6. CONSENT AGENDA

All matters listed are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. Consider approving the following reports:

- 6.A March 17, 2026, Special meeting minutes
- 6.B March 24, 2026, Regular meeting minutes
- 6.C EDC February financials
- 6.D Ordinance No. O-2026-007, amending Chapter 10 (General Provisions)
- 6.E Ordinance No. O-2026-008, amending Chapter 30 (City Policies and Procedures)
- 6.F Ordinance No. O-2026-009, amending Chapter 31 (City Council)
- 6.G Ordinance No. O-2026-010, amending Chapter 32 (Municipal Court)
- 6.H Ordinance No. O-2026-011, amending Chapter 33 (Personnel Policies)
- 6.I Ordinance No. O-2026-012, amending Chapter 34 (Departments, Boards and Commissions)
- 6.J Ordinance No. O-2026-013, amending Chapter 35 (Police Department)

April Burns made a motion to accept the consent agenda ensuring that anytime it deals with firing and hiring of employees, it is the City Manager only. Robert Edwards seconded and the vote passed with a 3-1 vote, Rita Evans voted no. Motion carries.

7. NEW BUSINESS

- 7.A Presentation of quarterly department reports including City Treasurer (Mickie Raney), City Secretary (Janet Dillard), and City Planner (Brittany Anderson).

Quarterly reports for months January, February and March were presented. Key highlights included sales tax coming in at 50.15%, commercial permits are at 92.67%, and community center memberships are at 317%. Board vacancies were shared as well as general election information and a reminder of the May meetings that are coming up. HTO had its grand opening this quarter and Enriched Life Medical Center received their permits and are now in the

construction phase. Pending projects were mentioned including 606 East Main, Walmart expansion, Brookshire's and the mobile food truck park on Heritage Parkway.

- 7.B Consider and take action to approve the FY2026 second quarter financial report. (City Treasurer)

April Burns made a motion that we approve the fiscal year 2026 second quarter financial report. Robert Edwards seconded and all members voted yes to approve. Motion carries.

- 7.C Receive the annual comprehensive financial report (Audit) for the fiscal year ending September 30, 2025, for the City of Gun Barrel City, which includes the independent auditor's report. (City Treasurer)

[30:11] Donald Allman thanked staff for their efforts in assisting while they conducted this audit and mentioned the new state mandate requiring governing bodies to complete their audits within six months of their year-end. Allman noted the city met this deadline. Key notes from the report included Gun Barrels net worth sitting at just over 14 million with total assets of almost 16.5 million. Total expenses were \$7,041,248 with a net position increase or net income of \$587,372. Grant income was up \$271,000 from about \$58,000. Allman concluded stating the City of Gun Barrel City is in great standings and a great financial position. Audits can be found on the city's website for complete information.

- 7.D Receive the annual comprehensive financial report (Audit) for the fiscal year ending September 30, 2025, for the Economic Development Corporation, which includes the independent auditor's report. (EDC)

[43:06] Donald Allman gave the EDC audit report for the fiscal year ending September 30, 2025, reporting an increase of net position or income of \$661,735, an increase of assets of about \$542,000 and total liabilities right at \$474,000 down from 538,000 noting Gun Barrel is good about paying their debts. Allman noted the total net worth for the EDC is almost \$3.5 million.

- 7.E Consider and take action to adopt Resolution No. R-2026-010 declaring the Place 4 Council seat to be vacant pursuant to the city's charter. (City Secretary)

Mayor Brian Crull read the resolution header aloud. City Secretary, Janet Dillard advised Mr. Brian Henson has missed three consecutive meetings therefore vacating his seat.

April Burns made a motion to adopt resolution number R-2026-010 declaring the place four council seat to be vacant pursuant to the city charter. Robert Edwards seconded and all members voted yes to approve. Motion carries.

- 7.F Consider and take action to adopt Ordinance No. O-2026-006, amending the fiscal year 2025-2026 budget so as to include a fund balance of \$244,242 and allocate those funds into various city departments. (City Treasurer)

[48:41] Mayor Brian Crull read the ordinance header aloud. City Treasurer, Mickie Raney advised the city rolled over \$376,374 from fiscal year 2025 and we are asking to allocate \$242,000 of those for needs that department heads thought would benefit them for the remainder of this fiscal year.

Robert Edwards made a motion to adopt ordinance number 2026-006 amending the fiscal year 2025-2026 budget so as to include a fund balance of \$244,242 and allocate those funds into various city departments. April Burns seconded and all members voted yes to approve. This approval takes a majority plus one vote to pass and motion carries.

- 7.G Consider and take action to adopt Ordinance No. O-2026-003 amending Chapter 90 (Animal Control) of the Gun Barrel City Code of Ordinances. (City Manager)

[51:49] Mayor Brian Crull read the ordinance header aloud. City Manager, Dr. Angela Smith gave a timeline of events regarding the proposed ordinance stating we started this discussion back in January of 2024. In August of 2024 Council approved Ordinance O-2024-2022 and in November that ordinance was repealed. Town halls were had to hear from residents and updates were made to the ordinance and in January of 2026 it was brought back before Council for consideration to which it was tabled. Discussions with the attorney were had to ensure that we were in line with state law. It was tabled again in March and is before you tonight once again for consideration. Discussion was held regarding some of the updates that were made including an update on definitions for animal control officer, assistance animal, pet and service animal. The authority of the animal control officer's duty was updated as well as enforcement. Changes were made regarding it being unlawful for a person to interfere with the animal control officer doing their duties and allowing the AC officer to enter private property if they are in pursuit of an animal. The section regarding animal nuisance related to slaughtering of animals was changed as well as language to clarify the number of animals allowed and provide some exceptions. Updated language regarding the registration of animals to include that the city may establish a fee was changed and a couple updates on personal information were changed. Rabies vaccination requirements were changed to three years, and a grandfather clause was included. Fees were reduced to zero for registration however they were increased for offenses.

Jennifer Jacobs made a motion to adopt ordinance number O-2026-003 amending Chapter 90, Animal Control of the Gun Barrel City Code of Ordinances. Robert Edwards seconded and the vote passed with a 3-1 vote, Rita Evans voted no. Motion carries.

- 7.H Consider and take action to approve amending Section 3: MEMBERSHIP of the Gun Barrel City Community Center Policy and Procedure Manual to include memberships for up to two owners for any business located in Gun Barrel City. (City Manager)

[1:01:37] City Manager, Dr. Angela Smith stated this item will amend section three of the policy to include a business membership that will allow up to two owners of a Gun Barrel City business to receive a membership. Owners may present a valid Texas drivers license and the certificate of occupancy for the business listing the names of the business owners. Discussion was had regarding whether this would allow only occupants or the actual building owners and it was determined that for now this would allow for only the building occupants that were listed on a C/O through the city. Prior discussion was had allowing up to three business owners to obtain a membership, the policy was written for only two and Council confirmed they were okay leaving it with only two.

Robert Edwards made a motion to approve amending Section 3, membership of the Gun Barrel City Community Center Policy and Procedure Manual to include memberships for up to two owners for any business located in Gun Barrel City. Jennifer Jacobs seconded and all members voted yes to approve. Motion carries.

- 7.I Consider and take action to adopt Ordinance No. O-2025-016 amending the site plan approval process to include a subdivision site plan permit and establish a fee. (City Manager)

[1:05:10] Mayor Brian Crull read the ordinance header aloud. City Manager, Dr. Angela Smith advised this was on our last agenda, when we made the motion not to approve this, we had a motion to table it on the table as well. Smith confirmed, if councils' intent is not to approve this, then it will die without a motion when the mayor calls for a motion. No motion was made and the motion died.

- 7.J Consider and take action to adopt Resolution No. R-2026-009 appointing a local health authority for the City of Gun Barrel City in accordance with Texas Health and Safety Code Chapter 121.001, ET SEQ and Gun Barrel City Code of Ordinances Section 92.01. (City Manager)

[1:07:32] Mayor Crull read the resolution header aloud. City Manager, Dr. Angela Smith advised for most cities, they designate a health authority. This must happen every two years. Dr. Rich has served as the Gun Barrel City Health Authority for a number of years and he is willing to do it again.

Jennifer Jacobs made a motion to adopt Resolution number R-2026-009 appointing Dr. Rich as a local health authority for the City of Gun Barrel City in accordance with Texas Health and Safety Code, Chapter 121.001 and Gun Barrel

City Code of ordinances section 92.01. April Burns seconded and the motion carries with three favorable votes.

- 7.K Conduct board applicant interviews and consider and take action on appointment/s. (Mayor)

[1:11:06] There were two applicants for the Planning and Zoning Commission. Cindy Key and Keith Bond introduced themselves and shared their desire to serve on the commission.

April Burns made a motion to make Cindy Key part of our P&Z board. Jennifer Jacobs seconded and motion carries with three favorable votes.

April Burns shared her concerns and prior discussions regarding allowing individuals to serve on multiple boards. Due to the fact that Mr. Bond serves on the EDC, Mrs. Burns' desire was not to intertwine the two. Robert Edwards made a motion to appoint Mr. Bond, there was no second and the motion failed for lack of a second.

- 7.L Consider and take action to award bid for the Harbor Point Road reconstruction project (Phase III). (Street Superintendent)

[1:15:47] Street Superintendent, Mike Howell advised in March staff put out requirements for sealed bids for the final phase of Harbor Point Road. This phase encompasses roadway from Commodore all the way to the city limits, about 3,825 ft. A tabulation of bidders was provided to Council with Advanced Paving coming in as the lowest bid at \$529,676. It was noted the work shall be completed in June once school lets out.

April Burns made a motion that we award the bid for the Harbor Point Road Construction project phase 3 to Advanced Paving for \$529,676. Jennifer Jacobs seconded and all members voted yes to approve. Motion carries.

- 7.M Public hearing to discuss the unsafe structure located at 129 Butler Trl., Gun Barrel City, Texas. (Mayor)

Mayor Brian Crull opened the public hearing, there were no comments and the hearing was closed.

- 7.N Consider and take action to determine whether the structure located at 129 Butler Trl., Gun Barrel City, Texas is considered unsafe. (Building Official)

Building Official, Shannon Wiggins advised this is a burnt out and abandon structure. Code enforcement has had zero contact from the property owners after multiple letters were sent out so staffs' recommendation is to demo. The Council moved onto item 7.O and came back to take action on this item following that motion.

Jennifer Jacobs made a motion we determine that the structure located at 129 Butler Trail is unsafe. April Burns seconded and all members voted yes to approve. Motion carries.

- 7.O Consider and take action to adopt Order - 129 Butler Trl., making findings of fact and ordering the demolition of structures located at 129 Butler Trl., Gun Barrel City, Texas. (Building Official)

Jennifer Jacobs made a motion to adopt order 129 Butler Trail, making findings of fact and ordering the demolition of structures located at 129 Butler Trail, Gun Barrel City, Texas. Robert Edwards seconded and all members voted yes to approve. Motion carries.

- 7.P Public hearing to discuss the unsafe structure located at 250 Overlook Trl., Gun Barrel City, Texas. (Mayor)

Mayor Brian Crull opened the public hearing, being there were no comments the hearing was closed.

- 7.Q Consider and take action to determine whether the structure located at 250 Overlook Trl., Gun Barrel City, Texas is considered unsafe. (Building Official)

[1:24:09] Building Official, Shannon Wiggins advised Code enforcement received a call today from the property owner manager and they have asked to postpone the request for demo until the May 28th Council meeting.

April Burns made a motion to table 7.Q and 7.R. Robert Edwards seconded and all members voted yes to approve. Motion carries.

- 7.R Consider and take action to adopt Order - 250 Overlook Trl., making findings of fact and ordering the demolition of structures located at 250 Overlook Trl., Gun Barrel City, Texas. (Building Official)

April Burns made a motion to table 7.Q and 7.R. Robert Edwards seconded and all members voted yes to approve. Motion carries.

- 7.S Presentation and discussion of an ordinance of the City Council of the City of Gun Barrel City, Texas, amending the Code of Ordinances of the City of Gun Barrel City by Amending Chapter 111 "Amusements" and replacing Section 111.01 "Coin-Operated Machines". (City Manager)

[1:25:58] City Manager, Dr. Angela Smith advised there have been a number of recent legal developments related to amusement redemption machines. Smith referenced the City of Fort Worth versus Riley, the second court of appeals of Texas found that these machines were unconstitutional because they are basically illegal lotteries as they require consideration from a chance to win a prize. The

city does have an ordinance in place, and we have about 50% compliance with this. This new legal case will allow us to put some restrictions on these machines. The proposed changes would include prohibiting these machines from existing outside of a licensed amusement redemption machine game room. It would restrict these games to exist only as an accessory use at a bar, nightclub, bingo hall or billiard hall. It would limit the number to two per location as well as the annual license and application. A question was asked regarding how the city plans to enforce this. Smith stated it would have to be a partnership between our fire department, police department, code enforcement and building department. We would go through the process of educating business owners and give time for them to close down the machines and get them removed. Concern regarding the limitation being set at two was expressed and Smith asked for a recommendation to be sent to her, and she is happy to adjust.

7.T Discussion regarding final draft of ordinances, Chapters 36-43 and Chapters 50-52. (City Manager)

[1:36:06] City Manager, Dr. Angela Smith gave a brief update regarding changes to chapters 36-52 mentioning the following.

- Chapter 36 – Fire Department – ordinance written based on volunteer department - update to reflect operations
- Chapter 37 – Emergency Management – questions related to EMS and need to have in our ordinances – operated by contract
- Chapter 38 – Finance and Taxation – clarified language, updated to include Street Maintenance Sales Tax
- Chapter 39 – Records Management
- Chapter 40 – Park and Recreation – updated language, included Advisory Board
- Chapter 41 – Water & Wastewater Department – should be deleted we partner with East Cedar Creek Fresh Water Supply District
- Chapter 42 – moved to Chapter 38 - Finance and Taxation
- Chapter 43 – Purchasing Policies
- Chapter 50 – Utilities Regulation – updated language
- Chapter 51 – Solid Waste Management – updated language in line with new contract
- Chapter 52 – Sewers – clarify with attorney what needs to be included since we contract with East Cedar Creek Fresh Water Supply District

April Burns noted she would like removed “or designee” anywhere it was mentioned dealing with hiring and firing of employees and it was noted to remove microfilming. Smith confirmed these would be updated.

8. PLANNING & ZONING

8.A Public hearing on a request from Zulema Padilla to grant a special use permit to operate a tattoo and piercing studio located at 229 East Main Street, Gun Barrel City, Texas 75156, including a waiver of the 1,000-foot separation requirement

(Section 156.041(B)(3)(g) and Sec. 156.094(A)) of the Code of Ordinances. (Mayor)

Mayor Brian Crull opened the public hearing, being there were no comments, the hearing was closed.

- 8.B Consider and take action to adopt Ordinance No. O-2026-014 granting a special use permit to Zulema Padilla to operate a tattoo and piercing studio located at 229 East Main Street, Gun Barrel City, Texas, including a waiver of the 1,000-foot separation requirement (Section 156.041(B)(3)(g) and Sec. 156.094(A)) of the Code of Ordinances. (City Planner)

[1:40:37] Mayor Brian Crull read the ordinance header aloud. City Planner, Brittany Anderson gave a timeline of events for this request and shared it falls under the special use permit. Anderson stated staff recommends approval of the Special Use Permit, including a waiver of the 1,000-foot separation requirement. This recommendation is based on compatibility with surrounding uses, the location along a commercial corridor, and the lack of anticipated negative impacts.

Jennifer Jacobs made a motion to adopt ordinance number O-2026-014 granting a special use permit to Zulema Padilla to operate a tattoo and piercing studio located at 229 East Main Street, Gun Barrel City, Texas, including a waiver of the 1,000-foot separation requirement (Section 156.041(B)(3)(g) and Sec. 156.094(A)) of the Code of Ordinances. Robert Edwards seconded and all members voted yes to approve. Motion carries.

9. ADJOURNMENT

The City Council adjourned the meeting at 8:16 p.m.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

Financial Report

March 2026

Prepared for Gun Barrel City Economic Development Corporation

For the May, 2026 Board meeting

By Charles Houk, Executive Director

Gun Barrel City Economic Development Corporation

Bank Balance Report Month End

Account	Balance
Prosperity – Operating	\$83,270.16
Prosperity – Projects	\$384,058.47
Prosperity – Sales Tax Revenue	\$1,422,430.95
TexStar 1890	\$720,837.91

Notes Receivable

Account	March 2026	February 2026
Lakeland Medical Associates	26,588.93	27,928.65
Badge, LLC, Lake Glass & Mirror	10,244.22	11,744.22
Slap-n-Good BBQ	19,752.40	19,752.40
Safari Project – Saucedo Ent	8,602.51	9,142.40
Michael Huskisson/Tip Top	67,299.94	69,188.90
Jacey Hurst – Dreamy Dogs	81,887.86	82,670.37
Gun Barrel Transmission	237,686.56	240,046.98
Mosier's Contracting Inc	75,000	75,000
-	0	0
-	0	0
-	0	0
-	0	0

Notes Payable

Account	March 2026
SSB Big Chief Landing	\$0
SSB Pier 334	\$372,796.28

Gun Barrel City Economic Development Corporation

Budget Report

October 1, 2025 – March 31, 2026

Summary:

Total Income: \$399,404.05

Total Expenses: \$159,325.63

Net Income: \$237,264.57

ORDINANCE NO. O-2026-015

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 36 (FIRE DEPARTMENT) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning the operation of its Fire Department and has codified said regulations in Chapter 36 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 36 (Fire Department) are necessary in order to provide further clarity and guidance to the Fire Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

General Provisions

- Section 36.01 (Fire Safety Officer Established is retitled as Office of the Fire Chief; Duties). This Section is hereby amended as follows:
 - (A) Establishment of position. The position of Fire Chief is hereby created. The City Manager shall appoint and supervise the Fire Chief. Pursuant to Charter § 4.01(5), the City Manager appoints the Fire Chief with a simple majority plus one approval of the City Council. The City Manager shall establish written qualifications for, and, to the extent not inconsistent with this chapter, the duties of, the position of Fire Chief and may amend such qualifications and duties from time to time.
 - (B) Duties of Fire Chief. The Fire Chief shall coordinate and provide oversight and supervision of the fire suppression, prevention and safety programs of the city and the department heads responsible, therefore. He or she shall serve as Fire Chief and Fire Marshal, and perform or cause to be performed each duty and responsibility of those positions; coordinate the planning, structuring and oversight of the staffing, equipment and training needs for the provision of fire suppression services; and make recommendations to the City Manager and the City Council with respect to all matters and issues related to or regarding fire suppression, fire safety and fire prevention within the city, including, but not limited to, the functions, duties, responsibilities, performance and conduct of personnel and programs for the suppression of fires, fire safety and prevention; the qualifications and training of personnel, budget, programs, equipment ordinances, rules and regulations applicable to such programs, functions and services.

(Volunteer) is retitled to Fire Department

- Section 36.15 (Created) is amended as follows:

A Fire Department to be known as the Gun Barrel City Fire Department is hereby established.

- Section 36.16 (Duties) is amended as follows:

The duties of the Fire Department shall include, but not be limited to, the fighting of fires, providing emergency rescue services and providing fire prevention services and enforcement.

- Section 36.17 (Operating Manual) is amended as follows:

The Chief of the Fire Department shall promulgate rules, regulations and operating procedures under which the Fire Department shall operate. Such rules, regulations and operating procedures shall be designated the "Operating Manual" of the Gun Barrel City Fire Department.

- Section 36.18 (Requirements and Application) is deleted in its entirety.

- Section 36.19 (Designated Officers; Appointment) is deleted in its entirety.

- Section 36.20 (Termination, Suspension, or Resignation of Members) is deleted in its entirety.

- Section 36.21 is now renumbered as 36.18 (Termination of Fire Chief) is amended as follows:

The Chief of the Fire Department may be terminated by the City Manager with a simple majority plus one approval of the full City Council.

- Section 36.22 (Suspension of Fire Chief) is deleted in its entirety.

- Section 36.23 (Swearing in of Officers) is deleted in its entirety.

- Section 36.24 is renumbered as 36.19 (Fire Chief is Administrative and Operational Head of Department) is amended as follows:

- (A) The Fire Chief shall be the administrative and operational head of the Fire Department. He or she shall work under the general direction of the City Manager and shall operate in accordance with procedures outlined for his or her department as well as

all other departments of the city. The Fire Chief shall further operate his or her department under procedures established by the City Manager and approved by the City Council upon the recommendation of the City Manager. The Fire Chief of the Fire Department of the city shall have the powers and perform the duties as prescribed by the laws of the State of Texas and by the ordinances of the city.

- Section 36.25 is renumbered as 36.20 (Administration of Department Funds is retitled Administration of Department Special Funds) is amended as follows:
 - (A) All fundraising moneys shall be deposited in an account described as follows:
Gun Barrel City Special Fire Department All funds so deposited shall be expended for the benefit of Fire Department requirements only.
 - (B) All funds being withdrawn from such depository shall be done in compliance with the Gun Barrel City financial policies.
 - (C) Is deleted in its entirety.
 - (D) Is deleted in its entirety.
 - (E) Is deleted in its entirety.
- Section 36.26 is renumbered as 36.21 (Contributions to Fire Department) is amended as follows:
 - (A) The Fire Chief has the authority to accept contributions to the City Fire Department. Such contributions shall be used for the purpose of uniforms, equipment or property for use by the City Fire Department. All contributions shall be recorded in City financial records.
 - (B) Any contribution of firefighting equipment or contributions of personal or real property to the Fire Department shall become the property of the city.
 - (C) Is deleted in its entirety.
- Section 36.27 (Funding) is deleted in its entirety.
- Section 36.28 (Liability) is deleted in its entirety.
- Section 36.29 is renumbered as 36.22 (Firefighter's Relief and Retirement Fund is retitled as Texas Emergency Services Retirement System) and is amended as follows:
 - A) Gun Barrel City participates in the Texas Emergency Services Retirement System (TESRS). TESRS is a state agency that administers a pension system for emergency departments across the state. In addition to retirement benefits, active members are covered by survivor and disability benefits and may be eligible for tuition benefits.

- B) Contributions. Gun Barrel City contributes at a specified rate on behalf of each participating volunteer firefighter. The rate is determined by the agency and is paid in advance and at least semi-annually.

Fire Marshal

- Section 36.40 is renumbered as 36.23 (Office Created; Arson Investigator is retitled as Office; Arson Investigator) is amended as follows:

(B) The Fire Marshal shall be commissioned by the City as Arson Investigator.

(C) The Fire Marshal duties shall be included in the duties of the Fire Chief as called out in 36.01 of this Ordinance.

- Section 36.41 (Appointment) is deleted in its entirety.
- Section 36.42 (Qualifications and Removal) is deleted in its entirety.

- Section 36.43 is renumbered as 36.24 (Records to be Kept) is amended as follows:

The Fire Marshal shall keep a record of all fires, together with all facts, statistics and circumstances, including the origin of fires and the amount of loss, which may be determined by the investigation required by this subchapter.

- Section 36.44 is renumbered as 36.25 (Reporting Conditions and Fires)
- Section 36.45 is renumbered as 36.26 (Duty to Investigate; Timelines)
- Section 36.46 is renumbered as 36.27 (Investigations May be Private) is amended as follows:

Any investigation held by or under the direction of the Fire Marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

- Section 36.47 is renumbered as 36.28 (Authority to Take Testimony) is amended as follows:

The Fire Marshal, when in his expert opinion believes further investigation is necessary, shall take or cause to be taken, the testimony under oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under the investigation, and shall cause the same to be reduced to writing.

- Section 36.48 is renumbered as 36.29 (Filing Criminal Charges) is amended as follows:

If the Fire Marshal shall be of the expert opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense(s).

- Section 36.49 is renumbered as 36.30 (Furnishing Evidence to Prosecuting Attorney)

- Section 36.50 is renumbered as 36.31 (Authority to Summons Witnesses, Require Pertinent Materials, and Administer Oaths)

- Section 36.51 is renumbered as 36.32 (Authority to Enter and Inspect Buildings)

- Section 36.52 is renumbered as 36.33 (Ordering the Remedy of Dangerous Conditions)

- Section 36.53 is renumbered as 36.34 (Complaints and Grievances) is amended as follows:

If the owner or occupant deems himself or herself aggrieved by such order, he or she may, within five days appeal to the City Manager, who shall investigate the cause of the complaint and unless by his or her authority the order is revoked, such order shall remain in force and be forthwith complied with by the owner or occupant.

- Section 36.54 is renumbered as 36.35 (Refusal to Provide Testimony or Evidence)

- Section 36.55 is renumbered as 36.36 (Refusal to Remedy Hazards or Improper Arrangement of Combustibles; Prosecution)

(C) Prosecution. No prosecution shall be brought under this subchapter because of violations in divisions (A) and (B) of this section unless an inspection as provided in § 36.32(B) has first occurred.

- Section 36.56 is renumbered as 36.37 (Liability)

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-016

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 37 (EMERGENCIES IS RETITLED EMERGENCY MANAGEMENT) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning Emergency Management and has codified said regulations in Chapter 37 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 37 (Emergencies is retitled Emergency Management) are necessary in order to provide further clarity and guidance in emergency situations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Chapter 37 is retitled Emergency Management

General Provisions

- Section 37.01 (Emergency Actions by City Officers, Agents, or Employees) is amended as follows:

Every officer, agent or employee of the city, while responding to emergency situations, is hereby authorized to act in such a manner as to most effectively deal with the emergency. This provision shall prevail over every other ordinance of the city and, to the extent to which the city has the authority to so authorize, over any other law establishing a standard of care in conflict with this section. Neither the city nor the employee shall be liable for failure to use ordinary care in such an emergency.

The Subtitle of this Section: **Emergency Management** is removed.

- Section 37.15 (Emergency Management Director) is amended as follows:
 - (A)(2) The Director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this section. He may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.

(B)(7) Maintenance of liaison with other municipal, county, district, state, regional or federal, emergency management organizations.

- Section 37.16 (Emergency Management Plan) is amended as follows:

A comprehensive emergency management plan shall be developed and maintained in a current state of readiness. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this subchapter. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this section and have the effect of law during the time of a disaster.

- Section 37.18 (Override) is amended as follows:

In all disaster orders when rules and regulations made and promulgated pursuant to this subchapter shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

- Emergency Medical Services and all Sections thereunder are repealed in their entirety.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-017

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 38 (FINANCE AND TAXATION) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning general finance and taxation and has codified said regulations in Chapter 38 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 38 (Finance and Taxation) are necessary in order to provide further clarity and guidance regarding finance and taxation matters.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

General Provisions

- Section 38.01 (Competitive Bidding) is amended as follows:
 - (D) All competitive bids shall be received and opened at the time and in the manner specified in the bid advertisement. Bids received shall be opened by the City Manager or designee and the City Secretary in a public bid opening procedure.
 - (E) All bids received in response to bid advertisements shall be reviewed and evaluated by the City Manager or designee and city staff. Bids shall be tabulated and ranked in order of priority, with the lowest and/or best bid being ranked number one.
 - (F) The tabulation of bids and the action recommended by the City Manager or designee shall be included on the next scheduled agenda for the City Council to consider awarding the bid.
- Section 38.02 (Adoption by Reference) is amended as follows:
 - (A) The City follows the procurement standards in 2 CFR 200.317 – 2 CFR 200.327 and Appendix II to Part 200 for procurement actions to be funded with Federal Funds. All attempts are made to adhere to these policies and procedures and updates are made as needed. The entirety of the language found in 2 CFR 200.317 – 2 CFR 200.327 may not be applicable in all instances, programs, and/or situations. This Ordinance O-2022-006, Exhibit A, contains the most current 2 CFR 200.317 – 2 CFR 200.327 language available at the adoption of these policies and procedures.

(B) The contents of Ordinance O-2022-006, Exhibit A, are hereby adopted by reference as part of this Code of Ordinances as if fully set out herein.

(Ord. O-2022-006, passed 4-26-22)

- Section 38.02 is renumbered as 38.03 (City Depository)
 - Section 38.03 is renumber as 38.04 (Audit of City Funds) is amended as follows:

Pursuant to Charter § 7.18, at the close of each fiscal year, and at such other times as may be deemed necessary, the City Council shall call for an independent audit to be made of all accounts of the city. Such audits shall be made by qualified accountants experienced in municipal accounting following Generally Accepted Accounting Principles (GAAP), and the results of the audit shall be made public with 180 days of the close of the fiscal year. Within 90 days after the close of the fiscal year, and annual report of the city business shall be published by the city treasurer in such form as will disclose pertinent facts concerning the activities and finances of the city government. Bids must be let for a new Certified Public Accountant after three consecutive annual audits. The Certified Public Accountant selected shall have no personal interest, directly or indirectly, in the financial affairs of the city or any of its officers. The report of the audit with the auditor's recommendations will be made to the City Council. Upon completion of the audit, copies of the audit placed on file in the City Secretary's office as a public record.
 - Sections 38.04 on will be renumbered accordingly.
 - Section 38.16 (Local Sales Tax Retained on Residential Gas and Electricity) is amended as follows:
- (C) The imposition of the one percent (1%) City Sales Tax on the residential use of gas and electricity consumption within the corporate limits of the City shall be continued in line with State law provided the City Secretary is in compliance with Section D of this Ordinance.
- (D) The City Secretary is hereby directed to transmit a certified copy of this section by registered or certified mail to the Comptroller of Public Accounts of the State of Texas.
- Section 38.17 (Add-On Sales Tax to Reduce Property Tax Authorized) is amended as follows:

Effective October 1, 1992, an add-on tax of ½ % will be added to the sales tax already imposed. This ½ % tax increase was voted on and approved November 5, 1991, by the citizens of the city, and will be used to eliminate the city property tax or ad valorem tax at the present time.

- Section 38.18 (Additional Sales and Use Tax Authorized) is amended as follows:

In accordance with Section 4B of Article 5190.6 (V.A.T.S.) Gun Barrel City held an election on May 15, 2004 to reduce the City sales and use tax for economic and industrial development by $\frac{1}{4}$ % and to adopt an additional $\frac{1}{4}$ % sales and use tax for street maintenance and repairs as permitted under Chapter 327 of the Texas Tax Code.

(Ord. 2004-010, passed 5-25-04)

- Section 38.19 (Municipal Sales and Use Tax for Street Maintenance) is amended as follows:

A municipality may adopt a street maintenance sales and use tax authorized by this Chapter at an election held in the municipality.

(A) A municipality may not adopt a tax under this Chapter or increase the rate of the tax if as a result of the adoption of the tax or the increase in the rate of the tax the combined rate of all sales and use taxes imposed by the municipality and other political subdivisions of this State having territory in the municipality would exceed two percent (2%) at any location in the municipality.

(B) If the voters of a municipality approve the adoption of the tax or the increase in the rate of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves the increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the municipality and other political subdivisions of this State having territory in the municipality would exceed two percent (2%) at any location in the municipality, the election to adopt a sales and use tax under this Chapter has no effect.

REAUTHORIZATION OF TAX. Unless imposition of the sales and use tax authorized by this Chapter is reauthorized as provided by this Section, the tax expires on:

(A) The fourth anniversary of the date the tax originally took effect under Section 327.005;

(B) The first day of the first calendar quarter occurring after the fourth anniversary of the date the tax was last reauthorized under this Section if, at that election, the voters approved the imposition of the tax for a period that expires on that anniversary.

(Ord. 2004-010, passed 5-25-04; Ord. 2008-016, passed 5-13-08; Ord. 2012-007, passed 5-22-12; Ord. 2016-012, passed 5-17-16; Ord. 2020-034, passed 11-17-20; Ord. 2024-014, passed 5-13-24)

- Section 38.35 (Definitions) is amended as follows:

COLLECTOR OF TAXES (for State Hotel Occupancy Tax only). The City Treasurer of Gun Barrel City, Texas or a third party approved by Council with a simple majority vote.

SHORT TERM RENTAL UNIT. A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than 30 consecutive days. Residential premise could include a single-family dwelling, multiple-family attached dwelling, apartment house, condominium, duplex, HUD manufactured home or any portion of such dwellings.

OCCUPANCY. The use or possession, or the right to the use or possession of any room space or sleeping facility in a short term rental for any purpose.

OCCUPANT. Any individual person living, sleeping or possessing a building, or portion thereof. A person is not required to be paying rent, providing in-kind services, or named on any lease, contract or other legal document to be considered an occupant.

- Section 38.36 (Levy of Tax; Collection) is amended as follows:

(A) Levy of tax. There is hereby levied a tax upon the cost of occupancy of any room or space furnished by any short term rental where such cost of occupancy is at the rate of \$2 or more per day, such tax to be equal to 7% of the consideration paid by the occupancy of such room to such short term rental; provided, however, no tax shall be imposed hereunder upon the consideration paid by the occupant of such room who is a permanent resident, as heretofore defined.

(B) Collection of tax by short term rental. Every person owning, operating, managing or controlling any hotel shall collect the tax imposed by division (A) of this section for the city.

- Section 38.38 (Regulation Authority) is amended as follows:

The Collector of Taxes shall have the power to adopt such procedures and rules and regulations as are reasonable and necessary to effectively collect the tax levied hereby and shall upon reasonable notice have access to books and records necessary to determine the accuracy of any report filed as required by this Subchapter and the amount of taxes due under the provision of the Subchapter.

Upon request of any person owning, operating, managing or controlling any short-term rental, the collector of taxes shall furnish a copy of such procedures, rules and regulations for the guidelines of such person and facilitate the collection of such tax as such collection is required herein. Such procedures, rules and regulations shall be in writing, and a copy thereof shall be placed on file with the City Secretary and posted digitally on the City's official website.

- Section 38.39 (Collection of Delinquent Taxes) is amended as follows:

If any person required by the provisions of this subchapter to collect the tax imposed herein, make reports as required herein, or pay to the Tax Collector the tax imposed herein, shall fail to collect such tax, file such report or pay such tax, or if any such person shall file a false report, such person shall be fined in an amount not to exceed \$200 and shall pay to the Tax Collector the tax due, together with a penalty of 5% of the tax due for each 30 days that the same is not timely filed.

Such person shall also forfeit the reimbursement for any cost associated with collecting the tax and penalty.

- Section 38.55 (Established) is amended as follows:

(C) The City Secretary shall forward to the Comptroller of the State, a copy of this section along with a copy of the minutes of the City Council's vote and discussion on this section.

(D) The tax provided for herein shall not serve as an offset to be in lieu of, or in any way reduce any amount payable to the City pursuant to any franchise, street use ordinance, or statute or, without limitation by the foregoing enumeration, otherwise payable by any provider of telecommunications service, it being the express intent hereof that all such obligations and impositions of every kind and nature shall remain in full force and effect without reduction or limitation hereby.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the

Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-018

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 39 (RECORDS MANAGEMENT) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning records management and has codified said regulations in Chapter 39 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 39 (Records Management) are necessary in order to provide further clarity and guidance regarding records management.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Section 39.02 (Definitions) is amended as follows:

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

- Section 39.04 (Designation of Records Management Officer; Duties) is amended as follows:

- (A) The City Secretary, and the successive holders of such office, shall serve as the Records Management Officer for the city. As provided by state law, each successive holder of the office shall file his or her name with the Director and Librarian of the Texas State Library within 30 days of the initial designation or of taking up the office, as applicable.
- (B)(10) Instruct personnel in policies and procedures of the records management plan and their duties, in the records management program;

- (B)(11) Direct personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this chapter;
- (B)(12) Ensure that the maintenance, preservation, destruction, or other disposition of the city is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- Section 39.05 (Records Management Plan) is amended as follows:
 - (B) Once approved by the City Council, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the city and records shall be created, maintained, stored, or disposed of in accordance with the plan.
- Section 39.07 (Records Control Schedules; Implementation) is amended as follows:
 - (A)(3) Before its adoption, a records control schedule or amended schedule must be approved by the City Council.
- Sections 39.08 (Destruction of Records) is amended as follows:
 - (A)(2) Prior to the destruction of any record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer.
- Section 39.09 (Copying Charges for Public Records) is amended as follows:

A service charge for copying governmental and public records shall be determined by the City Council and prescribed in § 2.00 of the Fee Schedule (Appendix 1 of this Code).
- Section 39.10 (Prepayment and Personnel Time Limitations for Production of Public Information) is amended as follows:

Regulations is added as a subtitle for this Section.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without

any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

**III.
REPEALER**

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-019

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 40 (PARK AND RECREATION FACILITIES IS RETITLED PARK AND RECREATION) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning its Park and Recreation Program and has codified said regulations in Chapter 40 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 40 concerning the City’s Parks and Recreation Program are necessary in order to provide further clarity and guidance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

PARKS AND RECREATION BOARD

- Section 40.01 (Mission Statement). This Section is hereby added as follows:

A Park and Recreation Board is hereby organized in accordance with Tex. Local Gov’t Code § 332.001 et seq. in order to accomplish the following purposes:

- (A) To serve in an advisory capacity to the City Council in the acquisition, development, improvement, equipment and maintenance of all parks, public playgrounds, athletic field, community center, senior citizen center and other recreation facilities and activities on any of the properties owned or controlled by the City.
- (B) To recommend to Council programs, policies and ordinances that will benefit and promote the leisure and recreational needs of the community.
- (C) Seek to promote close cooperation between the City and all private citizens, institutions, agencies and associations interested in or conducting recreational activities, to the end that all recreational resources within the City may be coordinated to secure the greatest public welfare.
- (D) Coordinate with the City Manager or his or her designee: all matters of an administrative or personnel nature requiring the attention of the Chief Administrative Officer; a plan outline of development of any new parks and playgrounds for Council approval; and all matters of a budgetary nature related to park and recreation matters.

('88 Code, Ch. 1 § 27.01; Ord. 97-012, passed 6-24-97)

- Section 40.02 (Membership and Appointment). This Section is hereby added as follows:

The Park and Recreation Board shall be composed of six (6) qualified City voters. The City Council will consider for appointment to the Board only those persons who have demonstrated their civic interest, personal knowledge of the community, independent judgment, interest in Park and Recreation program planning and availability to prepare for and attend meetings. It is the intent of the City Council that members shall, by reason of diversity of their individual occupations, constitute a Board which is broadly representative of the community.

('88 Code, Ch. 1 § 27.02; Ord. 97-012, passed 6-24-97; Ord. O-2024-006, § A.1, passed 1-23-24; Ord. O-2024-025, § 1(A), passed 9-24-24)

- Section 40.03 (Terms of Office; Filling of Vacancies). This Section is hereby added as follows:

(A) The terms of three (3) of the members shall expire on September 30 of each odd numbered year and the terms of three (3) of the members shall expire on September 30 of each even numbered year.

(B) Vacancies for unexpired terms shall be filled by appointment whose term runs concurrently with that of the vacancy to be filled. No member shall be appointed for a term in excess of three (3) consecutive terms. Newly appointed members shall be installed at the first regular Board meeting after their appointment. The City Council may remove a Board member for cause on a written charge.

('88 Code, Ch. 1 § 27.03; Ord. 97-012, passed 6-24-97; Ord. O-2024-006, § A.2, passed 1-23-24)

- Section 40.04 (Organization; Meetings). This Section is added as follows:

A) The Board shall hold an organization meeting in October of each year and shall elect a Chairperson, Vice-Chairperson and a Secretary from among its members before proceeding to any other matters of business. The same person may not serve any longer than three (3) consecutive years as the Chairperson.

B) Meetings will be held monthly and shall be conducted at a time, date and place designated by the Chair. The Board shall adhere to the Park and Recreation Board Rules of Procedure as adopted by Council and keep a record of its proceedings consistent with the provisions of this Subchapter and the requirements of law.

('88 Code, Ch. 1 § 27.04; Ord. 97-012, passed 6-24-97; Am. Ord. O-2012-012, passed 9-25-12)

- Section 40.05 (Duties and Responsibilities). This Section is added as follows:

The Park and Recreation Board is hereby charged with the duty and vested with the authority to:

- (A) Under Council direction, will review and recommend rules, procedures and ordinances for consideration by the City Manager or designee relating to the management of a public park and recreating program.
- (B) The Board shall provide recommendations to the City Manager or designee, on behalf of Council, on ordinances governing the conduct on public playgrounds, athletic fields, recreation centers, community and senior citizen center, concession rights, and other recreational facilities and activities on any of the properties owned or controlled by the City, on properties controlled by the City with the consent of the owners or authorized thereof.
- (C) In accordance with administrative policies and procedures established by the City Manager or designee, the Board may solicit or receive any gifts or bequests of money or other personal property, or any donations to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes.
- (D) The Board shall, with the approval of the City Manager or designee, on behalf of the Council, coordinate recreational activities that employ the leisure time of the citizenry in a constructive and wholesome manner.
- (E) Prepare, submit, and review on an annual basis with the City Manager or designee, recommendations to Council for a five (5) year Capital Improvements Plan.
- (F) Present in September of each year a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of Board Officers.
- (G) The Board, at the direction of the Council, shall study, hold public hearings and submit reports on any topics pertaining to recreational and leisure program planning that the Council deems appropriate.
- (H) The Board shall forward recommendations to the City Manager, on behalf of the Council, with regards to the Park Board Budget within the Parks Budget.

('88 Code, Ch. 1 § 27.05; Ord. 97-012, passed 6-24-97)

- Section 40.06 (Quorum; Attendance at Meetings; Compensation). This Section is added as follows:

A quorum for the conduct for business shall consist of three (3) members of the Board. The members of the Board shall regularly attend meetings and public hearings of the Board and shall serve without compensation. Three (3) consecutive unexcused absences or

absence from three (3) meetings in any six (6) month period shall constitute grounds for dismissal.

('88 Code, Ch. 1 § 27.06; Ord. 97-012, passed 6-24-97)

- Section 40.07 (Motions of the Board; Council Actions). This Section is added as follows:

(A) A motion may be made by any member other than the presiding officer.

(B) A motion to approve any matter before the Board or to recommend approval of any request requiring Council action shall require three (3) favorable votes. When fewer than all the members are present for the voting and when all motions fail to carry by three (3) votes, consideration of the motion shall be continued to the next regular meeting upon motion carried by a majority of those present. Failure of the Board to secure three (3) concurring votes to approve or recommend approval at such next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

('88 Code, Ch. 1 § 27.07; Ord. 97-012, passed 6-24-97)

- Section 40.08 (Disqualification from Voting). This Section is added as follows:

A member shall disqualify himself or herself from voting whenever he or she finds that he or she has a personal or monetary interest in the matter under discussion, or that he or she will be directly affected by the decision of the Board.

('88 Code, Ch. 1 § 27.08; Ord. 97-012, passed 6-24-97) Sec. 40.01

PARKS AND RECREATION FACILITIES

- Section 40.01 is renumbered as 40.09 (Hours of Operation of City Parks) is amended as follows:

(A)

CLOSED FIELD means any athletic field that is unavailable for use due to maintenance, renovation or to protect the surface of the athletic field from damage.

GBC PARK. The City of Gun Barrel City Municipal Park.

PERMITTEE is a person or organization that requests the use of a certain recreational area of the park for a period of time.

- (B) Operating hours established. In order to properly preserve and maintain the city parks, the following schedule of hours is adopted for use of city parks by members of the public:
Monday through Sunday dawn to 11:00 p.m.
- (C) Closed field. The City Manager or designee is authorized to designate any athletic field owned or leased by the city a closed field and a sign or signs shall be posted giving notice of the closed field. When such signs are posted, giving notice that an athletic field is a closed field, it is an offense for any member of the public to enter upon such athletic field.

- Section 40.02 is renumbered as 40.10 (Reserved)

- Section 40.03 is renumbered as 40.11 (Management, Use and Operation of City-Owned Property) is amended as follows:

(A) Whenever it is necessary for the preservation or protection of property, the City Manager or designee shall have full power and authority to establish written rules and regulations for the management, use and operation of any city-owned property. Such rules shall be known as Standing Rules and shall not be contradictory to this chapter or other ordinances of the city but may explain or clarify such requirements.

(C) For the purpose of this section, CITY-OWNED PROPERTY shall include, but is not limited to, municipal parks, athletic fields, administrative buildings, fire stations, city hall, animal shelter, health clinic, the Justice Center, Community Center and any other property, whether vacant or developed, together with all buildings, facilities and parking lots located in or on such property.

- Section 40.04 is renumbered as 40.12 (Depositing Trash and the Like in Park is retitled as Litter) is amended as follows:

No person shall throw litter in or on a public park, pond or greenbelt area at any time. All litter in any park after any activity shall be picked up by the reserving party or operators of the concession stand if being utilized.

- Section 40.05 (Throwing Trash or Waste in Fountain, Pond and the Like) is deleted in its entirety.

- Section 40.06 is renumbered as 40.13 (Amplification System) is amended as follows:

Except when approved by the City Manager or designee, no person shall operate any device so that the sound could be heard to the annoyance or inconvenience of persons in any public place or in neighboring premises.

- Section 40.14 (Water-Related Activities on City Property) is amended as follows:

(C) The City Manager or designee may authorize special events allowing the activities prohibited herein, where such activities are sponsored by the city.

- Section 40.07 is renumbered as 40.15 (Hitting Golf Balls in City Parks Prohibited is retitled as Golf) is amended as follows:

Playing or practicing golf shall be prohibited within City parks except in areas specifically designated for golf.

- Section 40.08 is renumbered as 40.16 (Disrupting of Supervised Play or Amusement Conducted Under Authority of Parks and Recreation Department is retitled as Disruption of Supervised Play or Amusement Conducted Under Authority of the City of Gun Barrel City) is amended as follows:

(A) It shall be unlawful and is hereby declared to be a nuisance for any person to willfully disrupt, prevent or hinder the orderly conduct of any supervised play or amusement program in any building, playground or park area operated by or subject to the direction of the City of Gun Barrel City.

(B) The Gun Barrel City Police Department or any employee acting in their official capacity can reject someone for violation of the Standing Rules, penal codes or other ordinances of the city.

(C) "Supervised play or amusement program" includes an organized activity where permission or authority for such activity is required, such as games of sport requiring specific areas of a facility or particular equipment and including, but not limited to, baseball, softball, football, soccer, both practice and inter-team competition, as well as other activities subject to control or authority of the Parks and Recreation Department.

- Section 40.09 is renumbered as 40.17 (Archery Equipment Prohibited)
- Section 40.10 is renumbered as 40.18 (Fireworks Prohibited)
- Section 40.11 is renumbered as 40.19 (Firearms Prohibited is retitled as Firearms Discharge Prohibited) is amended as follows:

It is unlawful for any person, other than law enforcement officers or the Fire Marshal, to discharge any firearms within a public park or recreation area.

- Section 40.12 is renumbered as 40.20 (Fires Prohibited) is amended as follows:
 - (B)(2) Was built, ignited, or maintained in a fire-containment vessel or device approved by the Fire Marshal in consultation with the City Manager or designee.
- Section 40.13 is renumbered as 40.21 (Tents, Stands, or Other Construction Prohibited)
- Section 40.14 is renumbered as 40.22 (Damage to Plants Prohibited)
- Section 40.15 is renumbered as 40.23 (Damage to City Property Prohibited)
- Section 40.16 is renumbered as 40.24 (Hunting, Stalking, Trapping Prohibited)
- Section 40.17 is renumbered as 40.25 (Possession of Alcoholic Beverages Prohibited) is amended as follows:
 - (A) It is unlawful for any person to consume alcohol or to possess an open container containing alcoholic beverages within a public park or recreational area without prior approval by the City Manager or designee including:
 - (2) All park facilities and accessory structures including playgrounds, parking lots, community centers, concessions buildings, amphitheaters, pavilions and restroom facilities.
 - (3)-(5) deleted in their entirety.
- Section 40.18 is renumbered as 40.26 (Unauthorized Use of Motor Vehicles)
- Section 40.19 is renumbered as 40.27 (Radio Controlled Model Aircraft Prohibited)
- Section 40.20 is renumbered as 40.28 (Exceptions to Prohibitions) is amended as follows:
 - (B) Apply only to those prohibitions specifically waived in a permit.
- Section 40.21 is renumbered as 40.29 (Applicability of Other City Requirements) is amended as follows:

(A) All facilities provided by a business concessionaire or person conducting a special event shall be properly permitted, inspected by the appropriate city inspector and certified with respect to compliance with such city requirements, as necessary prior to operation.

(B) The Building Official, Fire Marshal, Health Inspector, or designees, as well as police officers acting within the scope of official duties shall have the right of entry at all times to any building, structure, concession exhibit, show, or other facilities located in a public park and recreation area and utilized by persons operating concessions or conducting special events in public parks or recreation areas.

- Section 40.30 (Pets) is added as follows:

No pets shall be permitted within any playground area or where any organized activity is being conducted.

- Section 40.31 (Mass Gathering) is added as follows:

It shall be unlawful to hold any meeting or gathering within the parks system which will attract more than 100 people without first obtaining a special permit from the City for such purposes.

- Section 40.32 (Advertising) is added as follows:

No person shall attach or affix any printed, pictured, drawn or written matter to any public building or utility pole within any City park. No advertisement or political sign shall ever be located, placed or maintained in, on or over any public right-of-way, public vehicular easement, street or alley within any City park; provided, however, that the Board is authorized to allow advertising to be placed on the official score boards at all park athletic fields and gymnasiums where the party or company receiving the benefit of the advertisement pays all or part of the cost of such score boards.

- Section 40.22 is renumbered as 40.33 (Master Parks and Trails, Adopted)

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

**III.
REPEALER**

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-020

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS REPEALING CHAPTER 41 (WATER AND WASTEWATER DEPARTMENT) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning the City’s Water and Waste Department and has codified said regulations in Chapter 41 (Water and Wastewater Department) of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 41 (Water and Wastewater Department) should be repealed in its entirety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. CHAPTER 41 REPEALED

Chapter 41 (Water and Wastewater Department) is repealed in its entirety.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-021

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 42 (PROCUREMENT POLICIES AND PROCEDURES) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning procurement policies and procedures and has codified said regulations in Chapter 42 (Procurement Policies and Procedures) of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 42 (Procurement Policies and Procedures) are necessary in order to provide clarity and guidance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Chapter 42 (Procurement Policies and Procedures) is retitled as Reserved.
- Section 42.01 (Adoption by Reference) is deleted in its entirety from Chapter 42 and moved to Chapter 28.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-022

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 50 (UTILITIES REGULATIONS) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning City utilities and has codified said regulations in Chapter 50 (Utilities Regulations) of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 50 (Utilities Regulations) are necessary in order to provide clarity and direction concerning City utilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Section 50.01 (Jurisdiction Over Electric Utilities) is hereby amended as follows:
 - A) The City does hereby elect to have the Public Utility Commission of the State exercise exclusive original jurisdiction over electric utility rates, operations, and services within the existing and future incorporated limits of the City.
 - B) The City hereby expressly retains the exclusive original jurisdiction over the rates, operations, and services of water and sewer utilities within the existing and future incorporated limits of the City.
- Section 50.02 (Rate and Fee Schedule) is amended as follows:
 - A) Rates and fees shall be in the amounts established by City Council and amended from time to time.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

**III.
REPEALER**

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-023

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 51 (SOLID WASTE MANAGEMENT) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning solid waste services and has codified said regulations in Chapter 51 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 51 (Solid Waste Management) are necessary in order to provide further clarity, guidance and to protect the health of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

General Provisions

- Section 51.01 (Definition is retitled as Definitions). This Section is hereby amended as follows:

BULK WASTE. Items too large for a regular trash container, such as furniture, appliances, mattresses, and rugs, which are collected for disposal or recycling upon request.

COMMERCIAL CONTAINER. Containers of varying sizes used by commercial businesses for the purpose of solid waste dumping.

CONTRACTOR. The company, or representatives thereof, which has been duly chosen to provide garbage collection services in the City.

GARBAGE. Any and all waste food, dry kitchen refuse, waste from the preparation and consumption of food and solids after the liquids have been drained off.

POLY CART. A ninety (90) gallon mobile receptacle furnished by the contractor for depositing residential and light commercial garbage.

RECYCLING. Materials consisting of flattened carboard, paper, plastic bottles and jugs, metal cans which are empty, clean and dry.

SOLID WASTE. Any garbage, trash or recyclable materials.

TRASH. Paper, rags, clothes, paper and pasteboard containers, rubber, crates, weeds, grass, small tree limbs, aluminum, tin, glass, wire, bottles, etc., and in addition thereto any of the listed items utilized for recycling purposes.

Collection Service

- Section 51.10 (Sanitation Collection Service) is amended as follows:
 - (A) Every person or company owning, managing, operating, leasing or renting any residence, business, industry, manufacturing operation, warehouse or storage facility shall subscribe to sanitation collection service. The city shall provide this sanitation collection service through a private contractor authorized to provide collection service within the city.
 - (D) Subscription to the sanitation collection service shall be necessary in order to prevent accumulations of garbage and trash. Accumulations of garbage and trash is a public nuisance, punishable by law, because it causes substantial diminution of the value of property in the neighborhoods where located and tends to create a fire and health hazard.

Containers

- Section 51.25 (Container Requirements) is amended as follows:
 - (A) All residents and commercial establishments that are not provided with commercial container service shall use only approved containers for disposal of solid waste.
 - (B) Polycarts provided by the franchise solid waste hauler are hereby declared to be the only approved containers for disposal of solid waste and recycling.
 - (C) The City Manager or designee may make certain special rules and regulations concerning the disposal of waste items other than garbage and trash when determined that such approved containers would be inadequate for such disposal.
 - (D) Unless otherwise exempt by the terms of this Chapter, it shall be unlawful for any person to dispose of garbage, trash, recyclables, and other solid waste except through commercial container service or in the approved containers. Solid waste placed outside of approved containers shall not be collected.
- Section 51.26 (Placement of Containers) is amended as follows:
 - (A) All residents and commercial establishments that do not use a commercial container service shall place their solid waste in the city/public right-of-way for collection. Polycarts shall be placed so that they may be mechanically picked up and emptied. The recycling polycart should be placed approximately three (3) feet from and adjacent to the trash polycart.
 - (B) No polycarts or recycling containers shall be allowed to remain in the city/public right-of-way prior to: 4:00 p.m. on the day before collection or after 12:00 p.m. on the day after collection.

- (C) All solid waste and recyclables shall be placed inside the polycarts. Nothing may be placed on top of the polycart lid. The lid must be closed to prevent littering and to render contents inaccessible to insects, rodents and other animals.
- (D) Commercial establishments that do not use commercial container service shall place their approved containers at the appropriate collections point on the scheduled collection day.
- (E) After receiving notification that an item placed for collection cannot be handled by the collection crews, residents and commercial establishments shall remove and dispose of such items at their own expense within 48 business hours.
- (F) Residents will have the ability to schedule bulk/brush service through the City's vendor one time per month at no cost.
- (G) There shall be no parking in front of or within five (5) feet of either side of residential waste containers or bulky/brush set out.

- Section 51.28 (Pilfering or Meddling with Garbage Cans and Receptacles Prohibited) is amended as follows:

(A) No person, other than the current resident of the property on which recyclable materials are placed for collection, or an authorized carrier, shall remove, pick up, or transfer recyclable materials left curbside in any residential subdivision or at curbside at any single-family residence. Materials left at curbside in either specifically marked recovery containers or any other type of container are to be picked up by a designated carrier for removal of recyclable materials. Each unauthorized removal of any items from a resident subdivision location or a single-family residence shall constitute a separate violation of this Chapter. For purposes of this Section, the term "recyclable material" shall mean:

- a) Plastic – Polyethylene terephthalate (pet) and high-density polyethylene plastics (HDPE)
- b) Aluminum beverage cans
- c) Steel cans (commonly known as tin cans)
- d) Glass – clear, brown and green
- e) Cardboard/paper/newsprint

(B) After solid waste or debris is placed for collection, no person other than the owner of the property on which the solid waste or debris is placed or an authorized carrier shall sift through, remove, pick up, or transfer the solid waste or debris placed thereon. Solid waste or debris located on City of public property shall not be sifted through, removed, picked up, or transferred by any person without prior authorization by the City. Each unauthorized removal of any items shall constitute a separate violation of this Section.

II.
SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III.
REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City, Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV.
EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

ORDINANCE NO. O-2026-024

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AMENDING CHAPTER 52 (SEWERS) OF THE GUN BARREL CITY CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Gun Barrel City, Texas (“City”) has previously passed regulations concerning sewers and has codified said regulations in Chapter 52 of the Gun Barrel City Code of Ordinances; and

WHEREAS, the City Council finds that amendments to Chapter 52 (Sewers) are necessary in order to protect the health and safety of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GUN BARREL CITY, TEXAS AS FOLLOWS:

I. AMENDMENTS

- Section 52.02 (Septic Tanks). This Section is hereby amended as follows:

It shall be unlawful for any person to install or use any septic tank for private waste disposal within the city limits except when public sewer is not available or when such septic tanks were in operation on the effective date of this section; provided, that the property is not located within 300 feet of a sanitary sewer main or 2,000 feet from Cedar Creek Lake. Whenever any septic tank is to be installed it shall be in compliance with On-Site Sewage Facility (OSSF) rules set by the Texas Commission on Environmental Quality.

II. SEVERABILITY

It is hereby declared to be the intention of the City Council for Gun Barrel City, Texas that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, sentence, clause, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment of any court of competent jurisdiction, such unconstitutionality/illegality shall not affect any remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance since the same could have been enacted by the City Council without any such unconstitutional/illegal phrase, clause, sentence, paragraph or section.

III. REPEALER

Any and all Ordinances, Resolutions, and/or other Policies of the City of Gun Barrel City,

Texas in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the Gun Barrel City City Council.

Passed and approved on this _____ day of _____, 2026.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor



FOR IMMEDIATE RELEASE | May 1, 2026

CONTACT | [Barbara Webster, Gun Barrel City Beautification Committee](#) |
(214) 763-2787 | webster8904@gmail.com

Gun Barrel City Beautification Committee

Recognized as Gold Star Affiliate by Keep Texas Beautiful

Honored for Exceptional Community Improvement Efforts

[**GUN BARREL CITY**] - Keep Texas Beautiful (KTB), a statewide nonprofit dedicated to environmental sustainability and community improvement, has recognized **Gun Barrel City Beautification Committee** as a Gold Star Affiliate—its highest honor for community affiliates.

Gold Star status is awarded to affiliates that stand out as essential leaders in their communities, driving measurable impact through sustained programs, strong partnerships, and meaningful volunteer engagement.

"Our affiliates bring our mission to life every day. We are proud to recognize those who are leading the way as Gold Star Affiliates," said Sara Walters, Executive Director of Keep Texas Beautiful. "These communities exemplify excellence in community leadership by mobilizing volunteers, advancing meaningful projects, and fostering a culture of care and pride in their communities."

Across the state, communities like Gun Barrel City make this work possible. In 2025, KTB affiliates engaged over 100,000 Texans who contributed to over \$4 million value of volunteer hours based on the Independent Sector value of volunteer hours. Gun Barrel City played a key role in this effort, implementing programs that reduce litter, promote recycling, and enhance the local environment. Each year the Beautification Committee spends hundreds of hours of volunteer time. Most importantly are the six major trash cleanup events throughout the year where the volunteers spend countless hours picking up trash and recruit community volunteers, both young and old, to help. This benefits not only the city but further cleans the streams and inlets that carry trash into Cedar Creek Lake.

To name a few of these events the committee coordinates and participates in: the Keep America Beautiful Association's Great American Cleanup, TXDOT's Don't Mess with Texas Trash Off, Texas Department of Transportation's Waterway Cleanup (Annual Kayak event), Tarrant Regional Water District's Trash Bash, and Keep Texas Beautiful's Fall Sweep. Hundreds of pounds of trash are collected annually along State Highways and local major thoroughfares, and the marketing of these events helps to remind all citizens to be caretakers of our environment and keep our counties clean.

Having a clean and beautiful environment is fundamental to the committee members, and to emphasize their belief in beautifying the area, the Beautification Committee created a lovely Butterfly Garden at Gun Barrel City's Municipal Park. Created in 2018, the Butterfly Garden has been a center stone of beauty at the park, year after year, thanks to the exceptional, dedicated maintenance of the garden by the GBCBC committee members.

The Garden is a certified Monarch Garden and an American Butterfly Association Certified Butterfly Garden. Youth have assisted the committee numerous times with the spring planting, teaching the young the importance of pollinators and the benefits of plants.

To further the committees efforts, the members chose a program to encourage businesses to participate in keeping their properties always clean. This program, Ten on Tuesday, required the members to call on each business and ask for the business to pledge to keep their facilities/buildings/property clean. Three times a year, three businesses who pledged is selected and awarded a plaque in appreciation for their outstanding display of cleanliness and community participation.

It is through collaboration with a local realtor that each year the Beautification Committee hosts the annual Texas Recycle Day "Shred It" event, held this year in conjunction with the City's Trash Off and the Rotary's Electronic Recycle Day. The Shred It event allows all residents around the lake to bring their paper, files, folders, or whatever else to be shredded and recycled, free of charge, and have it shredded onsite at the City's Municipal Pavilion.

"We are so pleased to have a group like the Gun Barrel City Beautification Committee working side by side with the City to better our community in so many ways. The Beautification Committee is an integral part of our community, and we are ever so proud to have them in our City." Dr. Angie Smith, Gun Barrel City, City Manager

Gold Star Affiliates represent the highest standard of community leadership within the Keep Texas Beautiful network. To earn this recognition, affiliates must go beyond core requirements—expanding their programming, investing in training, documenting their impact, and building strong local partnerships. The designation reflects a level of effort and commitment that sets these communities apart as leaders in creating lasting, visible change.

KTB will honor all 2026 Gold Star Affiliates during the Keep Texas Beautiful Virtual Conference on May 12 - 14, 2026.

About Keep Texas Beautiful

Keep Texas Beautiful (KTB) is a non-profit organization dedicated to making Texas the best place to live, work, and play! Our mission is to inspire and empower Texans to make their communities clean and beautiful. We provide resources for community improvement projects, clean-ups, and youth engagement efforts across the state. Our Keep Texas Recycling program provides technical assistance, education, and access to markets to increase recycling in rural and underserved communities.

Everything we do is focused on mobilizing volunteers to take action by providing them with tools, resources, and training. Our fieldwork includes research on best practices for litter reduction along with the development of community programs to prevent the flow of litter to the Gulf of Mexico.

Founded in 1967, Keep Texas Beautiful's work is driven by its network of affiliate members, communities, volunteers, and supporters that span the state, and reach 17 million Texans annually.

For more information and to find your closest affiliate, visit www.ktb.org. Follow us on [Facebook](#), [LinkedIn](#), and [Instagram](#).



Keep Texas
Beautiful

Keep Gun Barrel City Beautiful
Gold Star Affiliate

Presented April 2026



Johnny Womack, Board President
Keep Texas Beautiful, Inc.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 27, 2026
AGENDA SECTION: New Business
ITEM TYPE: Presentation

SUBMITTING INFORMATION

DEPARTMENT: Municipal Court
REQUESTED BY: Judge Grace Wallace

POSTED AGENDA ITEM WORDING

Recognition of Court Clerk, Julie Kelley for receiving her Level 1 certified court clerk certification. (Associate Judge)

SUMMARY

Recognizing Court Clerk Julie Kelley for her determination and dedication to this City, demonstrated by her successful completion of all requisites to earn her Level 1 Certified Court Clerk certification.

RECOMMENDED ACTION

N/A

ATTACHMENTS

- Court Clerk recognition presentation.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 27, 2026

AGENDA SECTION: New Business

ITEM TYPE: Action Item

SUBMITTING INFORMATION

DEPARTMENT: Admin

REQUESTED BY: Community Engagement Coordinator

POSTED AGENDA ITEM WORDING

Consider and take action to enter into a Publicity and Tourism Agreement with Texas B.A.S.S. Nation Youth to award a \$50,000 sponsorship from the Hotel/Motel Tax Fund in support of the 2026 Texas B.A.S.S. Nation Youth State Championship Tournament to be held at Cedar Creek Reservoir and Gun Barrel City in June 2026.

SUMMARY

Texas B.A.S.S. Nation Youth is requesting partnership funding support for the 2026 State Championship tournament scheduled for June 10–12, 2026, on Cedar Creek Reservoir. The multi-day event is projected to bring approximately 116 teams, 204 anglers, more than 112 captains, and hundreds of family members and spectators to Gun Barrel City.

According to tournament organizers, the event is expected to generate an estimated \$467,000 in local economic impact through hotel stays, dining, fuel purchases, retail shopping, and tourism-related spending.

The proposed partnership includes tourism promotion, regional event marketing, public event operations, visitor engagement, and destination branding opportunities for Gun Barrel City. Tournament coverage and digital promotion are expected to provide statewide exposure through social media, livestreams, tournament leaderboards, videos, and event marketing materials.

Texas B.A.S.S. Nation Youth is requesting \$50,000 in partnership funding assistance toward event

operations, advertising, media production, safety operations, and tournament logistics.

FINANCIAL INFORMATION

BUDGETED ITEM:	N/A
AMOUNT BUDGETED:	0
AMOUNT REQUESTED:	\$50,000
ACCOUNT NUMBER:	Hotel/Motel Tax Funds

RECOMMENDED ACTION

Approval.

ATTACHMENTS

- 2026 State Champion Presentation



2026 STATE CHAMPIONSHIP CEDAR CREEK RESERVOIR

JUNE 10 - 12TH



2026 State Championship Overview



2026 STATE CHAMPIONSHIP CEDAR CREEK RESERVOIR

JUNE 10 - 12TH

STATS

- 116 Projected Teams
- 204 Anglers
- 112+ Captains
- Hundreds of Family Members & Spectators
- Multi-Day Tourism Event

EVENT SCHEDULE

- Official Practice:
May 31 – June 4
- Mandatory Check-In: June 4
- Tournament Days:
June 5 - 6

Texas B.A.S.S. Nation Youth State Championship brings anglers & families from across Texas to Gun Barrel City for a multi-day tourism and economic impact event centered around Cedar Creek Reservoir.



GROWTH FOR 2025-2026

- TBNY has grown 51.3% over the past two years.
- Last year's State Championship brought 112 teams, 204 anglers, 112 captains, and hundreds of family members and supporters to Gun Barrel City.
- The 2026 State Championship is projected to bring 116 teams to Gun Barrel City.
- Practice, check-in, and tournament activities create a multi-day event window, increasing hotel, dining, fuel, and retail activity.
- Based on projected attendance and updated spending assumptions, the 2026 event is expected to generate approximately \$467,000 in local economic impact.
- TBNY's goal remains to continue growing the State Championship toward 150+ boats in future years.
- Next year we are expanding again to add a Central Region



INFORMATION FROM SURVEYS COLLECTED AT 2025 TOURNAMENT



How many
nights?

4.5

on average

918 TOTAL

How many
people in your
party?

4.5

on average

918 TOTAL

How many
times did you
eat out?

7

on average

1,428 TOTAL

How many
times did you
fill up?

3

on average

612 TOTAL

How many
stores did you
frequent?

5

on average

1,020 TOTAL

TOTAL ESTIMATED SPEND FROM SURVEYS COLLECTED AT TOURNAMENT



Using 204 competing anglers as the base unit, and applying historical attendance and spending patterns, the 2026 State Championship is projected to generate over \$465,000 in direct local economic impact.

FOR THE 80 SURVEYS TURNED IN:



HOTEL • 918 TOTAL

\$ 238,000

on average
\$115/room



GAS • 612 TOTAL

\$ 54,000

on average \$88/fill up



STORE • 1,020 TOTAL

\$ 34,000

on average \$33/visit



DINE • 1,428 TOTAL

\$ 141,000

on average
\$22/person

\$ 467,000

TOTAL

Digital & Tourism Exposure

2025 Gun Barrel City State Championship Media Performance

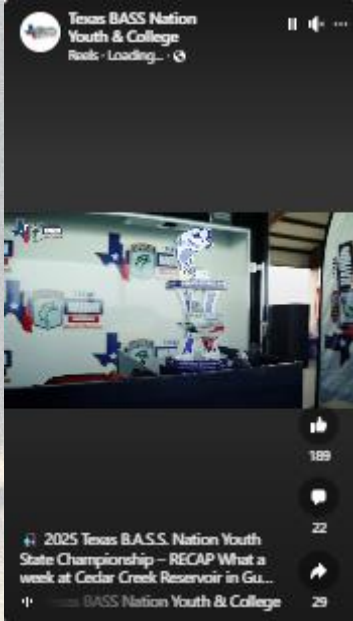
38,000+ Views

500+ Interactions

32+ Hours of Watch Time

Tournament coverage featuring Gun Barrel City and Cedar Creek Reservoir continued generating engagement and tourism exposure well beyond the event weekend through recap videos, launch coverage, social sharing, and statewide audience reach.

Content	Views	Reach	Interaction
Day 1 Launch Post	15.7K	6,841	183
Day 2 Launch Post	10.9K	4,032	157
Day 1 Launch Reel	1.6K	738	2H 21M Watch Time
2025 Recap Video	6.0K	3,189	30H 32M Watch Time
2025 Recap Photos	3.9K	1,694	27



Statewide Digital Reach & Tourism Exposure

10,800+ Tournament Page Visitors

Across Texas B.A.S.S. Nation Youth tournament pages during the 2025—20226 season.

68,000+ Page Views

Generated through Fishing Chaos tournament registration, leaderboards, standings, and event pages.

Year-Round Audience Engagement

Traffic builds months before events and continues well beyond tournament weekends



Partnership Recognition & Visibility

Gun Barrel City Branding Includes:

Tournament Big Screens & Event Displays

- Featured placement on tournament display screens
- Visibility during weigh-ins and awards
- Displayed throughout tournament operations and live event coverage

Online Leaderboards & Tournament Website

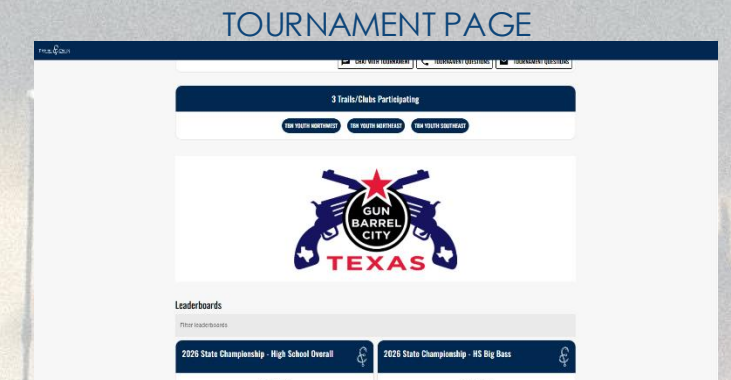
- Featured Placement on:
 - Primary 2026 State Championship Tournament Page
 - All Event Leaderboards: High School, Junior, & Big Bass
 - Tournament Information Pages and Emails
 - Press Releases

BIG SCREENS

2025 | TBN Youth State Championship

2025 State Championship - High School Overall		Top Rank Spotlight
1	Norton / Williamson	32.40
2	Antunes	31.64
3	Adams / Morris	30.34
4	Shoemaker / Teichelman	28.19
5	Amonett / Schnoor	28.11
6	Bender / Riley	26.13
7	Stone / Trumble	26.04

Braden Norton
Caden Williamson



LEADERBOARDS

2025 State Championship - High School Overall

58	Elkins / Collins	2.14
59	Makry / Makry	1.92
60	O'Brien	1.87

Gun Barrel City Texas

Texas State Technical College

Partnership Recognition & Visibility Cont.

Gun Barrel City Branding Includes:

Social Media & Media Content

Sponsor Recognition in:

- Tournament Live Weigh-In Feeds
- Launch Coverage
- Tournament Recap Videos
- Photo Albums
- Promotional Graphics
- Facebook & Instagram Stories, Posts, & Reels; YouTube Videos

Event Signage & Public Visibility

- Front Stage Banner placement
- Sponsor Boards
- Event promotional materials
- Official Tournament Apparel for Staff

Gun Barrel City branding remains visible beyond the event weekend through online tournament pages, leaderboards, recap content, social media posts, and digital tournament coverage.

BIG SCREENS

2025 | TBN Youth State Championship

2025 State Championship - High School Overall		Top Rank Spotlight
1	Norton / Williamson	32.40
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Braden Norton Caden Williamson

TOURNAMENT PAGE

3 Trails/Clubs Participating

GUN BARREL CITY TEXAS

Leaderboards

2025 State Championship - High School Overall

2025 State Championship - HS Big Boys

LEADERBOARDS

2025 State Championship - High School Overall

58	Elkins / Collins	2.34
59	Makry / Makry	1.92
60	O'Brien	1.87

GUN BARREL CITY TEXAS

TEXAS STATE

VTSTC Texas State Technical College

Tourism Marketing Assets

Gun Barrel City will receive access to:

- Professional photography
- Drone footage
- Tournament recap videos
- Social media content
- Cedar Creek Reservoir imagery
- Crowd and family atmosphere content

These assets may be used by Gun Barrel City for future tourism, destination marketing, and community promotional efforts.

BIG SCREENS

2025 | TBN Youth State Championship

2025 State Championship - High School Overall	Top Rank Spotlight
1 Norton / Williamson 32.40	Norton / Williamson 32.40
2 Antunes 31.64	Braden Norton
3 Adams / Morris 30.34	Caden Williamson
4 Shoemaker / Teichelman 28.19	
5 Amonett / Schnoor 28.11	
6 Bender / Riley 26.13	
7 Stone / Trumble 26.04	

TOURNAMENT PAGE

3 Trails/Clubs Participating

[The Texas Mountains](#) [The Texas Meadows](#) [The Texas Coast](#)

GUN BARREL CITY TEXAS

Leaderboards

2025 State Championship - High School Overall

2025 State Championship - HS Big Bass

LEADERBOARDS

2025 State Championship - High School Overall

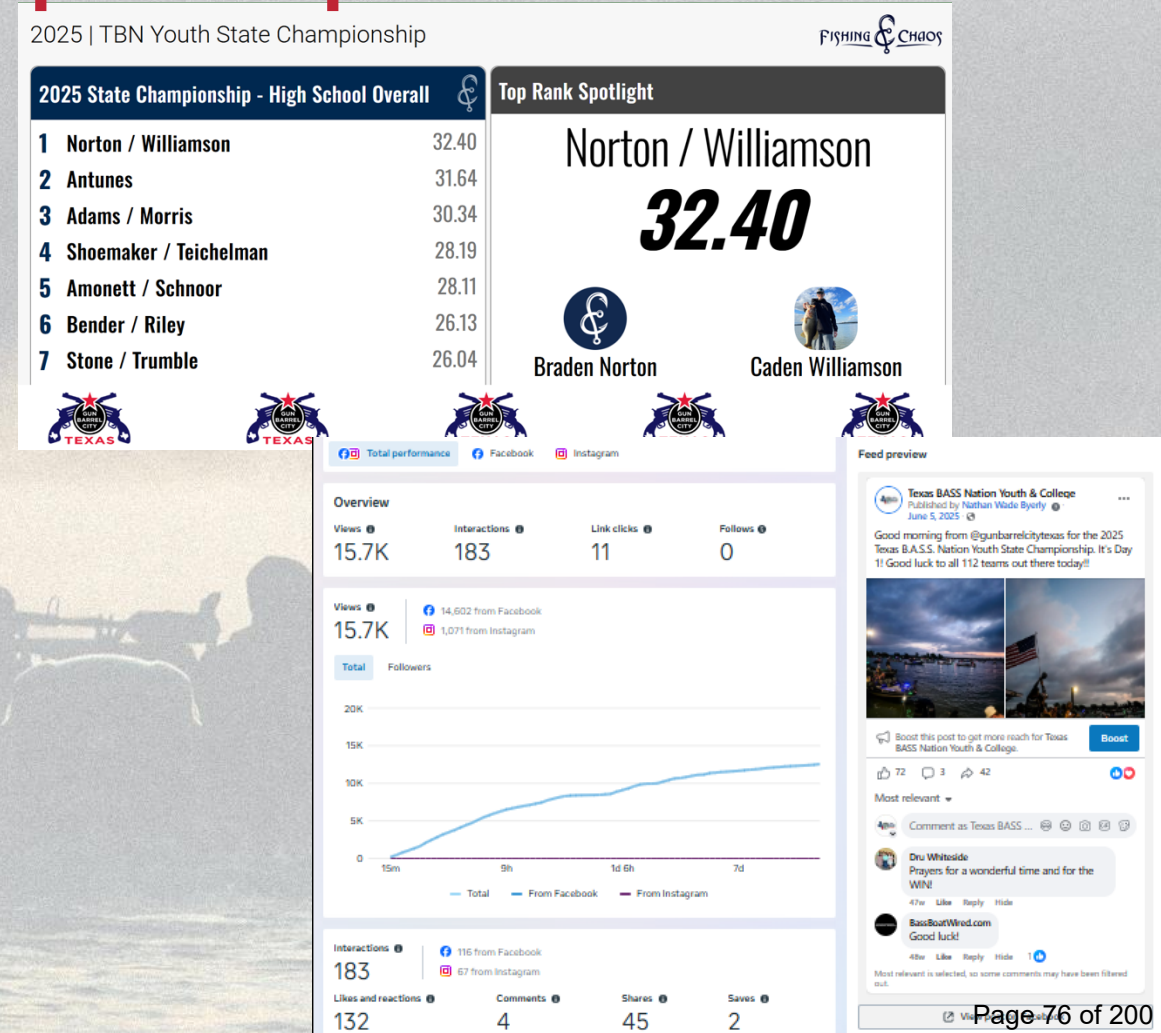
58	Elkins / Collins	2.14
59	Makry / Makry	1.92
60	O'Brien	1.87

GUN BARREL CITY TEXAS **TEXAS STAGE** **TSTC** Texas State Technical College

Digital & Tourism Exposure

2025 Gun Barrel City State Championship Media Performance

- **Saturday – Wednesday**
 - Official Practice
 - Safe light to Safe light
 - Wednesday off the water by 2:00 pm
- **Wednesday**
 - Official Check 4:00 pm
 - Pre-Tournament Meeting 5:00 – 7:00 pm
- **Thursday**
 - First Day of Competition
 - Safe light – 3:00 pm check-in
- **Friday**
 - Final Day of competition
 - Safe light – 3:00 pm check-in
 - Crown State Champions



ANGLER SCHEDULE

- **Saturday – Wednesday**
 - Official Practice
 - Safe light to Safe light
 - Wednesday off the water by 2:00 pm
- **Wednesday**
 - Official Check 4:00 pm
 - Pre-Tournament Meeting 5:00 – 7:00 pm
- **Thursday**
 - First Day of Competition
 - Safe light – 3:00 pm check-in
- **Friday**
 - Final Day of competition
 - Safe light – 3:00 pm check-in
 - Crown State Champions



STAFF & VOLUNTEER SCHEDULE

- **Wednesday**

- Set Up Weigh-in Area after 12:00 PM
- Angler Pre-Meeting | 4:00 – 7:00 PM

- **Thursday**

- First day of the competition
 - Safe light – 3:00 pm check-in

- **Friday**

- First day of the competition
 - Safe light – 3:00 pm check-in
 - Take-off at Safe light
 - Crown State Champions

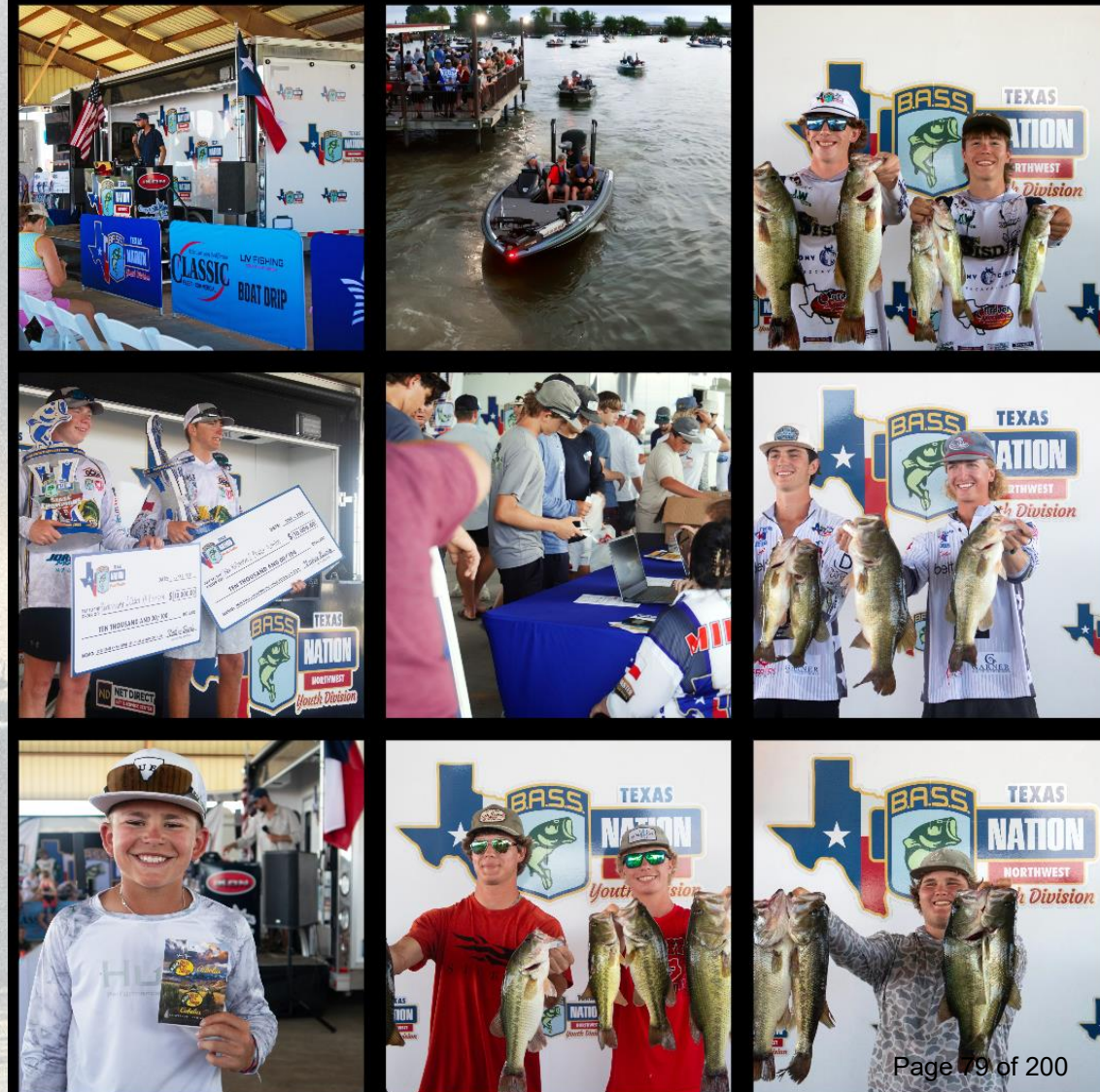


Event Operations & Community Coordination

Tournament operations staffing supports:

- Boat launch coordination
- Traffic flow management
- Public safety operations
- Crowd management
- Weigh-in logistics
- Volunteer coordination
- Visitor experience

With over 100 tournament boats and hundreds of visitors, organized event operations are critical to ensuring safe and efficient lake, roadway, and public event activity throughout the tournament week.



EXPENDITURES

1	Hotel accommodations for TBNY Staff	\$5,000.00
2	Staff Expenses	\$7,500.00
3	Live Fish Care and Release	\$4,500.00
4	Security	\$2,000.00
5	Videographer/Master of Ceremonies	\$12,000.00
6	Stage/Sound Equipment Rental	\$8,000.00
7	Advertising	\$6,500.00
8	Seating/Tables	\$3,000.00
9	Trophies	\$8,500.00
10	Pre-tournament Handouts	\$7,000.00
11	Tournament Pay Out	\$24,000.00
12	Maintenance	\$5,000.00
13	Miscellaneous	\$4,000.00
14	Tournament Giveaways	\$3,000.00
15	Volunteer Appreciation	\$2,000.00
16	Truth Verification Testing	\$1,000.00

Total Tournament Budget \$103,000.00

TBNY is asking for \$50,000.00



2026 Proposed Partnership Budget

1	Event Operations & Staff Coordination	\$8,500.00
2	Volunteer & Safety Operations	\$3,500.00
3	Live Fish Care and Release	\$4,500.00
4	Live Fish Care & Release	\$4,500.00
5	Video Production & Photography	\$9,000.00
6	Stage, Sound, & Public Event Production	\$8,000.00
7	Advertising & Promotion	\$8,000.00
8	Seating, Tables, & Fan Experience	\$2,500.00
9	Security & Public Safety	\$2,500.00
10	Community Engagement & Giveaways	\$2,000.00
11	Media, Livestream, & Branding	\$1,500.00

Total Request \$50,000.00



PARTNERSHIP REQUEST

Texas B.A.S.S. Nation Youth respectfully requests: \$50,000

In support of:

- Tourism promotion
- Visitor engagement
- Regional event marketing
- Community activation
- Public event operations
- Destination branding

The Texas B.A.S.S. Nation Youth State Championship is more than a fishing tournament, it is a regional tourism event that brings hundreds of visiting families, anglers, and spectators into Gun Barrel City while generating significant economic activity and statewide visibility for the community.



ECONOMIC DEVELOPMENT CORPORATION



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 27, 2026

AGENDA SECTION: New Business

ITEM TYPE: Action

SUBMITTING INFORMATION

DEPARTMENT: Administration

REQUESTED BY: Angela Smith, PhD – City Manager

POSTED AGENDA ITEM WORDING

Consider and take action to enter into a Publicity and Tourism Agreement with the Lone Star Mower Racing Association (LSMRA) to award a \$4,000 sponsorship from the Hotel/Motel Tax Fund in support of the final LSMRA race to be held in Gun Barrel City in June 2026.

SUMMARY

LSMRA holds races seven (7) times per year in Gun Barrel City. The final race will be held on June 20, 2026. LSMRA is asking for a \$4,000 sponsorship for this event to increase marketing and advertising for the final race of the year. LSMRA is adding vendors and additional food trucks to the event and will close the event with a short fireworks show.

LSMRA operates with a volunteer team and does not charge attendees at the races. Over the last two years the races have gone from roughly 50 people in attendance to over 500 at the last race in May. Shari Chaor, Social Media Director, has been working to add live streams of each race and is working to expand advertising across Texas to drive additional attendance to the races in Gun Barrel City.

The LSMRA event is a qualifying event as it put heads in beds and is a sporting event.

RECOMMENDED ACTION

ATTACHMENTS

- Letter requesting sponsorship.
- Economic Impact Study
- Publicity and Tourism Agreement

ECONOMIC IMPACT THAT THE LSMRA HAS ON GBC

Visitors	People	Lodging	Restaurant	Fuel	Retail	SUB TOTAL	TOTAL	7 EVENTS PER YEAR
Racer + 1 (50)	50	\$55.00	\$40.00	\$60.00	\$40.00	\$195.00	\$9,750.00	\$68,250.00
4 Out of Town	100		\$40.00	\$10.00	\$20.00	\$70.00	\$7,000.00	\$49,000.00
Local Residents	200		\$40.00	\$10.00			\$50.00	\$350.00
								\$117,600.00



LONE STAR MOWER RACING ASSOCIATION



May 17, 2026

Angela Smith PhD
City Manager
City of Gun Barrel City
1716 West Main Street
Gun Barrel City, TX 75156

Dear Dr. Smith:

This letter is a request for funds from the Hotel/Motel Tax Fund in the amount of \$4,000.00 for media and advertising for 2026 Mower Racing Season Finale in Gun Barrel City at our night race on June 20, 2026.

We anticipate drawing in a huge crowd for this event. Sheri Charo, our Social Media Director has been working with our Facebook Page and has added Live Streaming the races which is gaining a tremendous following. This, as well as the advertising that Gun Barrel City is doing, we are gaining more and more attention to the races held at Gun Barrel City Park every month.

The popularity of the LSMRA races is growing. Along with this growth, we are getting requests from vendors to participate at the races. We are gaining more racers. Our crowd base is growing out of the stands at GBC Park. Racers are participating in interviews with reporters. And... Gun Barrel City is about to be dubbed "The Mower Racing Capitol of Texas" by the Legislation of Texas.

We currently race in Gun Barrel City seven (7) times a year (the months of March, April, May, June, September, October and November). We draw in commerce with our racers, their families, as well as out-of-town followers. Our spectator following has grown to over 300 per race and we can see that climbing.

Attached is a chart of the Economic Impact we believe we have on Gun Barrel City. Bottom line, we are bringing in a modest \$117,000.00 per year. I say modest, because many racers bring more than one family member to the races, and most racers stay two nights in a hotel rather than one listed in the model. Racers and their family members also frequent restaurants for breakfast, lunch and supper, making their restaurant numbers closer to \$60 per day times the number of racers and family members times two days (\$120.00 per person). We really have no idea how many out-of-town spectators stay in hotels, but we know that some do.

We are so thankful to Gun Barrel City and the GBC Economic Development Corporation (GBCEDC) and their involvement with our sporting event. When we first started this venture with Gun Barrel City, we had hopes that it would grow and become beneficial to the LSMRA as well as Gun Barrel City.

We are planning a spectacular fireworks show after the races that will end our racing season with a “BANG” and give our racers and spectators something to look forward to for the upcoming 2027 Season.

We appreciate the opportunity GBCEDC and GBC gives us to do what we love to do and we appreciate your consideration of our \$4,000.00 request. It is exciting to watch this grow! If you need more information or have any questions, please feel free to contact me.

Thanks!

Sammie Neel
979/676-2070
lsmra1996@yahoo.com

**ALL ROADS LEAD TO MOWER RACING IN GUN BARREL CITY ...
THE MOWER RACING CAPITOL OF TEXAS!**

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENT:

COUNTY OF HENDERSON

PUBLICITY AND TOURISM AGREEMENT

This Agreement made this the 27 day of January 2026, by and between the City of Gun Barrel City, Texas, a municipal corporation of Henderson County, Texas, and Lone Star Mower Racing Association (LSMRA).

I.

The City of Gun Barrel City, Texas, by authority of powers granted to it by State statutes and the City's Home Rule Charter, has heretofore enacted a local hotel occupancy tax on occupants of hotels within the City of Gun Barrel City.

II.

As part of its obligation under State statutes [primarily V.A.T.S. Tax Code, Session 351.101] to use local hotel occupancy tax funds for attracting and promoting tourism and the convention and hotel industry, the City of Gun Barrel City hereby agrees to pay LSMRA \$4,000.00 from the local hotel occupancy tax as collected by the City, in consideration for LSMRA advertising and promoting tourism for the City of Gun Barrel City and holding a Lawn Mower Race in Gun Barrel City on June 20, 2026. LSMRA agrees that any local hotel occupancy tax funds paid to it by the City of Gun Barrel City shall be used only in the following specific areas:

- (1) The furnishing of facilities, personnel, and materials for the entrants or registrants;
- (2) Advertising and conducting solicitations and promotional programs to attract tourists and or registrants to the municipality or its vicinity; or
- (3) Advertising and conducting solicitations and promotional programs to encourage tourists and registration delegates to visit preserved historic sites or museums.

III.

It is expressly understood and agreed by and between the parties that Texas BASS Nation is hired and engaged as an independent contractor and is not an officer, agent or employee of the City of Gun Barrel City.

IV.

LSMRA shall secure sufficient numbers of employees or volunteers to accomplish this Agreement.

V.

LSMRA shall provide to the City, prior to obtaining any local hotel occupancy tax funds, a proposed budget for the upcoming event, said budget to be approved by the City Council in writing in advance of the release of any local hotel occupancy tax funds. It is understood and agreed by and between the parties that, upon budget approval by the municipality, a fiduciary duty is created by LSMRA with respect to expenditure of revenue provided.

Thereafter, LSMRA shall provide to the City Council a final report on the activities that was conducted. It is understood and agreed by and between the parties that hotel occupancy tax funds may be spent by LSMRA for day-to-day operations including supplies, salaries, office rental, travel expenses, and other administrative costs, if same have been previously approved in the budget and if directly related to the promotion of tourism. The position of the total administrative costs for which hotel occupancy tax revenues are expended may not exceed the actual administrative costs for these activities.

VI

This Agreement shall begin on the 1 day June 2026, and shall continue in force through the event to be held on June 20, 2026.. Either the City or LSMRA, upon affording proper written notice in the manner herein below provided, have the option to terminate this Agreement at any time within thirty (30) days after giving such notice.

VII

Any notice necessary or appropriate relative to this Agreement shall be effective when deposited in the United States mails, either certified or registered mail, postage prepaid and addressed to the City of Gun Barrel City, City Hall, 1716 W Main Street, Gun Barrel City, Texas 75156 or to Texas BASS Nation.

VIII

No part of this Agreement may be assigned or delegated without the prior written consent of the other party, and any attempted assignment of benefits or rights or delegation of duties or obligations shall be a breach of this Agreement. However, nothing in this Agreement shall prohibit Texas BASS Nation from participating with regional or state tourism programs or to contract for joint promotion with other agencies.

IX.

This Agreement shall be subject to the laws and statutes of the State of Texas.

X.

INDEMNITY CLAUSE

Texas BASS Nation agrees to and shall indemnify and hold harmless and defend the City of Gun Barrel City, Texas, its officers, agents, and employees from any and all claims, losses, causes of action and damages, suits, and liability of every kind including all expenses of litigation, court costs, and attorney fees, for injury to or death to any person, or for damage to any property, arising from or in connection with the operations of the Texas Bassmaster Open Team Championship, its officers, agents and employees carried out in furtherance of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year first above written.

CITY OF GUN BARREL CITY, TEXAS

Brian Crull, Mayor

Attest:

Janet Dillard, City Secretary

Lone Star Mower Association

President

Attest:



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 27, 2026
AGENDA SECTION: New Business
ITEM TYPE: Action Item

SUBMITTING INFORMATION

DEPARTMENT: City Treasurer
REQUESTED BY: Mickie Raney

POSTED AGENDA ITEM WORDING

Consider and take action to approve Resolution No. 2026-011 authorizing the City Manager to close the Certificate of Deposit Account Numbers ending in 4821 and 4830 at First State Bank and transfer the proceeds to the City's General Fund account to be held for future investment.

SUMMARY

This resolution will close the two (2) Certificate of Deposits at First State Bank upon their expiration and transfer the funds to the City's General Fund account to be moved into the TexStar account with Hilltop Securities. These CDs will officially expire on, 4830, June 9, 2026 and 4821, June 13, 2026 and have a current interest rate of .75%.

The amount of the CDs at closure is approximately \$213,319 plus accrued interest.

The interest rate with TexStar as of May 15, 2026 was 3.59%.

FINANCIAL INFORMATION

BUDGETED ITEM:	N/A
AMOUNT BUDGETED:	0
AMOUNT REQUESTED:	0
ACCOUNT NUMBER:	N/A

RECOMMENDED ACTION

Approval.

ATTACHMENTS

- Resolution No. R-2026-011

RESOLUTION NO. 2026-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, AUTHORIZING THE CLOSURE OF CERTIFICATE OF DEPOSIT ACCOUNT NOS. ENDING 4821 and 4830 AT FIRST STATE BANK AND TRANSFERRING THE PROCEEDS TO THE CITY'S GENERAL FUND ACCOUNT.

WHEREAS, the City of Gun Barrel City, Texas ("City") currently holds 2 Certificate of Deposit (CD) Accounts ending 4821 in the amount of \$108,341.24 and 4830 in the amount of \$104,978.21 (the "Account") with First State Bank; and

WHEREAS, this Certificate of Deposit is currently designated as reserves; and

WHEREAS, the City Council has determined that the purpose for which this account was originally established has been fulfilled and that the funds are better utilized for the needs of the City; and

WHEREAS, it is in the best financial interest of the City to close said account and transfer the full balance, including accrued interest, to the City's General Fund; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, THAT:

SECTION 1. The City Council hereby authorizes and directs the City Manager to close Certificate of Deposit Account Nos. ending 4821 AND 4830 held at First State Bank.

SECTION 2. The City Council authorizes and directs the City Manager to transfer the entire principal amount of approximately \$213,319.45 and all accrued interest to the City's General Fund Account No. ending 2608.

SECTION 3. The City Manager, and City Secretary are hereby authorized to execute any and all documents necessary to effectuate this transfer, including signing documents required by First State Bank.

SECTION 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2026.

APPROVED: _____ Brian Crull, Mayor

ATTEST: _____ Janet Dillard, City Secretary



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 27, 2026

AGENDA SECTION: New Business

ITEM TYPE: Discussion

SUBMITTING INFORMATION

DEPARTMENT: City Secretary

REQUESTED BY: Micah Adams and other residents of Lakeside Acres

POSTED AGENDA ITEM WORDING

Consider and take action regarding a petition requesting disannexation of the Lakeside Acres subdivision from the corporate limits of Gun Barrel City.

SUMMARY

Background Information:

A petition for annexation was submitted for consideration addressed to the governing body by the majority of residents of the Lakeside Acres subdivision around May or June of 1980. A special meeting of the Planning and Zoning Commission was held to discuss and verify signatures on the petition. The commission determined there were 19 registered Henderson County voters residing in the Lakeside Acres subdivision and 14 of these signed the petition requesting annexation into the city. The Planning and Zoning Commission recommended the City Council call a public hearing for the purpose of discussing and action to be taken on the petition noting 74% of the registered voters in the subdivision were asking for annexation.

Multiple meetings were held by the City Council for the purpose of a public hearing and/or discussion on the proposed annexation. Records show publishers' affidavits calling for a public hearing were published in the July 31st issue of the Cedar Creek Pilot, and the following meetings were called with Lakeside Acres proposed annexation appearing on the agenda:

- August 5, 1980

- Public hearing
- August 12, 1980
 - Ordinance No. 125 was approved by the City Council setting the date and time for a public hearing to be held on August 25, 1980
- August 25, 1980
 - Public hearing and proposed action item appeared on the agenda
 - Item was taken into executive session to consult with the city attorney and was ultimately tabled until the regular Sept. 9th meeting date.
- September 9, 1980
 - Action item to annex Lakeside Acres subdivision passed with a 3-2 vote of the City Council.
 - Ordinance No. 125A annexing in Lakeside Acres was approved by City Council with a 3-2 vote.
- November 11, 1980
 - Ordinance No. 129 was adopted creating the single family detached residential district R-6D for the Lakeside Acres subdivision.

Current request:

On Thursday, May 6th the City received a petition to disannex the Lakeside Acres subdivision.

This disannexation petition requests:

Immediate disannexation from Gun Barrel City, TX city limits the complete, entire zone of R-6D, otherwise known as Lakeside Acres, with this area reverting back to solely county limits as it once was.

And/or

Immediate rights under Continuation of Land Usage restored to the entire zone of R-6D, which includes rights to both livestock and fowl per country laws and parameters.

Note: Lakeside Acres is the only subdivision zoned R-6D

Gun Barrel City Charter

Per the GBC Charter, the GBC City Council may, by ordinance “disannex territory from the City in any manner and by any procedure not inconsistent with state law.” Per the City Attorney, this provides the avenue for a resident to request disannexation and the Council must consider such request.

Section 1.04 - ANNEXATION OR DISANNEXATION.

(1) The City Council may, by ordinance, annex territory into the City or disannex territory from the City in any manner and by any procedure not inconsistent with state law. (2) Upon completion of the annexation procedure, the annexed territory shall become a part of the City, and said land and its residents shall be entitled to all the rights and privileges provided by the City for its citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

(Am. Ord. O-2019-023, passed 10-22-19)

Texas State Law

Texas State law provides qualifications for disannexation in Subchapter G. Disannexation in Chapter 43 of Local Government Code. The entire Subchapter is provided in the attachment, but here are the cliff notes:

- **Sec. 43.141. DISANNEXATION FOR FAILURE TO PROVIDE SERVICES.** (Does not meet - Gun Barrel provides all services as outlined.)
 - Failure to provide services in the original service plan
 - Requires a survey of the area
 - Notice of the petition must be posted 10 days in three public places and in the newspaper
- **Sec. 43.142. DISANNEXATION ACCORDING TO MUNICIPAL CHARTER IN HOME-RULE MUNICIPALITY.**
 - Home rule municipality may follow the Charter requirements to disannex property. (Does not meet - our Charter does not provide for citizen requested disannexation.)
- **Sec. 43.143. DISANNEXATION BY PETITION AND ELECTION IN GENERAL-LAW MUNICIPALITY.** (Does not meet - we are a home rule city not general law.)
- **Sec. 43.144. DISANNEXATION OF SPARSELY POPULATED AREA IN GENERAL-LAW MUNICIPALITY.** (Does not meet - we are a home rule city not general law.)
- **Sec. 43.145. DISANNEXATION OF UNIMPROVED AREA OR NONTAXABLE AREA IN CERTAIN MUNICIPALITIES.** (Does not meet – the population of Henderson County is projected at 123,464.)
- **Sec. 43.146. DISANNEXATION OF LAND IN A MUNICIPAL UTILITY DISTRICT.** (Does not meet - Land is not in a municipal utility district.)
- **Sec. 43.1463. DISANNEXATION OF AREAS ANNEXED DURING TRANSITION FROM NONCONSENT TO CONSENT ANNEXATION MODEL.** (Does not meet - was not initiated by a municipality with a population of 500,000 or more.)
- **Sec. 43.1465. DISANNEXATION FROM DEFUNDING MUNICIPALITY.** (Does not meet - We are not a “defunding municipality.”)
- **Sec. 43.147. WIDTH REQUIREMENT FOR DISANNEXATION.** (Does not meet - We are not disannexing a road or highway.)

The petition doesn't meet any of the criteria to be legally disannexed as it relates to state law. But it is important to note that disannexing this subdivision also doesn't violate Texas State Law. Our Charter allows for City Council to “disannex territory from the city in any manner and by any procedure.”

Other important information:

Petition for disannexation:

- The petition had 45 original signatures.
 - 40 signatures were able to be verified to the address listed.
 - We were unable to verify five of the signatures – either unable to read, had no address listed or unable to verify the address with the Henderson CAD list. This is not uncommon since there are lots with no homes and 911 addressing comes in when a home is to be built.
 - 5 of the signatures were duplicates of the address listed (two residents signed the petition and share an address – this happened in five of the addresses).
 - Of the 35 signatures (40-5(duplicate addresses)), all but four appear to be property owners. On four signatures, the name did not match the owner's name on CAD.
- This leaves us with 31 verifiable property owner signatures.

Property owners:

- Based on information from Henderson CAD, there are 151 lots in Lakeside Acres.
- There are 100 unique property owners in Lakeside Acres.
- Some owners own multiple properties.

Calls for service to our Dispatch for Police/Fire/Animal Control:

- FY2024 – 11
- FY2025 – 64
- FY2026 Year to date – 65
 - Year to date is measured as of May 6, 2026.

Notification letter to residents:

- Staff mailed 100 letters to property owners on Monday, May 11 notifying them of the disannexation request and providing an opportunity to provide feedback.
-

RECOMMENDED ACTION

Direction from City Council on next steps:

- Deny disannexation
 - Consider an ordinance for disannexation
-

ATTACHMENTS

- Petition verified addresses
- Public notice letter

Original

Petition to [Action Petitioned For]



A Petition of Micah Adams and other residents of GBC Zone R-6D (Lakeside Acres)

Addressed to City of Gun Barrel City, TX & Henderson County, TX

We, the undersigned, are citizens and residents of GBC Zone R-6D (Lakeside Acres) who demand the following:

Immediate disannexation from Gun Barrel City, TX city limits the complete, entire zone of R-6D, otherwise known as Lakeside Acres, with this area reverting back to solely county limits, as it once was. This zone has been annexed as a part of Gun Barrel City, TX for less than 45 years.

and/or:

Immediate rights under Continuation of Land Usage restored to the entire zone of R-6D, which includes rights to both livestock and fowl per county laws and parameters. These rights were likely violated upon annexation into Gun Barrel City limits.

and; Under all rights provided under the FOIA in federal law, the current residents demand any and all associated paperwork, documentation, meeting notes, processes, and records of action taken pertaining to the original annexation of the Lakeside Acres subdivision into the city limits of Gun Barrel City, TX. This will ensure that both legal processes were appropriately followed and resident rights were adhered to regarding the process of annexation chosen and implemented by the city under the Municipal Annexation Act of Texas.

PRINTED NAME

SIGNATURE

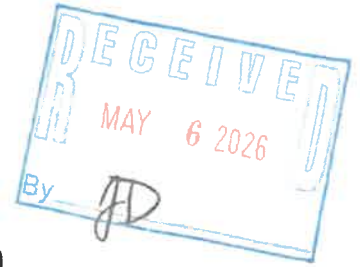
ADDRESS

COMMENT

DATE

Micah Adams	[Signature]	253 E Acres Rd.	214-482-4496	3/22/26
Tiffany Adams	[Signature]	253 E Acres Rd.	214-675-9670	3/22/26
Jameson Dapora	[Signature]	243 E Acres Rd.	409-744-5646	4.2.26
Car A. Z	[Signature]	242 E Acres Rd.	214-951-5570	4.2.26
Joseph Cortez	[Signature]	251 E ACRES	702-498-3660	4.2.26
Peter P. Rozette	[Signature]	238 E. Acres	903-802-0225	4-2-26
Marcus Westbrook	[Signature]	241 E. Acres	903-603-8041	4/5/26
Jerry Moore	[Signature]	267 E. Acres Rd	469-222-1471	4/7/26
* Charles B McQually	[Signature]	271 E. Acres Rd.	340-477-0518	4/8/26
Cynthia A Brown	[Signature]	1095 Acres Rd.	903-288-1611	4-7-26

Petition to [Action Petitioned For]



A Petition of Micah Adams and other residents of GBC Zone R-6D (Lakeside Acres)

Addressed to City of Gun Barrel City, TX & Henderson County, TX

We, the undersigned, are citizens and residents of GBC Zone R-6D (Lakeside Acres) who demand the following:

Immediate disannexation from Gun Barrel City, TX city limits the complete, entire zone of R-6D, otherwise known as Lakeside Acres, with this area reverting back to solely county limits, as it once was. This zone has been annexed as a part of Gun Barrel City, TX for less than ~~15~~ years.

and/or:

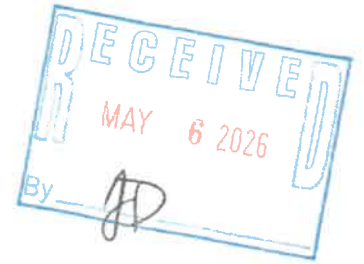
?

Immediate rights under Continuation of Land Usage restored to the entire zone of R-6D, which includes rights to both livestock and fowl per county laws and parameters. These rights were likely violated upon annexation into Gun Barrel City limits.

and; Under all rights provided under the FOIA in federal law, the current residents demand any and all associated paperwork, documentation, meeting notes, processes, and records of action taken pertaining to the original annexation of the Lakeside Acres subdivision into the city limits of Gun Barrel City, TX. This will ensure that both legal processes were appropriately followed and resident rights were adhered to regarding the process of annexation chosen and implemented by the city under the Municipal Annexation Act of Texas.

PRINTED NAME	SIGNATURE	ADDRESS	COMMENT	DATE
*Erin K Gerecht	Erin K Gerecht	289 W Acres Rd	(430) 302-0334	4-7-26
Nash Strick	Nash Strick	283 W Acres Rd	903-802-8224	4-7-26
Michael Patrick	Michael Patrick	283 W Acres Rd	903-802-8282	4-7-26
Charlton McPoy	Charlton McPoy	101 S Acres Rd	903-610-1111	4-7-26
Stephanie White	Stephanie White	286 W Acres Rd	903-603-2111	4-7-26
*Lacey Woods	Lacey Woods	250 W Acres Rd	903-340-9943	4-7-26
Jeff Walters	Jeff Walters	265 E Acres Rd	832-350-5466	4/12
Erica Gonzalez	Erica Gonzalez	263 E Acres Rd	469-428-6667	4/12
Jeff Pineda	Jeff Pineda	117 E Acres Rd	720-933-2223	4/12/26

Petition to [Action Petitioned For]



A Petition of Micah Adams and other residents of GBC Zone R-6D (Lakeside Acres)

Addressed to City of Gun Barrel City, TX & Henderson County, TX

We, the undersigned, are citizens and residents of GBC Zone R-6D (Lakeside Acres) who demand the following:

Immediate disannexation from Gun Barrel City, TX city limits the complete, entire zone of R-6D, otherwise known as Lakeside Acres, with this area reverting back to solely county limits, as it once was. This zone has been annexed as a part of Gun Barrel City, TX for less than ~~45~~ years.

and/or:

Immediate rights under Continuation of Land Usage restored to the entire zone of R-6D, which includes rights to both livestock and fowl per county laws and parameters. These rights were likely violated upon annexation into Gun Barrel City limits.

and; Under all rights provided under the FOIA in federal law, the current residents demand any and all associated paperwork, documentation, meeting notes, processes, and records of action taken pertaining to the original annexation of the Lakeside Acres subdivision into the city limits of Gun Barrel City, TX. This will ensure that both legal processes were appropriately followed and resident rights were adhered to regarding the process of annexation chosen and implemented by the city under the Municipal Annexation Act of Texas.

PRINTED NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Heather Zuniga	Heather Zuniga	273 W acres Rd Gun Barrel City, TX 75156	664428365	4/25/26
Charles Ewing	Charles Ewing	265 W Acres Rd Gun Barrel	N/A	4-25-26
GENE STEPP	Gene Stepp	249 W ACRES RD GUN BARREL	903-869-2493	4-25-26
Jenny Taubertlin	Jenny Taubertlin	239 W. Acres rd, Gun Barrel	75156	4/25/26
KAREN THOMAS	Karen Thomas	225 W. ACRES RD., G.B.C., TX	75156	4/25/26
Shelia Vandiver	Shelia Vandiver	101 S Acres Rd	CBC 430-207-9777	4-25-26
Dina Villa	Dina Villa	207 W Acres Rd GBC	(469) 337-0434	4/25/26
George James	George James	213 ACRES LOOP GUN BARREL TX	903-340-5393	4/26/26
Blake McNaair	Blake McNaair	300 Acres Loop	903-802-1869	4-26-26

Petition to [Action Petitioned For]



A Petition of Micah Adams and other residents of GBC Zone R-6D (Lakeside Acres)

Addressed to City of Gun Barrel City, TX & Henderson County, TX

We, the undersigned, are citizens and residents of GBC Zone R-6D (Lakeside Acres) who demand the following:

Immediate disannexation from Gun Barrel City, TX city limits the complete, entire zone of R-6D, otherwise known as Lakeside Acres, with this area reverting back to solely county limits, as it once was. This zone has been annexed as a part of Gun Barrel City, TX for less than 15 years.

and/or:

Immediate rights under Continuation of Land Usage restored to the entire zone of R-6D, which includes rights to both livestock and fowl per county laws and parameters. These rights were likely violated upon annexation into Gun Barrel City limits.

and; Under all rights provided under the FOIA in federal law, the current residents demand any and all associated paperwork, documentation, meeting notes, processes, and records of action taken pertaining to the original annexation of the Lakeside Acres subdivision into the city limits of Gun Barrel City, TX. This will ensure that both legal processes were appropriately followed and resident rights were adhered to regarding the process of annexation chosen and implemented by the city under the Municipal Annexation Act of Texas.

PRINTED NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Terry Collinsworth	[Signature]	312 Acres Loop	430-207-8403	4/26/26
Billy Whitten	[Signature]	403 Acres	903-280-5274	4/26/26
Wayne Morgan	[Signature]	258 Acres	814 886-9134	4/26-26
Taylor Baker	[Signature]	262 W Acres	903-340-462	4-26-26
Glenn Gardner	[Signature]	248 West Acres	912-834-9693	4/26/26
[Signature]	[Signature]	250 W. ACRES	903-207-6082	4/26/26
Wendi Rogers	[Signature]	517 W. ACRES	469 685 6747	4/26/26
Tommy Rogers	[Signature]	233 W. ACRES RD	903 802 0900	4/26/26
Bill Cutchall	[Signature]	61 BC 75154	214 537 4289	4/26/26
Ben Hall Jr.	[Signature]	230 W. ACRES RD	430-302-7255	4/26/26

Petition to [Action Petitioned For]



A Petition of Micah Adams and other residents of GBC Zone R-6D (Lakeside Acres)

Addressed to City of Gun Barrel City, TX & Henderson County, TX

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Immediate disannexation from Gun Barrel City, TX city limits the complete, entire zone of R-6D, otherwise known as Lakeside Acres, with this area reverting back to solely county limits, as it once was. This zone has been annexed as a part of Gun Barrel City, TX for less than ~~40~~ years.

and/or:

Immediate rights under Continuation of Land Usage restored to the entire zone of R-6D, which includes rights to both livestock and fowl per county laws and parameters. These rights were likely violated upon annexation into Gun Barrel City limits.

and; Under all rights provided under the FOIA in federal law, the current residents demand any and all associated paperwork, documentation, meeting notes, processes, and records of action taken pertaining to the original annexation of the Lakeside Acres subdivision into the city limits of Gun Barrel City, TX. This will ensure that both legal processes were appropriately followed and resident rights were adhered to regarding the process of annexation chosen and implemented by the city under the Municipal Annexation Act of Texas.

PRINTED NAME	SIGNATURE	ADDRESS	COMMENT	DATE
Jerry Lantz	[Signature]	219 W. Acres Rd	903-298-2192	4/26/26
Kenneth Sanger	[Signature]	204 acres loop	903-880-3470	4-26-26
Brittney Musser	[Signature]	247 W. Acres Rd	4169-685-6893	4/28/26
Heather Oliver	[Signature]	20 S. W. Acres Rd	903-904-9649	
Clint Oliver	[Signature]	205. W. Acres Rd	903-519-2251	
April Nixon	[Signature]	115 Acres Loop	903-275-7903	4/28/26
Rebecca Reed	[Signature]	207 E. Acres Rd	903-519-1027	4/29/26



1716 WEST MAIN STREET ♦ GUN BARREL CITY, TEXAS 75156

May 11, 2026

«AddressBlock»

CITY OF GUN BARREL CITY
NOTICE OF PETITION FOR DISANNEXATION AND PUBLIC HEARING

To: Residents and Property Owners of Lakeside Acres

Notice is hereby given that a petition for disannexation has been filed with the City of Gun Barrel City regarding the territory generally described as Lakeside Acres.

This notice is to inform you that the disannexation process is currently in the request phase. No action has been taken by the City Council. The request in the petition is to remove the Lakeside Acres subdivision from the corporate limits of the city thereby forfeiting ALL city provided services. For example, city provided services include: emergency services, building safety, code enforcement, street repair, animal control and contracted trash services.

The City Council will hold a public hearing to receive testimony and comments from interested persons regarding this proposed disannexation. You are invited to attend and express your views by filling out a request to speak form and submitting to the City Secretary on or before the beginning of the meeting. If you are unable to attend the hearing, written comments may be submitted to the City Secretary at jdillard@gunbarrelcity.gov no later than Tuesday, May 26, 2026.

Date: Wednesday, May 27, 2026

Time: 6:30 p.m.

Location: City Hall, 1716 W. Main Street, Gun Barrel City, Texas, 75156

A copy of the petition is available for public inspection at City Hall during normal business hours or available by a public information request to jdillard@gunbarrelcity.gov.

Sincerely,

Janet Dillard
City Secretary, Gun Barrel City
1716 W. Main Street, Gun Barrel City, Texas 75156
903-887-1087



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: 5/27/26
AGENDA SECTION: New Business
ITEM TYPE: Public hearing, determination, order approval

SUBMITTING INFORMATION

DEPARTMENT: Building
REQUESTED BY: Shannon Wiggins

POSTED AGENDA ITEM WORDING

Consider and take action to determine whether the structure located at 250 Overlook Trl., Gun Barrel City, Texas is considered unsafe. (Building Official)

Consider and take action to adopt Order - 250 Overlook Trl., making findings of fact and ordering the demolition of structures located at 250 Overlook Trl., Gun Barrel City, Texas. (Building Official)

SUMMARY

This item appeared before City Council on April 28, 2026 to which it was tabled at the request of the property owner. 250 Overlook has been declared an unsafe, unsecured structure. All notifications have been made and Code Enforcement has been in communication with the property owner. The property owner has stated she is no longer able to care for the property and will not contest the demolition order. This property has 8 prior violations and we have been working on it as an unsafe structure for the last three years. The estimated cost will be \$9,500.

FINANCIAL INFORMATION

BUDGETED ITEM: Yes
AMOUNT BUDGETED: \$15,000 for building cleanups
AMOUNT REQUESTED: \$5,500.00

ACCOUNT NUMBER: N/A

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Public hearing notice

Photo

Order

AN ORDER MAKING FINDINGS OF FACT; FINDING CERTAIN BUILDINGS AND STRUCTURES WITHIN THE CITY LIMITS TO BE DILAPIDATED, SUBSTANDARD AND UNFIT FOR HUMAN HABITATION; AND A HAZARD TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE CITY’S RESIDENTS; ORDERING THE BUILDINGS AND STRUCTURES BE ABATED; AND ORDERING THE DEMOLITION THEREOF.

Whereas, on April 28, 2026, at 6:30 p.m. CST, a public hearing was scheduled and held in City Hall, 1716 W. Main Street, Gun Barrel City, Texas 75156, to determine if the buildings and other structures (“the Structures”) on the property identified as **LTS 868 & 869 AB 59 J P BROWN SUR, TAMARACK VENTURE ID# 284854 – 250 Overlook Trl.**, within the Gun Barrel City City limits are dilapidated, substandard, or unfit for human habitation, constitutes a hazard to the public health, safety, and welfare of the City’s residents, and if such structures should be declared unsafe buildings; and

Whereas, this action concerning the Structures is being taken in accordance with the City of Gun Barrel City’s Code of Ordinances, specifically Chapter 151, Section 151.02 (Standard Unsafe Building Abatement Code); and Section 214.001 et. Seq., Texas Local Government Code (Authority Regarding Substandard Building); and

Whereas, the City of Gun Barrel City has complied with Chapter 151 of the City’s Code of Ordinances but has not been successful in dealing with owners of the Structures; and

Whereas, proper and lawful written notice of the hearing of April 28, 2026, at 6:30 p.m. CST was duly given to the owner of the Structures; and

Whereas, the legal description of the property which is the subject of this hearing is identified as **LTS 868 & 869 AB 59 J P BROWN SUR, TAMARACK VENTURE ID# 284854 – 250 Overlook Trl.**, within the Gun Barrel City City limits, according to the plat of said subdivision of the plat records of Henderson County, Texas; and

Whereas, the City Council of Gun Barrel City, Texas hereby finds that proper notice of this hearing was sent by certified mail to the owner and persons with interests in the above described property; that in accordance with Chapter 151 of the City’s Code of Ordinances the City duly and properly conducted the required investigation and administratively determined that the Structures as described above constitute a hazard to the public health, safety, and welfare of the City’s residents, were dilapidated, substandard, or unfit for human habitation and should, therefore, be declared unsafe and the owner required to repair, vacate, or demolish the building within 30 days from the issuance of such order unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the City Council shall specify a reasonable time for the completion of the work.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUN BARRELCITY, TEXAS:

Section 1. The City Council finds all of the above recitals to be true and correct and

incorporates the same in the Ordinance as findings of fact.

Section 2. The City Council hereby declares that in accordance with Chapter 151, Section 151.05(B) (1) of the City's Code of Ordinances, The City Council hereby declares the following:

(a) Each and every structure and building located at **LTS 868 & 869 AB 59 J P BROWN SUR, TAMARACK VENTURE ID# 284854 – 250 Overlook Trl.**, within the Gun Barrel City City limits, according to the plat of said subdivision of the plat records of Henderson County, Texas.

(b) The structures and buildings located on the property described in section (a) of this Ordinance to be dilapidated, substandard and unfit for human habitation and a hazard to the public health, safety and welfare of the City's residents. See Exhibit "A" attached hereto and attached to this ordinance.

(c) Requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the City Council shall specify a reasonable time for the completion of the work.

(d) Containing a statement that the city will cause to be vacated, secured, removed or demolished the dangerous building and evict the occupants of the building if the ordered action is not taken within the time specified by the City Council.

Section 3. The City Council hereby declares that in accordance with Chapter 151, Section 151.05(B) (2) of the City's Code of Ordinances and Section 214.001, Texas Local Government Code, the owners of said structures and other properties shall be served with a written copy of this Ordinance by certified mail, and after the expiration of thirty (30) days or the allocated time agreed upon by the City Council from the date of order the City may enter into a contract with a demolition company to demolish the subject structures and properties.

Duly Passed and Approved by the City Council of the City of Gun Barrel City, Texas, on the _____ day of _____, _____

Approved:

Brian Crull, Mayor

Attest:

Janet Dillard, City Secretary





1716 WEST MAIN STREET GUN BARREL CITY, TEXAS 75156

Notice of UNSAFE/DANGEROUS STRUCTURE AND PUBLIC HEARING

March 31, 2026

I.D.# 26-000078

CURIEL MAYRO G OLIVERA
1711 Oldstone Ct
Rancho Palos Verdes, Ca 90275

**Re: Violation of Gun Barrel City Code of Ordinances
Ord. 402, Section 151.04, UNSAFE STRUCTURE NOTICE OF UNSAFE BUILDING AND
PUBLIC HEARING.
Offense Location: 250 Overlook Trl, Gun Barrel City, Tx**

Dear Mayra Curiel,

As the owner/trustee of the property that lies within the city limits of Gun Barrel City, Texas, identified as, **250 Overlook Trl, LTS 868 & 869 AB 59 J P BROWN SUR, TAMARACK VENTURE LTS 868 & 869**, please be advised that said property is in violation of the Gun Barrel City Code of Ordinances to wit: **Ordinance # 402, Section 151.04, It shall be unlawful for any person to permit to allow or continue any structure to become an unsafe/substandard building per the Unsafe Building Act, being either dilapidated, substandard, unsecured or unfit for human habitation.**

An inspection of the above referenced property was made on April 01, 2025 and again on March 17, 2026, and found to remain in violation of city code. The property has since been POSTED UNSAFE. In accordance with Ordinance 402, section 151.04 you are being notified that a **PUBLIC HEARING** will be held before the City Council of the City of Gun Barrel City, TX on **April 28, 2026 6:30 p.m. at Gun Barrel City Hall** in regard to the condition of your property. You will be required to submit at the hearing, proof of the scope of work that is required in order to bring the property and its structures in to compliance.

The structure must be secured to prohibit access by animals, vagrants and children at play. Repairs must be completed in compliance with adopted Building Codes to a condition fit for human habitation. Or, the building/s/structure/s must be demolished and all debris removed to a legal landfill. Failure to comply may result in action by the city to alleviate the violation. Such action on the part of the city will result in assessing the cost of any remedial action to you and a lien will be placed against the property in question.

The City of Gun Barrel seeks your assistance in helping to keep our community a clean, attractive city, which is free of health and fire hazards and thanks you in advance for your cooperation. Should you have any questions or concerns you may reach me at 903-887-1087.

Sincerely,
Shannon Wiggins
Building Official

RECIPIENTS: Curiel Mayra G Olivera (Owner)



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 27, 2026

AGENDA SECTION: New Business

ITEM TYPE: Discussion

SUBMITTING INFORMATION

DEPARTMENT: Administration

REQUESTED BY: Angela Smith, PhD – City Manager

POSTED AGENDA ITEM WORDING

Discussion on an ordinance of the City Council of the City of Gun Barrel City, Texas, amending the Code of Ordinances of the City of Gun Barrel City by Amending Chapter 111 “Amusements” and replacing Section 111.01 “Coin-Operated Machines”.

SUMMARY

Recent legal developments related to amusement redemption machines necessitate changes to the City's ordinances related to amusement redemption machines and amusement redemption machine game rooms. In *City of Fort Worth v. Rylie*, the Second Court of Appeals of Texas found that electronic gaming machines, the amusement redemption machines that includes games that are more commonly referred to as "eight-liners," were unconstitutional because they are illegal lotteries as they require consideration from a chance to win a prize, and that city ordinances regulating such machines were not preempted by the Texas Occupation Code. Additionally, amusement redemption machines can negatively impact the surrounding area, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary.

These machines were a major concern during our Ordinance Review Committee meetings. This item will allow discussion by the Council before taking action at a future meeting.

The proposed amendments to the ordinance related to amusement redemption machine game rooms seek to bring the City of Gun Barrel City's ordinance in line with the recent judicial ruling by further restricting machines that involve consideration for a chance, or a combination of skill and chance, to win a prize.

Current Ordinance:

Sec. 111.01 - COIN-OPERATED MACHINES.

- A. It shall be unlawful for any person, firm, association of persons, corporations and every other organization, save and except religious, charitable or educational organizations, authorized under the laws of the State of Texas; to own and operate, for profit or otherwise, any coin-operated game machines, as such terms are defined in Tex. Rev. Civ. Stat. Art. 8801 et seq., or to maintain or keep such coin-operated game machines, on the premises of any business establishment within this city without having first obtained an appropriate permit from the City Secretary, as herein provided; which permit shall at all times be displayed in some conspicuous place within the licensed place of business.*
- B. The City Secretary is authorized to collect an occupation tax for each location on which a coin-operated game machine is owned or operated, as provided for in § 8.00 of the Fee Schedule found in Appendix 1 of this Code, for each permit issued and like sum for each renewal thereof. This fee shall be paid in full and shall not be prorated. The term of such permit shall run concurrently with the required state permit. The City Secretary issues the permit for coin-operated game machines, but the Code Compliance Officer will visit the establishments to make sure the establishments have their permits, the Code Compliance Officer shall enforce the provisions of the Code.*

Proposed changes include:

- Prohibiting amusement redemption machine games from existing outside of a licensed amusement redemption machine game room.
- Restricting an amusement redemption machine game room to only exist as an accessory use at a bar, nightclub, bingo hall or billiard hall.
- Prohibiting non-functional amusement redemption games from existing within a building that is not a licensed amusement redemption machine game room.
- Limits the number of amusement redemption machines to two (2) per licensed amusement redemption machine game room.
- Amends the annual license for amusement redemption machine game rooms as well as an application process, fees, terms, etc.
- Revokes all existing amusement redemption machine permits and amusement redemption machine game room licenses.

Per the City Attorney: The law is continuously evolving with these machines. Several cities in addition to City of Humble have prohibited these machines in gas stations/convenience stores. To my knowledge, there has been no litigation yet challenging these prohibitions. This seems consistent with other cities that have relegated them to certain zoning districts, such as Lufkin recently passing an ordinance only allowing them in manufacturing district, essentially taking them out of the commercial area of town. With the above in mind and our general authority concerning land use/zoning issues, I think we can move forward with the ordinance. If I hear of anything on the legal front that changes a restriction like this, I will let you know.

BACKGROUND

April 28 Regular City Council Meeting – Ordinance introduced for consideration

FINANCIAL INFORMATION

BUDGETED ITEM:	No
AMOUNT BUDGETED:	0
AMOUNT REQUESTED:	0
ACCOUNT NUMBER:	N/A

RECOMMENDED ACTION

Discussion item only.

ATTACHMENTS

Draft Ordinance

ORDINANCE NO. XX-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF GUN BARREL CITY BY AMENDING CHAPTER 111 “AMUSEMENTS,” SECTION 111.01 “COIN OPERATED MACHINES;” PROHIBITING AMUSEMENT REDEMPTION MACHINES FROM NON-AMUSEMENT REDEMPTION MACHINE GAME ROOMS; RESTRICTING THE LOCATION OF AMUSEMENT REDEMPTION MACHINE GAME ROOMS; LICENSING AMUSEMENT REDEMPTION MACHINE GAME ROOMS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER.

WHEREAS, in *City of Fort Worth v. Rylie*, Court of Appeals Second Appellate District of Texas No. 02-17-00185-CV, the Second Court of Appeals of Texas, found that electronic gaming machines, the amusement redemption machines that includes games that are more commonly referred to as “eight-liners”, were unconstitutional because they are illegal lotteries as they require consideration for a chance to win a prize, and that city ordinances regulating such machines were not preempted by the Texas Occupation Code; and

WHEREAS, amusement redemption machines, such as but not limited to eight-liners, can negatively impact the surrounding area, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary; and

WHEREAS, the City Council desires to minimize and to control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve the quality of life; preserve property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the City Council of the City of Gun Barrel City has determined that it is in the best interest of the public health, safety, and general welfare to prohibit the operation of said electronic devices beyond the confines of certain designated businesses within the City of Gun Barrel City, now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS THAT:

Section 1. The facts and recitations set forth in the preamble of this ordinance are hereby declared true and correct.

Section 2. The Code of Ordinances of the City of Gun Barrel City, Texas, is hereby amended by repealing the entirety of Chapter 111 “Amusements” and replacing Section 111.01 “Coin-Operated Machines” to read as follows:

“ARTICLE 111.01 AMUSEMENT REDEMPTION GAME ROOMS

Sec. 111.01 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:

Amusement redemption machine means any electronic, electromechanical, or mechanical contrivance, including sweepstakes machines and “eight-liner” machines, designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items and is in compliance with Texas Penal Code section 47.01(4)(b)

Amusement redemption machine does not include:

- (1) A machine that awards the user non-cash merchandise prizes, toys or novelties solely and directly from the machine, including claw, crane, or similar machines; or
- (2) A machine from which the opportunity to receive non-cash merchandise prizes, toys or novelties, or a representation of value redeemable for those items, varies depending on the user’s ability to throw, roll, flip, toss, hit or drop a ball or other physical objects into the machine or a part thereof, including basketball, golf, bowling or similar machines. A representation of value means cash paid under authority of sweepstakes contestants as provided by the Texas Business and Commerce Code Section 43, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

Amusement redemption machine game room or game room means any accessory use in a bar, bingo hall, night club, or billiard hall in which one or more amusement redemption machines, with the exception of excluded machines, are displayed or exhibited for public use.

Bar means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and derives at least 60 percent of gross revenues from the sale of alcoholic beverages for on-premises consumption, including, but not limited to, any tavern, nightclub, cocktail lounge, or cabaret.

Billiard Hall means any place or establishment owning and operating one or more pool or billiard tables for profit.

Bingo Hall means a bingo facility operated under the Bingo Enabling Act, chapter 2001 of the Occupations Code.

City official means a police officer, code enforcement officer or building official of the City.

Licensee means any person, individual, firm, company, association, or corporation operating an amusement game room in the City.

Nightclub means any room, place or space where patrons are provided with a space for dancing or are permitted to dance and to which the public generally may gain admission with or without the payment of a fee or other consideration.

Non-Operational Amusement Redemption Machine means any redemption machine that is not connected to electricity or otherwise operational and regardless of whether it is displayed for patronage.

Operator means a person who exhibits or displays, or permits to be displayed, a coin-operated machine in this city in a place of business that is not owned by the person.

Owner shall mean any person owning any “coin-operated machine” or indoor amusement facility in this city.

Person includes an individual, association, trustee, receiver, partnership, corporation, or organization or a manager, agent, servant, or employee of an individual, association, trustee, receiver, partnership, operation, or organization.

Skill or pleasure coin-operated machine means any kind of coin-operated machine that dispenses, or is used or is capable of being used to dispense or afford, amusement, skill or pleasure or is operated for any purpose, other than for dispensing merchandise, music, or service. The term includes marble machines, marble table machines, marble shooting machines, miniature race track machines, miniature football machines, miniature golf machines, miniature bowling machines, billiard or pool games, or machines or devices that dispense merchandise or commodities or plays music in connection with or in addition to dispensing skill or pleasure; and does not include an amusement machine designed exclusively for a child.

Residential Area means an area in which the principal land use is for one or more private residences including single family homes, duplexes and apartment complexes; or a subdivision for which a plat is recorded in the real property records of the county and that contains or is bounded by public streets or parts of public streets that are abutted by residential property occupying at least 75 percent of the front footage along the block face; or a subdivision for which a plat is recorded in the real property records of the county and a majority of the lots of which are subject to deed restrictions limiting the lots to residential use.

Sec. 11.02 Amusement redemption machines prohibited outside amusement redemption machine game room(s).

- (a) It shall be an offense for any person, firm, or corporation to maintain, display for patronage or otherwise keep for operation by the patrons any Amusement Redemption Machine or Gambling Device outside of a licensed Game Room.
- (b) It shall be an offense for any person, firm, or corporation to maintain a non-operational amusement redemption machine or gambling device outside of a licensed Game Room.

- (c) A Game Room shall only be allowed within a licensed bar, bingo hall, billiard hall or nightclub as an accessory use. No person, firm, or corporation shall operate a Game Room that is not located within a bar, bingo hall, billiard hall, or nightclub within the City limits.

Sec. 11.03 Enforcement.

- (a) In addition to prohibiting certain conduct by individuals, it is the intent of this Article to hold a corporation or association criminally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of the agent's office or employment.
- (b) The City of Gun Barrel City Municipal Court shall have the power to issue to the City official or their designee search warrants, or other process allowed by law, where necessary to aid in enforcing this section.
- (c) A person who violates any provision of this Article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine in accordance with applicable law.
- (d) This Article may be enforced by civil court action as provided by state and federal law.
- (e) In addition to the criminal offenses and penalties prescribed in this section, the City may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits. Any person found guilty of violating the provisions of this Article shall become liable to the City for any expense, loss, or damage incurred by the City by reason of remediating such violation.

Sec. 11.04 Game room license required

No person shall operate an amusement redemption machine game room in the City without first obtaining a license from the City, as required by this article. No license shall be issued until the occupation tax has been paid for each amusement redemption machine within the premises, and the applicable game room license fee has been paid.

Sec. 11.05 Number of amusement redemption machines limited.

No person shall operate an amusement redemption machine game room in the City that contains more than two (2) amusement redemption game machines. Each amusement redemption game machine must be inspected annually by a city official and display a permit sticker issued by the City.

Sec. 11.06 Payment of annual inspection and license fee; issuance of license.

An owner, operator, or lessee of an amusement redemption machine game room shall be required to secure a license annually. An amusement redemption machine game room or person shall be required to secure a license by paying to the City an annual inspection and amusement redemption machine game room license fee of \$200.00 plus \$50.00 per amusement redemption machine.

Upon payment of the fee and compliance with all licensing requirements, the license shall be issued by the City.

Sec. 11.07 Term of license; jurisdiction; scope.

A license issued for an amusement redemption machine game room under this article:

- (a) Is an annual license which expires December 31 of each year unless it is suspended or cancelled earlier;
- (b) Is effective for a single place of business only;
- (c) Vests no property right in the licensee except to maintain, display for public patronage, and permit the use or skill or pleasure of amusement redemption machines in accordance with the terms and conditions of this article;
- (d) Shall automatically expire if the licensee thereof sells the property or the business, transfers equity to accomplish same, or otherwise disposes of amusement redemption machines; and
- (e) Is not assignable or transferable.

In addition, the City shall not refund any portion of a license fee after the license is issued, nor shall it prorate or reduce in amount any fee due to the City.

Sec. 11.08 Existing Amusement Redemption Game Room Licenses Revoked.

All existing Amusement Redemption Machine Permits and/or Amusement Redemption Machine Game Room Licenses as of the date of this Article's adoption are hereby revoked effective April 1, 2026. No refunds for permit or licensing fees shall be issued. In locations where Amusement Redemption Game Rooms are allowed to operate under the regulations of this Article, any permit or license fees paid to the City for such permit or license shall be applied to the new permit and license fee effective April 1, 2026 and subsequently discounted from the new effective license fee, which will be valid through December 31, 2026.

Sec. 11.09 Restrictions, regulations, controls, and limitations.

- (a) All building and fire code standards must be met. Inspection by building officials and the issuance of a certificate of occupancy for the primary use of the building shall be obtained before a license for an amusement redemption machine game room is issued. An establishment that includes an amusement redemption machine game room as an accessory use shall at all times actively conduct and maintain the primary use of the establishment as declared in the approved certificate of occupancy. The failure to actively conduct and maintain the primary use shall result in the revocation of the amusement redemption machine game room license.

- (b) Only one amusement redemption machine game room shall be permitted on any lot or in any single building, structure or strip center except for amusement redemption machine game rooms in existence as of the date this ordinance goes in to effect and which do not meet this criteria; in which case full compliance with this subsection shall be required upon the expiration of three years or upon abandonment of use at such location, whichever occurs first.
- (c) No amusement redemption machine game room shall be situated within 300 feet of any church, school, daycare, hospital, public park or residential area except for amusement redemption machine game rooms in existence as of the date this ordinance goes in to effect and which do not meet this criteria; in which case full compliance with this subsection shall be required upon the expiration of three years or upon abandonment of use at such location, whichever occurs first. If there is a distance restriction of the primary use of the building in which an amusement redemption machine game room is an accessory use, the greater of the primary use or accessory uses distance restrictions shall control.
- (d) The distance shall be measured in a straight line without regard to intervening objects or structures and from the nearest lot line of the amusement redemption machine game room seeking a license to the nearest lot line of the church, school, daycare, hospital, public park or residential area.
- (e) No amusement redemption machines or related business activities shall be allowed to be situated and/or performed outdoors.
- (f) The hours of operation for an amusement redemption machine game room shall be limited to the following hours:
 - (1) Monday through Friday open at 8:00 a.m. and close at 2:00 a.m.; and
 - (2) Saturday open at 8:00 a.m. and close at 1:00 a.m. (Sunday)
 - (3) Sunday open at 12:00 p.m. and close at 2:00 a.m. (Monday)
 - (4) If there is a statutorily defined hours of operation for the primary use of the building in which an amusement redemption machine game room is an accessory use, the restrictions of those hours of operations shall control.
- (g) The owner, operator, or manager of the licensed premises must be present to supervise the operation of the amusement redemption machine game room. The amusement redemption machine game room shall not be left unattended.
- (h) Amusement redemption machines must be situated within the licensed premises as to be in full and open public view, which entails being visible to all patrons of the establishment.

- (i) No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the amusement redemption machine game room.
- (j) A sign stating that no one under the age of 18 is allowed inside the amusement redemption machine game room shall be posted in plain sight immediately inside the entrance stating that:

"No person under the age of 18 years shall be permitted inside the building, structure, facility or space housing the amusement redemption machine game room."
- (k) An amusement redemption machine game room operator must be a person who is at least 18 years of age.
- (l) The total number of operational amusement redemption machines allowed in one amusement redemption machine game room establishment shall be limited to the maximum number of two (2) amusement redemption machine games. Any back-up, non-operational or replacement amusement redemption machines shall be secured in a locked storage area or closet to which the public is not allowed to enter and such machines shall not be connected to electricity or be otherwise operational. The occupation tax on such back-up or replacement amusement redemption machine games shall be paid annually regardless of whether such machines are used by the game room's patrons.
- (m) Nothing contained herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition, operation, display or maintenance of which is illegal or in violation of any ordinance of the City, any regulation of the county, any section of the penal code of this state, or the constitution of this state.

Sec. 111.10 Application for amusement redemption machine game room license.

An applicant for a license under the provisions of this article shall file with the Building and Permits Department a written application on a form provided for that purpose by the City which shall be signed by the applicant, who shall be the owner of the amusement redemption machine game room sought to be licensed. A separate application must be filed for each location sought to be licensed. The following information is required in the application:

- (1) Name, address, telephone number, and driver's license number of the applicant if the applicant is a natural person;
- (2) Name, address, telephone number and driver's license number of all persons who own 25 percent or more interest in the amusement redemption machine game room;
- (3) Name, address, telephone number and driver's license number of all corporate officers, if any, of such business;
- (4) Name, address, telephone number of the business;

- (5) If incorporated, the name of the business registered with the Texas Secretary of State;
- (6) If a partnership, the name, address, telephone number and driver's license of each of the general and limited partners;
- (7) The trade name by which the applicant does business and a true and correct copy of the registration of the applicant's assumed name filed in the office of the county clerk, bearing the file mark or stamp that evidences its filing in that office;
- (8) A copy of a valid game room permit issued by Harris County where applicable;
- (9) The street address of the premises;
- (10) If applicant is not the owner of the premises, the applicant shall furnish the name, address, and telephone number of the property owner;
- (11) Name, address, and telephone number of the operator of the premises to be permitted;
- (12) Number of amusement redemption machines in the premises to be permitted and the serial number of each amusement redemption machine;
- (13) Whether a previous license of the applicant, or, if applicable, a corporate officer of the applicant, has been revoked within two years of filing of the application;
- (14) The previous occupation(s) of the applicant and, if applicable, all corporate officers and partners of the applicant within the preceding five years;
- (15) A notarized statement, under oath, that:
 - a. All the facts contained in the application are true and correct;
 - b. The amusement redemption machines are not and will not be used as gambling devices;
 - c. The location and operation of the amusement redemption machine game room will not violate any applicable deed restrictions;
 - d. The amusement redemption machine game room will be operated in accordance with all laws;
- (16) Name, address, and telephone number of an emergency contact person who can be reached after hours;
- (17) A floor plan of the amusement redemption machine game room interior depicting the layout of the amusement redemption machine game room interior specifically

including, but not limited to, the location of all amusement redemption machines, coin-operated machines or devices, the manager's station(s), restroom facilities, kitchen and bar facilities, if any, and all areas to which patrons will not be permitted; and

- (18) Any other plans that may be required by this Code.

Any failure to provide the documents required by this section shall be grounds for denial of the application to which it applies.

Sec. 11.11 Renewal of amusement redemption machine game room license.

- (a) A license may be renewed for the following calendar year beginning October 1 of each year by filing a completed application for each license and paying the applicable fee set forth in this article. A renewal application shall be subject to the same requirements in this section as for a license application.
- (b) Upon the expiration of a license, the licensee shall be required to obtain a renewal of the expired license if the licensee wishes to continue operating an amusement redemption machine game room. Failure to obtain the renewal within 30 days after expiration may require such person to pay an additional late fee in an amount equal to 20 percent of the fee as currently established or as hereafter adopted by City Council from time to time. Nothing herein authorizes the licensee to operate after the expiration of a license and before a renewal is effective.

Sec. 11.12 Grounds for denial of license; applicants or licensees indebted to City.

- (a) The City shall refuse to approve issuance or renewal of a licensee for one or more of the following reasons:
 - (1) Any failure to provide the information required by this article;
 - (2) A determination by the City that inaccurate, erroneous or incomplete information has been submitted;
 - (3) A false statement as to a material matter made in an application for a license;
 - (4) Revocation of a license, pursuant to this article, of the applicant or a co-owner or a corporate officer of the applicant within two years preceding the filing of the application;
 - (5) Refusal or failure to pay the occupation tax on any amusement redemption machine;
 - (6) Refusal or failure to pay the correct license fee amount;
 - (7) The applicant or a co-owner for such license has, within the past three years, been convicted of any violation of this article;

- (8) The applicant or a co-owner for such license has, within the past five years, been convicted of any violation of regulations adopted by Harris County relating to game rooms; and/or
- (9) The applicant or a co-owner for such license has, within the past ten years, been convicted of a crime involving moral turpitude.
- (b) The City shall not issue or renew a license under this article and shall suspend or cancel a license if it be determined that the applicant or licensee is indebted to the City for any fee, costs, penalties, or delinquent taxes.

Sec. 11.13 Suspension or revocation of license for violation of article.

- (a) Power and authority. If any individual, company, corporation or association who owns, operates, exhibits, or displays any amusement redemption machine(s) in an amusement redemption machine game room in this City shall violate any provision of this article, the City shall have the power and authority to suspend or revoke the license(s) issued hereunder to any of the foregoing by giving written notice, stating the reason justifying such suspension or revocation, and the same shall be suspended or revoked ten days from date of such notice.
- (b) Suspension. The City Manager or his designee shall suspend a license for a period not to exceed 30 days if he determines that a licensee or an employee of a licensee has:
 - (1) Violated or is not in compliance with any of the provisions of this article;
 - (2) Refused to allow or interfered with an inspection of the amusement redemption machine game room premises; or
 - (3) Demonstrated an inability to operate or manage an amusement redemption machine game room in a peaceful and law-abiding manner thus necessitating action by law enforcement officers.
- (c) Revocation for continuing violations. The City Manager or his designee shall revoke a license if a cause of suspension occurs and the license has been previously suspended within the preceding twelve months.
- (d) Automatic revocation. The City Manager or his designee shall revoke a license if he determines that:
 - (1) A licensee gave false or misleading information in the material submitted to the City during the application process;
 - (2) A licensee or an employee of a licensee knowingly allowed the possession, use, or sale of a controlled substance on the premises;

(3) A licensee or an employee of a licensee knowingly operated the amusement redemption machine game room during a period of time when the licensee's permit was suspended; or

(4) If the primary use of the building per the certificate of occupancy ceases.

(e) Effect of revocation. No license shall be issued within a period of one-year to anyone whose license has been revoked, except at the discretion of the City Manager or his designee. If the license of an individual, company, corporation, or association owning, operating, or displaying amusement redemption machines in this City is cancelled, such individual, company, corporation or association shall not operate, display or permit to be operated or displayed such amusement redemption machines in any amusement redemption machine game room until a new license is granted.

Sec. 11.14 Appeal from denial, suspension or revocation of license.

If the City manager or his designee refuses to approve the issuance of a license or the renewal of a license to an applicant, or suspends or revokes a license issued under this article, this action is final unless the applicant or licensee, within ten days after the receipt of written notice of the action, files a written appeal with the City Secretary, who shall, within ten days after the appeal is filed forward same to City Council for its consideration at a public meeting following a hearing. The City council shall, within 30 days, grant such hearing to consider the action. The City Council has authority to sustain, reverse, or modify the action appealed. The decision of the City Council is final.

Sec. 11.15 Display of license.

A valid license issued under this article for an amusement redemption machine game room shall be displayed at or near the entrance of the business premises, and such display shall be permanent and conspicuous.

Sec. 11.16 Inspections.

- (a) The premises in which such amusement redemption machines are located shall conform to all building codes and fire prevention codes of the City and the Fire Marshal of the City and his assistants and the chief building official may enter into the premises where such amusement redemption machines are located at any time during normal business hours for the purposes of inspecting said premises for fire hazards.
- (b) All law enforcement personnel of the City shall have the right to enter into said premises at any time during normal business hours for the purpose of enforcement of the terms of this article.
- (c) The City shall have the authority to seal any coin-operated machine located in any amusement redemption machine game room for which the occupation tax has not been paid. A fee in the amount identified by resolution of the City Council from time to time

will be charged for the release of any machine sealed for non-payment of said occupation tax.

- (d) The City shall have the authority to seal any coin-operated machine located in any amusement redemption machine game room for which a license fee has not been paid. A fee in the amount identified by resolution of the City Council from time to time will be charged for the release of any machine sealed for non-payment of said license fee.

Sec. 11.17 Responsibility of licensee.

A licensee hereunder shall not permit any of the following activities within the licensed premises:

- (1) The operation of any amusement redemption machine by a person younger than 18 years of age;
- (2) Gambling by any person;
- (3) The possession of gambling materials; and
- (4) Unlawful or criminal activity of any kind.

Sec. 11.18 Violation of other laws.

Nothing herein shall be construed or have the effect to license, permit, authorize or legalize any machine, device, table, or gaming machine, the keeping, exhibition operation, display or maintenance of which is illegal or in violation of any ordinance of the City, any regulation of the county, any section of the Penal Code of this state, or the constitution of this state.

Sec. 11.19”

Section 3. A violation of any provision of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 4. The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never be a part hereof.

Section 5. Nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That all ordinances or parts of ordinances in conflict with the provisions of this

ordinance are hereby repealed.

Section 7. It is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Gun Barrel City, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 8. That this ordinance shall take effect on April 1, 2026.

DRAFT



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 27, 2026

AGENDA SECTION: New Business

ITEM TYPE: Discussion

SUBMITTING INFORMATION

DEPARTMENT: Administration

REQUESTED BY: Angela Smith, PhD – City Manager

POSTED AGENDA ITEM WORDING

Discussion regarding final draft of ordinances, Chapters 70-92.

SUMMARY

TRAFFIC CODE

Chapter 70 – General Provisions – Minor updates to language and designated party

Chapter 71 – Traffic Rules – Minor updates to language; update Commercial vehicle parking.

Chapter 72 – Parking Regulations – delete section about posting signs

Chapter 73 – Traffic Schedules – update language

Chapter 75 – Towing and Wrecker Services Regulations – add ability to remove wreckers that do not respond to calls; update who is responsible for inspecting locations and licenses.

GENERAL REGULATIONS

Chapter 91 – Fire Prevention; Fireworks – clarify enforcement of Fire Code; question related to enforcing smoking in a building near combustible materials

Chapter 92 – Health and Sanitation – update timeline for notices; Question for attorney on Commercial Vacant Structures – it is not currently enforced and was put in place for one particular building

RECOMMENDED ACTION

Discussion item only.

ATTACHMENTS

Draft Code of Ordinances Amendment – Chapters 70-92

TITLE VII: TRAFFIC CODE

CHAPTER 70: GENERAL PROVISIONS

GENERAL PROVISIONS

Sec. 70.01 STATE UNIFORM ACT AND STATE MOTOR VEHICLE LAWS ADOPTED.

For the purpose of regulating traffic on the streets, alleys and thoroughfares of the city, there is hereby adopted the State Uniform Act Regulating Traffic on Highways, codified as the Texas Transportation Code, and all other state motor vehicle laws, which act and laws, together with the provisions contained in this title, shall be controlling in the regulation of traffic in the city. A violation of the act or any state motor vehicle law for which the Municipal Court has jurisdiction shall constitute and be punishable as a violation of this Code.

('88 Code, Ch. 10, § 1.00(a); Ord. 260, passed 1-10-89)

Sec. 70.02 DEFINITIONS.

All words and phrases used in this title shall have the same meaning and definitions ascribed to them in the Uniform Act Regulating Traffic on Highways, being the Texas Transportation Code, or any other state motor vehicle law or city ordinance as may be provided.

('88 Code, Ch. 10, § 1.00(b); Ord. 260, passed 1-10-89)

Sec. 70.03 AUTHORIZED EMERGENCY VEHICLES EXEMPT FROM PROVISIONS.

- (A) The driver of an authorized emergency vehicle, as the term "authorized emergency vehicle" is defined by state law, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (B) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this or any section;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the prima facie speed limits so long as he does not endanger life or property;
 - (4) Disregard regulations governing direction of movement or turning in specified directions.
- (C) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any the vehicle in motion sounds audible signal ~~by bell siren or exhaust whistle~~ as may be reasonably necessary and when the vehicle is equipped with at least one ~~lighted~~ lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized

emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

- (D) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Ord. 121, passed 6-10-80; '88 Code, Ch. 10, § 8.00)

State law reference(s)—Traffic regulations applicable to emergency vehicles, see Tex. Transp. Code §§ 546.001 and 546.002

Sec. 70.04 NOTICE TO APPEAR IN COURT.

Whenever a person is arrested for any violation of the sections in this chapter, the arresting officer shall prepare in triplicate written notice to appear in court containing the name and address of such person and other information listed on the ticket and the time specified in the notice to appear must be at least ten days after such arrest unless the person arrested shall demand an earlier hearing.

(Ord. 20, passed 7-20-70; '88 Code, Ch. 10, § 12.00)

TRAFFIC CONTROL DEVICES

Sec. 70.15 TRAFFIC CONTROL DEVICES TO BE CONSISTENT WITH TEXAS MANUAL.

All traffic control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the city shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways Volumes I and II (hereafter called the manual). Pursuant to Tex. Transp. Code § 544.002, all signs, signals and markings erected or used by the city shall be uniform and be located so far as practicable according to the directions shown in the manual throughout the city. All existing traffic control devices and those erected in the future by the city being consistent with the manual, state law and this subchapter shall be official traffic control devices.

(Ord. 121, passed 6-10-80; '88 Code, Ch. 10, § 7.01)

Sec. 70.16 INSTALLATION OF TRAFFIC DEVICES ON CITY STREETS.

- (A) The City Council shall by ordinance direct that the ~~Street Maintenance Supervisor~~City Manager or designee shall have the duty of erecting or installing upon, over, along, or beside any street or alley signs, signals and markings, or cause the same to be erected, installed or placed in accordance with this subchapter and consistent with the manual. The traffic control devices shall be installed immediately, or as soon as specific device, sign or signal can be procured.
- (B) Whenever the city maintenance supervisor has erected and installed any official traffic control device, signal or sign at any location in the city, or has caused the same to be done under his direction, in obedience to this subchapter and the manual, he or she shall thereafter file a report with the City Secretary in writing and signed officially by the Street Maintenance Supervisor, stating the type of traffic control device, sign or signal, and when and where the same was erected and installed. The City Secretary shall file and maintain such report of the Street Maintenance Supervisor among the official papers of the office of the City Secretary.

(Ord. 121, passed 6-10-80; '88 Code, Ch. 10, § 7.05)

State law reference(s)—Authority to place and maintain traffic control devices, see Tex. Transp. Code § 544.002

Sec. 70.17 TRAFFIC CONTROL DEVICES PRIMA FACIE EVIDENCE OF AUTHORIZED INSTALLATION.

It shall be proof, in any prosecution for a violation of this subchapter or any traffic ordinance of the city, that any traffic control device, sign, signal or marking was actually in place on any street shall constitute prima facie evidence that the same was installed by the Street Maintenance Supervisor pursuant to the authority of this subchapter and of the ordinance directing the installation of such device, signal or marking since it is unlawful for any person other than the Street Maintenance Supervisor, acting pursuant to an ordinance of the city, to install or cause to be installed any signal, sign or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals.

(Ord. 121, passed 6-10-80; '88 Code, Ch. 10, § 7.06)

Sec. 70.18 DRIVER TO OBEY TRAFFIC CONTROL DEVICES.

The driver of any vehicle, or motor vehicle ~~or animal~~ shall obey the instructions of any official traffic control device, sign, signal or marking applicable thereto placed in accordance with this subchapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle permitted by this subchapter.

(Ord. 121, passed 6-10-80; '88 Code, Ch. 10, § 7.02)

Cross reference(s)—Penalty, see § 70.99

State law reference(s)—Drivers to obey traffic control devices, see Tex. Transp. Code § 544.004

Sec. 70.19 UNAUTHORIZED SIGNS AND SIGNALS.

- (A) No person shall place, maintain, or display upon or in view of any highway, street or alley any unauthorized signs, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal.
- (B) No person shall place or maintain nor shall any public authority permit upon any highway, street or alley any traffic sign or signal bearing thereon any commercial advertising.
- (C) A person may not place or maintain a flashing light or flashing electric sign within 1,000 feet of an intersection except under a permit issued by the Texas Transportation Commission.
- (D) This section shall not be deemed to prohibit the erection upon private property adjacent to highways, streets or alleys of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (E) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the Chief of Police is hereby empowered to remove the same or cause it to be moved without notice.

(Ord. 121, passed 6-10-80; '88 Code, Ch. 10, § 7.03)

Cross reference(s)—Penalty, see § 70.99

State law reference(s)—Display of unauthorized signs, signals or markings, see Tex. Transp. Code § 544.006

Sec. 70.20 DEFACEMENT OF TRAFFIC DEVICES.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device, sign or signal or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof.

(Ord. 121, passed 6-10-80; '88 Code, Ch. 10, § 7.04)

Cross reference(s)—Penalty, see § 70.99

State law reference(s)—Destruction of traffic control device unlawful, see Tex. Transp. Code § 544.005

Sec. 70.21 REWARD FOR INFORMATION LEADING TO ARREST AND PROSECUTION OF PERSONS STEALING OR DAMAGING OFFICIAL STREET NAME OR TRAFFIC CONTROL SIGNS.

- (A) The premises hereof are found to be true and correct by the City Council. The City Council finds that the apprehension, arrest and prosecution of those responsible for the theft and vandalism of street name or traffic control devices or signs in the city is a legitimate public purpose and that the direct accomplishment of such purpose would be greatly enhanced by the offer of a reward for information and other citizens' assistance in apprehending those responsible.
- (B) There is offered by the city a \$500 cash reward to individuals furnishing information which directly leads to the apprehension, arrest and prosecution of any person or persons stealing or vandalizing street name or traffic control signs or devices in the corporate limits of the city, subject to the following special conditions:
- (1) Information furnished must be furnished in person to the Police Department or any other responsible law enforcement agency having jurisdiction.
 - (2) Such information must be based on personal ~~knowledge~~knowledge, and the informant must be willing and able to testify in court thereto.
 - (3) The Chief of Police shall make a final determination as to whether the information furnished is such ~~that~~that it will lead to the apprehension, arrest and prosecution of an individual identified as being involved in such an activity.
 - (4) The Chief may prorate the \$500 reward among two or more individuals furnishing such information based on the direct importance of such information, the degree of which shall be determined at the sole discretion of the Chief.
 - (5) Such information shall be reduced in writing in affidavit form and signed by the person giving such information and, in order to receive such reward or any prorated part thereof, any such person shall make application therefor with the City Manager or designee~~Chief of Police~~.

(Ord. 00-006, passed 2-22-00)

TRAFFIC OBSTRUCTIONS

Sec. 70.30 MAINTENANCE OF TRAFFIC OBSTRUCTION PROHIBITED.

No person shall place or maintain or cause to be placed or maintained any plant, tree, object, or vehicle having a height between three feet above the grade of any street or less than eight feet on any street or alley

intersection which obstructs traffic. Such obstruction is deemed a public nuisance because it endangers the public safety. Any person refusing, failing, or neglecting to abate any such traffic obstruction after proper notice has been given shall be guilty of a misdemeanor. Utility poles, street name signs, traffic control signs and other devices placed in such area under lawful authority of the city shall be exempt.

('88 Code, Ch. 10, § 11.01; Ord. 260, passed 1-10-89)

Cross reference(s)—Impeding traffic prohibited, see § 71.15; Nuisances, see Chapter 94; Penalty, see § 70.99

Sec. 70.31 CITY MAY ABATE TRAFFIC OBSTRUCTION.

- (A) Should any owner of any lot or lots within the city who shall be in violation of § 70.30 hereof, fail, refuse, or neglect to cut down and/or remove any such traffic obstruction after proper notice, then the city shall have the authority to cut down or remove such obstruction as necessary. The notice and procedure for abating any traffic obstruction located on private property shall be as provided for in §§ 94.15 et seq.
- (B) However, should any plant, tree, object or vehicle encroach upon any public right-of-way, then the city shall have the authority to cut back or trim such plant or tree and to remove the object or vehicle, or portion thereof, from such public right-of-way.

('88 Code, Ch. 10, § 11.02; Ord. 260, passed 1-10-89)

Cross reference(s) - Penalty, see § 70.99

Sec. 70.99 PENALTY.

- (A) Whenever in this title an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this title the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is otherwise provided in this Code of Ordinances, the violation shall be punished by a fine not exceeding \$500, provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense of the laws of the state.
- (B) Each day a violation of this Code or of any ordinance continues shall constitute a separate offense.

City Attorney - Should we add something to Penalty Sections that reference fine plus cost of remediation?

CHAPTER 71: TRAFFIC RULES¹

GENERAL PROVISIONS

Sec. 71.01 METAL CLEATS, LUGS, AND THE LIKE INJURIOUS TO PUBLIC STREETS PROHIBITED.

- (A) It shall hereafter be unlawful for any person to operate or drive upon any paved public street in the city any vehicle which has on its periphery any block, lug, stud, cleat, ridge, bead or any other protuberance of metal, that shall project more than one fourth of an inch beyond the tread or traction surface of the tire unless the

¹State law reference(s)—Power to regulate traffic within city's jurisdiction, see Tex. Transp. Code §§ 542.202, 542.203 and 544.002

wheels are protected by bands, wooden blocks, skids or some sufficient device to protect the street against injury by reason thereof.

- (B) Nothing shall herein prevent the use of tractors with cleats on the driving wheels thereof on dirt or unimproved streets, or the use of vehicles actually engaged at the time in construction or repair of streets.

('88 Code, Ch. 10, § 10.00; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 70.99

State law reference(s)—Authority to use chains of reasonable proportions for safety, see Tex. Transp. Code § 547.612

OPERATION OF VEHICLES

Sec. 71.15 IMPEDING TRAFFIC PROHIBITED.

It shall be unlawful for any person, firm, or association of persons to park or operate a motor vehicle on the streets of the city, in such a manner as to impede or inhibit or obstruct the flow of vehicular traffic on the streets either directly or indirectly. However, this section shall not apply if such obstruction results from the lawful direction of a police officer, firefighter or traffic-control device, or obstructions cause by break-downs or accidents.

(Ord. 20, passed 7-20-70; '88 Code, Ch. 10, § 3.00)

Cross reference(s)—Traffic obstructions, see §§ 70.30 and 70.31; Penalty, see § 70.99

Sec. 71.16 SPEED LIMIT.

- (A) No person shall drive a vehicle on any street in the city limits at a speed greater than is reasonable and prudent, having regard for actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering a street in compliance with legal requirements, and it shall be the duty of all persons to use due care. No person shall operate or drive any vehicle within the city limits on any street at a speed inconsistent with Chapter 73, Schedule I.
- (B) No person shall drive a vehicle on Waldman Street at a speed greater than is reasonable and prudent, having regard for actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering a street in compliance with legal requirements, and it shall be the duty of all persons to use due care. No person shall operate or drive any vehicle within the city limits on Waldman Street at a speed greater than 20 miles per hour. **City Attorney - Should this move to Chapter 73, Schedule I**

('88 Code, Ch. 10, § 5.01; Ord. 260, passed 1-10-89; Am. Ord. 98-008, passed 4-28-98; Am. Ord. 98-022, passed 7-28-98)

Cross reference(s)—Speed limits, see Chapter 73, Schedule I; Penalty, see § 70.99

State law reference(s)—Authority to establish or alter prima facie speed limits, see Tex. Transp. Code §§ 542.202 and 545.351 et seq.

Sec. 71.17 STOP SIGNS.

- (A) It shall be unlawful and an offense for any person operating a motor vehicle to fail to stop in obedience to a lawfully erected traffic control device in the form of a stop sign placed at the entrance to an intersection designated in the manner provided by this section as a stop intersection in the city.
- (B) The Chief of Police, upon the basis of an engineering and traffic study, shall recommend the designation of stop intersections in the city and shall prepare and maintain a list of authorized stop signs in the city, which list shall be incorporated herein by reference for all purposes. The Chief of Police shall present such list to the City Council for review and approval.
- (C) Upon approval by the City Council of the list of stop intersections, official traffic control devices (stop signs) shall be installed at each of such intersections as provided in § 70.15 of this Code. No such designation shall be effective until signs giving notice are posted on or at the entrance to such intersection.
- (D) Traffic control signs, signals, devices, and markings previously placed or erected by ~~an authorized officer or agent of the city~~ the City Manager or designee and now in use for the purpose of regulating, warning, or guiding traffic, including stop signs already in place, are affirmed, ratified, and declared to be official traffic control devices, provided that such devices are not inconsistent with the provisions of state law or this Code.

(Ord. 98-021, passed 7-14-98)

Cross reference(s)—Penalty, see § 70.99

COMMERCIAL VEHICLES AND ROUTES

Sec. 71.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL VEHICLE. Any commercial vehicle as defined by Texas Transportation Code. in the Tex. Transp. Code § 641.001 that is not a passenger car or light pick-up truck.

VEHICLE LOAD LIMIT. Any axle or gross weight limit as established by Tex. Transp. Code § 621.101.

(Ord. 477, passed 2-27-96)

Sec. 71.31 OPERATION OF COMMERCIAL VEHICLES RESTRICTED.

It shall be unlawful for any person to operate any commercial vehicle rated in excess of one ton, according to the manufacturers classification, upon any street, boulevard, avenue, or alley within the limits of the city, except designated United States or state highway or a designated truck route; provided that any such commercial vehicle may leave any designated United States or state highway or a designated truck route and travel on any street, boulevard, avenue or alley within the city for the purpose of providing emergency, municipal or public utility services, or delivering or picking up goods, wares, materials, equipment, vehicles or merchandise.

(Ord. 221, passed 4-8-86; '88 Code, Ch. 10, § 9.01; Am. Ord. 477, passed 2-27-96)

Cross reference(s)—Penalty, see § 70.99

Sec. 71.32 TRUCK ROUTES ESTABLISHED.

Every United States and state highway within the limits of the city is hereby designated as a truck route under the terms of this subchapter.

(Ord. 221, passed 4-8-86; '88 Code, Ch. 10, § 9.02; Am. Ord. 477, passed 2-27-96)

Sec. 71.33 PARKING OF COMMERCIAL VEHICLES OVERNIGHT.

Commercial vehicles shall not be parked and left overnight upon any public street or public way in the city.

Commercial vehicles shall not be parked and left overnight upon any public or private property (without owner permission) in the city.

(Ord. 221, passed 4-8-86; '88 Code, Ch. 10, § 9.03; Am. Ord. 477, passed 2-27-96)

Cross reference(s)—Penalty, see § 70.99

Sec. 71.34 OPERATION OF CERTAIN DIESEL-POWERED VEHICLES.

Diesel-powered tractors and truck-tractors shall not be operated on any predominantly residential street between the hours of 9:30 p.m. and 6:30 a.m.

(Ord. 477, passed 2-27-96)

Cross reference(s)—Penalty, see § 70.99

Sec. 71.35 COMMERCIAL VEHICLES WITHIN RESIDENTIAL AREAS.

- (A) It shall be unlawful for any person or any owner to leave, park or stand any commercial vehicle, truck-tractor, road tractor, semi-trailer, bus, truck or trailer with a rated capacity in excess of one ton, according to the manufacturer's classification, upon any public street or highway within any area zoned as residential according to the zoning ordinance of the city. This shall not prevent the parking or standing of the above-described vehicles in the zoned areas for the purpose of expeditiously loading and unloading passengers, freight or merchandise, but not otherwise.
- (B) It shall be unlawful to park any commercial vehicle on any private property within any area zoned as residential according to the zoning ordinance of the city.

(Ord. 477, passed 2-27-96)

Cross reference(s)—Penalty, see § 70.99

Sec. 71.36 EXEMPTIONS.

The following vehicles are exempt from the terms of this subchapter while engaged in the listed activity:

- (A) Emergency vehicles (as defined by state law) responding to or from, or at the scene of, an emergency call;
- (B) Vehicles being used to provide any municipal service such as the installation, repair or maintenance of any public street, asset or property, collection of garbage, grounds keeping, and the like; and

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- (C) Vehicles being used to install, repair or maintain any public service or utility such as telephone, electricity, ~~cable television~~ telecommunication, gas, water or sewer line.

(Ord. 477, passed 2-27-96)

Sec. 71.37 ENFORCEMENT.

The Chief of Police and members of the Police Department, both regular and reserve officers, are empowered to enforce this subchapter.

(Ord. 477, passed 2-27-96)

Sec. 71.38 TOWING OR REMOVAL.

Any commercial vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place in violation of this subchapter, the owner or driver of which vehicle has been given previous notice or citation for parking such vehicle in violation of this subchapter, may be removed by or upon an order by a police officer. The owner of such vehicle shall be responsible for the payment of any fees incurred for the towing and/or storage of the vehicle.

(Ord. 477, passed 2-27-96)

Sec. 71.39 PRIMA FACIE EVIDENCE; VIOLATION.

- (A) In any prosecution charging a violation of this subchapter governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of this subchapter, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.
- (B) Any person convicted of violating any provision of this subchapter shall be guilty of a misdemeanor and shall be subject to a fine according to § 70.99.

City Attorney - Should it be fine plus cost?

(Ord. 477, passed 2-27-96)

Sec. 71.99 PENALTY.

- (A) Whenever in this title an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this title the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is otherwise provided in this Code of Ordinances, the violation shall be punished by a fine not exceeding \$500, provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense of the laws of the state.
- (B) Each day a violation of this Code or of any ordinance continues shall constitute a separate offense.

City Attorney - Should it be fine plus cost?

CHAPTER 72: PARKING REGULATIONS²

Sec. 72.01 PARKING PROHIBITED IN CERTAIN AREAS.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or owned or operated by him, or in his possession, or under his control, to be or remain in any space or area in which parking is prohibited as provided in this ~~title~~ [chapter](#).

(Ord. 197, passed 10-9-84; '88 Code, Ch. 10, § 2.01(b))

Cross reference(s)—Parking prohibited, see Chapter 74, Schedule I; Penalty, see § 70.99

Sec. 72.02 NO PARKING ZONES, FIRE ZONES, AND HANDICAPPED PARKING SPACES.

It shall be unlawful for the owner, driver, or person in charge of any vehicle to park such vehicle in a "No Parking" zone, a designated fire zone, or a designated handicapped parking space unless authorized.

('88 Code, Ch. 10, § 2.02; Ord. 361, passed 11-10-92)

Cross reference(s)—Penalty, see § 70.99

Sec. 72.03 REMOVAL OF VEHICLE.

The police are authorized to remove and cause to be stored any vehicle in violation of this chapter. All cost of removal and storage shall be paid by the owner, driver or person in charge of the vehicle, and any fine for the violation of this chapter.

('88 Code, Ch. 10, § 2.03; Ord. 361, passed 11-10-92)

Sec. 72.04 DEFINITIONS.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

HEAVY VEHICLE. Any and all truck tractors, van trailers, tractor trailers, semitrailers, livestock trailers, house trailers, pole trailers and/or any motor vehicle designed or operated for the transportation of property.

(Ord. O-2014-003, passed 2-25-14)

²Cross reference(s)—Authorized emergency vehicles exempt from provisions, see § 70.03; Impeding traffic prohibited, see § 71.15; Parking of commercial vehicles on private property, see § 71.35(B); Parking of commercial vehicles overnight, see § 71.33

State law reference(s)—Authority to regulate parking, see Tex. Transp. Code §§ 542.202 and 542.203; Authority to regulate parking on private property, see Tex. Local Gov't Code § 431.001

Sec. 72.05 PARKING OF HEAVY VEHICLES OVERNIGHT; EXCEPTIONS.

- (A) No person, owner or driver of a heavy vehicle shall stop, stand or park any heavy vehicle upon any public street, alley, parkway, boulevard or public right-of-way in the city overnight during the hours from sundown to sunup.
- (B) Temporarily disabled heavy vehicles which are protected by flares or other approved signal devices may be parked on a public street, alley, parkway, boulevard or public right-of-way in the city overnight during the hours from sundown to sunup, for a reasonable period of time, with an emergency, accident, equipment failure, or loading or unloading, if the person, owner or driver acts diligently to repair and remove the heavy vehicle.

(Ord. O-2014-003, passed 2-25-14)

Cross reference(s)—Penalty, see § 70.99

Sec. 72.06 PRESUMPTION REGARDING ILLEGALLY PARKED HEAVY VEHICLES; VIOLATION.

- (A) In any prosecution charging a violation of this chapter governing the standing or parking of a heavy vehicle, proof that the particular heavy vehicle described in the complaint was parked in violation of this chapter, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such heavy vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such heavy vehicle was the person who parked or placed such heavy vehicle at the point where, and for the time during which, such violation occurred.
- (B) Any person violating this chapter or any provision shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine according to § 70.99.

City Attorney – Add plus costs?

(Ord. O-2014-003, passed 2-25-14)

Cross reference(s)—Penalty, see § 70.99

Sec. 72.07 SIGNS; FAILURE TO POST.

- ~~(A) The Chief of Police shall clearly post signs on certain roads within the city, as determined by the Chief of Police to be those roads most often used by heavy vehicles, to give notice of the provisions of this chapter.~~
- ~~(B) No person shall be charged with violating the provisions of this chapter unless appropriate signs are posted.~~

~~(Ord. O-2014-003, passed 2-25-14)~~

Businesses responsible for posting signage.

CHAPTER 73: TRAFFIC SCHEDULES

SCHEDULE I. SPEED LIMITS.

- (A) Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of the Texas Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the

rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

Street	Location	Speed Limit (mph)	Ord. No.	Date Passed
Admiral Drive		20	98-008	4-28-98
Autumnwood Trail		20	98-008	4-28-98
Bay Court		20	98-008	4-28-98
Ben Lacy Drive		20	98-008	4-28-98
Big Chief Drive		25	98-008	4-28-98
Box Road		35	98-008	4-28-98
Causeway Court		20	98-008	4-28-98
Clear Fork Street		20	98-008	4-28-98
Clover Street		20	98-008	4-28-98
Club View Drive		20	98-008	4-28-98
Deer Landing Trail		20	98-008	4-28-98
Donna Drive		20	98-008	4-28-98
Evergreen Drive		20	98-008	4-28-98
First Mate		30	2006-006	4-25-06
Forest Lane		20	98-008	4-28-98
Harbor Haven Street		20	98-008	4-28-98
Harbor Point Road		35	98-008	4-28-98
Harbor Point Road (School Zone)	Beginning 765 feet north of its intersection with SH 334 and extending to 2,630 feet north of its intersection with SH 334, encompassing both north and south bound lanes, effective school days 7:30a.m. - 8:30 a.m. and 2:30 p.m. - 4:00p.m.	20	500 98-008	10-22-96 4-28-98
Harmon Road		30	2006-006	4-25-06
Hickory Trail		20	98-008	4-28-98
Hillside Boulevard		20	98-008	4-28-98
Island Beach Road		20	98-008	4-28-98
Island Park Drive		20	98-008	4-28-98
Kim Lane		20	98-008	4-28-98
Lakeway Lane		20	98-008	4-28-98
Legendary Lane		35	98-008	4-28-98
Lilac Lane		20	98-008	4-28-98
Lisa Layne		20	98-008	4-28-98
Lost Forest Road		20	98-008	4-28-98
Meadow Lake Drive		35	98-008	4-28-98
Memorial Drive		20	98-008	4-28-98
Norma Leigh Lane		20	98-008	4-28-98
Ocean Drive		20	98-008	4-28-98
Overlook Trail		20	98-008	4-28-98
Park Drive		20	98-008	4-28-98
Pleasureland Road		20	98-008	4-28-98

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Point O'View Street		20	98-008	4-28-98
Rye Lane		20	98-008	4-28-98
Seacraft Drive		20	98-008	4-28-98
Seaside Drive		20	98-008	4-28-98
Sherwood Shores Drive		20	98-008	4-28-98
Softwind Street		20	98-008	4-28-98
Southland Drive		25	236 98-008	3-10-87 4-28-98
Spring Valley Street		20	98-008	4-28-98
Spruce Drive		20	98-008	4-28-98
SH 198	From the south city limits to the north city limits	45	98-008	4-28-98
SH 334	From Southland Drive to a point 1,331 feet east of SH 198	45	98-008	4-28-98
SH 334	From the west city limits to Southland Drive	50	98-008	4-28-98
SH 334	From a point 1,331 feet east of SH 198 eastward to the east city limits at SH 175	55	98-008	4-28-98
SH 334 SEEMS TO BE A REPEAT OF ONE OF THE ONES ABOVE	From west corporate limits and beginning of construction to intersection with SH 198 and end of construction (temporarily, during construction)	35	97-029	12-9-97
Wards Court		20	98-008	4-28-98
Welch Lane		35	262 98-008	2-14-89 4-28-98
Whispering Trail		20	98-008	4-28-98
Wildwind Street		20	98-008	4-28-98
Wildwood Crossover Street		20	98-008	4-28-98
Wilson Way		20	98-008	4-28-98

(B) The speed limit shall be 30 mph for residential streets in the city not otherwise posted.

('88 Code, Ch. 10, § 5.02; Am. Ord. 98-008, passed 4-28-98; Am. Ord. O-2006-006, passed 4-25-06)

Cross reference(s)—Penalty, see § 70.99

CHAPTER 74: PARKING SCHEDULES

SCHEDULE I. PARKING PROHIBITED.

When signs are erected or curbs painted giving notice thereof, no person shall park a vehicle at any time, upon any of the streets, or sides of streets or portions thereof, hereafter listed.

Location	Street	Side	Ord. No.	Date Passed
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Intersection of SH 334 and SH 198	SH 334, 710 feet west	North	179	5-10-83
Intersection of SH 334 and SH 198	SH 198, 200 feet north	East	179	5-10-83
SH 334, east of the bridge over Prairie Creek of Cedar Creek Lake	SH 334, for a distance of 500 feet west of Pleasureland Road	North	179	5-10-83
SH 334, east of the bridge over Prairie Creek of Cedar Creek Lake	SH 334, for a distance of 200 feet west of Pleasureland Road	South	179	5-10-83
SH 334, east of the bridge over Prairie Creek of Cedar Creek Lake	Pleasureland Road, from SH 334, for a distance of 400 feet south	East	179	5-10-83

('88 Code, Ch. 10, § 2.01(a))

Cross reference(s)—Parking prohibited in violation of this Title VII, see § 72.01; Penalty, see § 70.99

CHAPTER 75: TOWING AND WRECKER SERVICES REGULATIONS

Sec. 75.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless context clearly indicates or requires a different meaning.

CITY. The City of Gun Barrel City, Texas.

CONSENT TOW. Any tow of a motor vehicle initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include a tow of a motor vehicle initiated by a police officer investigating a traffic accident or a traffic incident that involves the vehicle, or who arrests the operator of the vehicle for an alleged offense and is required by law to take the person into custody.

LICENSE HOLDER. Any person who holds a current, valid license for a wrecker to provide non-consent towing services within the city meeting the requirements of § 75.11.

MOTOR VEHICLE. Every vehicle that is self-propelled.

NON-CONSENT TOW. Any tow of a vehicle that is not initiated by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term includes a tow of a motor vehicle initiated by a police officer.

OWNER. Any person who holds the legal title of a motor vehicle or who has the legal right of possession thereof, or the legal rights of said vehicle.

PERMIT HOLDER. Any person who holds a current, valid permit to provide non-consent towing services within the city meeting the requirements of § 75.08.

PERSON. An individual person, firm, corporation, or association.

STREET. Any public street, alley, public place, square, or highway within the corporate limits of the city.

TOW TRUCK/WRECKER. A motor vehicle used for the purpose of towing or removing disabled or wrecked vehicles.

TOWING/WRECKER COMPANY. The business of towing or removing disabled or wrecked vehicles off the streets of the city and engaging in providing towing services to the general public.

VEHICLE. Every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks, and shall include trailers and semitrailers.

WRECKER ROTATION LIST. The rotation list of companies prepared and used as provided in this chapter.

WRECKER SELECTION FORM. The form for selection of wrecker companies, prepared and used as provided in § 75.06.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.02 WRECKER ROTATION LIST.

The Gun Barrel City Police Department shall establish and maintain a Wrecker Rotation List for each wrecker service permitted to provide non-consent towing or collision response towing, in response to a request for services from a police officer pursuant to the procedures set forth below. The Wrecker Rotation List shall consist solely of permit holders holding a valid, current permit required by this chapter and who are in compliance with the terms of holding such permit at the time of the request for towing services. Said list shall contain the names, in alphabetical order, of all permit holders qualified to be on such list. No towing or wrecker company may be listed more than once on the Wrecker Rotation List.

Wrecker companies that do not respond will be removed permanently from the rotation list after three incidents of non-response.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.03 PROCEDURE FOR CONTACTING WRECKER SERVICE.

- (A) When a police officer investigating an accident determines that any vehicle which has been involved in a collision or accident upon a public street is unable to proceed safely under its own power or when the owner thereof is physically unable to drive such vehicle such officer shall:
- (1) Request the owner to designate on the Wrecker Selection Form the towing or wrecker company the owner desires to remove the vehicle. Such designation by the owner shall be indicated on said form by writing in the blank space provided, the name of the company selected, and the form when completed shall be signed by the owner. The police officer shall give a copy of the authorization thus made on the form to the owner, and the tow truck or wrecker driver, and shall retain for record the original thereof. Upon leaving duty on the same day, the police officer shall place such original in a well-bound book in the Police Department provided for that purpose.
 - (2) When the owner has designated the towing or wrecker company desired, the police officer shall communicate that fact immediately to the Police Department headquarters, and the officer receiving such information or other appropriate dispatcher shall then cause the designated towing or wrecker company to be called and directed to send to the scene of the collision a wrecker capable of removing the wrecked vehicle.
 - (3) If the designated towing or wrecker company does not have available a wrecker of the type authorized by state and federal law to move the vehicle or the Police Department is unable to contact the requested company, the owner will be requested to make another designation.
 - (4) In the event that the owner is unable or unwilling to designate another towing or wrecker company, the Police Department is unable to contact the requested company, or the company does not respond in a timely manner, and it is necessary to remove the vehicle for public safety reasons, or to protect such vehicle in the event the owner is incapacitated, or the owner of the vehicle so requests, the next

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permit holder in line on the Wrecker Rotation List will be called to tow the vehicle to the location designated by the owner; provided that if in such event the owner does not specify a designation to which the vehicle will be removed, the vehicle may be removed to any approved storage site.

- (B) In the event the owner of a vehicle involved in an accident or collision is physically unable to designate the towing or wrecker company desired, or refuses to designate a towing or wrecker company, the police officer shall call the next permit holder in line on the Wrecker Rotation List. Request the permit holder to tow the disabled vehicle and remove the same from the city streets.
- (C) In the event that a vehicle is operated by a person a police officer arrests for an alleged offense and the officer is required by law to take the person into custody, the officer may proceed under division (B) of this section.
- (D) On each succeeding communication of the inability or refusal of an owner to designate a towing or wrecker company, the next permit holder on the list shall be called, and proper rotation of each such call shall be made on the Wrecker Rotation List.
- (E) Failure of any permit holder selected from the Wrecker Rotation List to deliver a licensed wrecker from the permit holder's wrecker company of the type required to the scene within 30 minutes of notification without justification acceptable to the police officer shall cause the permit holder to forfeit that call. If selection of the entity occurred under division(A)(4), then the police officer may proceed as it would under division (B) of this section, so notifying the requesting police officer.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.04 AUTHORITY OF POLICE OFFICER AT SCENE OF DISABLED VEHICLE.

The officer in charge at the collision scene or at the location of a disabled vehicle on a public roadway may, if the safety of the public requires it or if otherwise authorized under Tex. Transp. Code § 545.305, as amended, take steps as needed to insure public safety, including but not limited to:

- (A) Directing that any vehicle be taken to impound lots owned or used by the city;
- (B) Directing that any vehicle be delivered to a specific location authorized by Tex. Transp. Code § 545.305, as amended; or
- (C) Excluding any person from the investigation area who in the opinion of the officer may hinder an investigation.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.05 POLICE OFFICER NOT PERMITTED TO RECOMMEND WRECKER.

No police officer investigating or present at the scene or situs of any wreck, accident, or collision on a public street shall, directly or indirectly, either by word, gesture, sign or otherwise, recommend to any person the name of any particular person engaged in the towing or wrecker service or repair business; nor shall any such police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a towing, wrecker or repair service. Provided, that any police officer, in the exercise of his discretion as a police officer, may direct that any vehicle (whether towed by a company selected by the owner of the vehicle or from the Wrecker Rotation List) shall be taken by the driver of the tow truck or wrecker towing the vehicle directly to the city pound, or to a place approved by the Chief of Police and there held until properly released; and provided further that this section shall not be interpreted as preventing any police officer from making any recommendation to a member of his/her immediate family or, so long as the officer is off duty, to any other person.

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(Ord O-2006-005, passed 4-25-06)

Sec. 75.06 WRECKER SELECTION FORM.

The ~~Chief of Police~~City Manager or designee shall cause a wrecker selection form to be prepared which shall:

- (A) Contain a blank space for the owner of a disabled vehicle to designate a towing or wrecker company to remove the disabled vehicle and the place to which he desires said vehicle removed.
- (B) Contain a statement authorizing any police officer to call the designated towing or wrecker company to remove the disabled vehicle.
- (C) Contain a statement in the alternative that the owner has no preference as to a towing or wrecker company and authorizing any police officer to call the permit holder next in line on the Wrecker Rotation List maintained at police headquarters, and a statement that he desires the vehicle to be removed to the place designated by him in a blank space therein.
- (D) Provide space for signature of the owner of the vehicle.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.07 APPLICATION FOR PERMIT; FEES.

Every person or concern providing or desiring to provide non-consent towing services within the city and desiring to be placed on the Wrecker Rotation List shall make application in writing, on a form provided for that purpose, to the ~~Chief of Police~~City Manager or designee. Such application shall contain the name, address, telephone number, the number and types of wrecker equipment operated, and the owner of the business. Every application when filed shall be sworn to by the applicant and accompanied by a fee as provided for in § 28.00 of the Fee Schedule found in Appendix 1 of this Code. The applicant shall file as an attachment to the application the following:

- (A) A certificate or policy of public liability and property damage insurance meeting the requirements of § 75.08;
- (B) Cargo insurance or a surety bond to cover damage to a towed vehicle during a hookup or towing, in an amount satisfying the requirement of § 75.08.

(Ord. O-2006-005, passed 4-25-06; Am. Ord. O-2009-006, passed 2-24-09)

Sec. 75.08 PERMIT REQUIREMENTS.

The ~~Chief of Police~~City Manager or designee shall issue permits for towing or wrecker companies to be eligible to provide towing at the request of the city, to be placed on the Wrecker Rotation List, and to provide non-consent towing within the city, to all applicants complying with the provisions of this chapter. No such permit shall be issued unless the applicant meets each of the following requirements:

- (A) The applicant maintains at least one conventional wrecker and one medium to heavy-duty wrecker, licensed pursuant to §§ 75.10 and 75.11.
- (B) The applicant maintains 24-hour wrecker service and has a telephone number that is answered 24 hours a day, seven days a week. The use of an independent answering service shall not be permitted.

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- (C) The applicant owns, leases or otherwise lawfully possesses and operates a garage or storage facility within the city's extraterritorial jurisdiction, within the city limits, or within three miles of the city limits, available for the storage of automobiles or other vehicles.
 - (D) All storage facilities shall be enclosed by a permanent six foot fence, the gate to which shall be locked at all times; the storage area maintained in such a manner that it does not constitute a health hazard and is screened from the ordinary public view by means of a privacy fence, rapidly growing trees, shrubbery, or other appropriate means, and the said wrecker company shall have capabilities for auxiliary storage inside a locked building which has been approved by the Chief of Police City Manager or designee.
 - (E) The applicant can respond to any location within the city within 30 minutes of receiving notification.
 - (F) The applicant procures and keeps in full force and effect, a policy or policies of public liability and property damage insurance issued by a casualty insurance company authorized to do business in the State of Texas and in the standard form approved by the Board of Insurance Commissioners of the State of Texas, with the insured provision of said policy or policies including the city as an insured, and the coverage provision insuring the public from any loss or damage that may arise to any person or property by reason of the operation of a wrecker of such company and providing that the amount of recovery on each wrecker shall be in limits of no less than the following sums:
 - (1) For a Category A wrecker, as defined in § 75.11, together with the towed vehicle, having a gross vehicular weight, registered weight, or actual weight of 26,000 pounds or less, \$300,000 combined single limit for bodily injuries to or death of all persons injured or killed in any accident, and loss or damage in any one accident to the property of others;
 - (2) For a Category B wrecker, as defined in § 75.11, together with the towed vehicle, having a gross vehicle weight, registered weight, or actual weight exceeding 26,000 pounds, \$500,000 combined single limit for bodily injuries to or death of all persons injured or killed in any accident, and loss or damage in any one accident to the property of others; and
 - (3) For injury to or destruction of property in any one accident, \$50,000.
 - (G) The applicant procures and keeps in full force and effect a policy or policies of cargo insurance to cover damage to on-hook cargo or a towed vehicle during hookup and/or towing, in the minimum amounts of \$50,000.
 - (H) The applicant complies with the provisions of federal and state laws and rules applicable to tow vehicles and towing or wrecker company operations, as amended from time to time, including Tex. Rev. Civ. Stat. Art. 6687-9a, also known as the Vehicle Storage Facility Act, as amended from time to time.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.09 INSPECTION OF STORAGE FACILITIES.

The Chief of Police City Manager or designee shall inspect any storage facilities and enclosures, and his/her approval thereof must be first obtained before same can be used for storing vehicles therein.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.10 APPLICATION FOR LICENSE.

Each wrecker that a permit holder desires to use to provide non-consent towing services within the city shall make a separate application for a license for each wrecker in writing, on a form provided for that purpose, to the Chief of Police. Such application shall contain the name, address, telephone number, and the owner of the business. The application shall also include the following information about each wrecker: the model and year; identification number; license number; and the manufacturer's rating of gross vehicle weight, lifting capacity for winch line and tow sling, and load capacity of tires on rear axle. Every application when filed shall be sworn to by the applicant and accompanied by a fee as provided for in § 28.00 of the Fee Schedule found in Appendix 1 of this Code for each wrecker proposed to provide non-consent towing services within the city. The applicant shall file as an attachment to the application a certificate or policy of public liability and property damage insurance meeting the requirements of § 75.08.

(Ord. O-2006-005, passed 4-25-06; Am. Ord. O-2009-006, passed 2-24-09)

Sec. 75.11 LICENSE REQUIREMENTS.

In addition to a permit authorizing a person to engage in the towing of vehicles without the owner's consent, provide wrecker service for the city, or be on the City Wrecker Rotation List, the ~~Chief of Police~~City Manager or designee shall also issue a license for each wrecker vehicle owned by the permit holder and authorized to provide such services. No such license shall be issued unless the wrecker meets each of the following requirements:

(A) Category A and B wreckers shall:

- (1) Be not less than one ton dual in size, or a minimum of 9,000 pounds gross vehicle weight, as reflected for the manufacturer's certificate for the vehicle, and be equipped with booster brakes;
- (2) Be equipped with a power or hand operated winch, winch line, and boom, with a factory rated lifting capacity (or city tested capacity) of not less than four tons, single line capacity; and
- (3) Carry as standard equipment at least one of each of the following, unless otherwise specified: tow bar, two safety chains, dust pan, a fire extinguisher, wrecking bar, broom, an axe, dolly, two-way radio, the name of the company permanently displayed in letters at least three inches high, and a blue color four-way flashing beacon ray light on top of cab.

(B) Category A wreckers shall:

- (1) Be equipped with a power-operated winch, winch line and boom, with a rated lifting capacity of not less than 6,000 pounds single line capacity, as reflected on the manufacturer's certificate and the tow truck together with the towed vehicle having a gross vehicular weight or actual weight of 26,000 pounds or less; and
- (2) Carry as standard equipment the following: tow sling with manufacturer's rated capacity of at least 3,000 pounds and 2 1/2 pound ABC fire extinguisher.

(C) Category B wreckers shall:

- (1) Together with the towed vehicle, have a gross vehicle weight or actual weight in excess of 26,000 pounds; and
- (2) Carry as standard equipment a five pound ABC fire extinguisher.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.12 ISSUANCE OF PERMIT AND LICENSE.

Upon determining compliance with the provisions and requirements of this chapter, the ~~Chief of Police~~City Manager or designee shall issue a permit or license, as applicable, as follows:

- (A) A permit for the towing or wrecker companies to be eligible to provide towing at the request of the city, to be placed on the Wrecker Rotation List, and to provide non-consent towing within the city. The permit shall include its date of issuance and date of expiration. A permit holder may operate more than one licensed wrecker under the permit.
- (B) A license for a wrecker to be eligible to provide towing at the request of the city, to be placed on the Wrecker Rotation List, and to provide non-consent towing within the city. The license shall include, on its face, the date of its issuance and its expiration date, and shall be in the form of a window sticker so as to enable its attachment to the wrecker's windshield. Each wrecker shall require a separate license. No license shall be transferable.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.13 DISPLAY OF PERMIT AND LICENSE.

- (A) A permit issued pursuant to this chapter shall be prominently displayed at the permit holder's place of business.
- (B) A license shall be evidenced by a windshield sticker affixed to the wrecker. ~~by the Chief of Police~~City Manager or designee.

(Ord. O-2006-1005, passed 4-25-06)

Sec. 75.14 OBLIGATIONS OF PERMIT AND LICENSE HOLDER.

A permit or license holder shall comply with each of the following obligations as a condition of being permitted or licensed under this chapter.

- (A) A permit or license holder shall remove all wreckage and debris from a collision scene, except for vehicle cargo or hazardous waste, as part of the services rendered in response to a call from the city, a call resulting from being on the Wrecker Rotation List, or the request of any person who is not the owner of such vehicle.
- (B) A permit or license holder shall exercise reasonable care and caution to avoid destruction or contamination of any item of which the permit holder has been informed by the police officer may be of evidentiary value.
- (C) A permit or license holder shall perform services provided pursuant to this ordinance in a professional manner and in compliance with all applicable local, state and federal laws and regulations, and shall comply with the provisions of Tex. Rev. Civ. Stat. Art. 6687-9a, the Vehicle Storage Facility Act, as amended from time to time.
- (D) A permit holder shall be available to release the vehicles on which there are no investigative holds seven days a week 24 hours a day with one hour notice. When a vehicle is under investigative hold by the Gun Barrel City Police Department, the police officer in charge of the investigation shall inform the permit holder or its agent that the vehicle is under investigative hold. The permit holder shall obtain the name and badge number of the officer charged with authorizing the release of any vehicle which

has been impounded under the direction of the Gun Barrel City Police Department and shall hold such vehicle until its release is authorized by such officer.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.15 REVOCATION OF PERMITS AND LICENSES.

Any of the permits or licenses as defined herein may be revoked and the wrecker may be removed from the Wrecker Rotation List for violation of any provision of this chapter with seven days written notice and opportunity to appeal to the ~~City Manager~~City Manager or designee. The ~~City Manager~~City Manager or designee's decision shall be final.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.16 RENEWAL OF PERMIT AND LICENSES; ANNUAL FEES.

All permits and licenses shall be renewed during the month of December each year. A newly issued permit or license shall be valid until December 31 of each year of its issuance and may be renewed at any time during the month of December, which renewal shall be valid until December 31 of the next calendar year. The respective fees for renewal of each permit and renewal of each license shall be as provided for in § 28.00 of the Fee Schedule found in Appendix 1 of this Code. A permit or license may be renewed upon payment of the applicable annual fee and the execution of a verified statement that the information on the original application form continues to be valid. If any of said information is no longer valid, the permit or license holder must present the corrected information, appropriately sworn to, at the time of renewal of the permit or license.

(Ord. O-2006-005, passed 4-25-06; Am. Ord. O-2009-006, passed 2-24-09)

Sec. 75.17 OPERATION WITHOUT PERMIT OR LICENSE PROHIBITED.

- (A) No person shall tow a vehicle without the consent of the owner or operate a wrecker on the public streets of the city in response to a request for wrecker services from the city, or in response to a notice resulting from being on the Wrecker Rotation List, unless a valid and current inspection permit for such wrecker has been issued for such vehicle by the ~~Chief of Police~~City Manager or designee.
- (B) No person shall tow a vehicle without the consent of the owner or operate a wrecker on the public streets of the city in response to a request for wrecker services from the city, or in response to a notice resulting from being on the Wrecker Rotation List, unless the license duly issued to such wrecker is posted on the windshield of such wrecker as provided in § 75.11.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.18 EXCEPTIONS.

- (A) Wrecker permits shall not be required by any person, wrecker business, wrecker company, or motor vehicle used:
 - (1) To tow a vehicle at the request of any owner that is not the city;
 - (2) To tow a vehicle at owner's direction from any place in the city to a shop for repairs or services; or

-
- (3) To tow any vehicle upon the request of the owner of the vehicle or person lawfully in control of such vehicle; provided the owner is not the city and the person is not exercising control over such vehicle in the course of his/her duties and employment with the city.
- (B) Notwithstanding any provisions herein to the contrary, nothing herein shall require a towing or wrecker company to secure a permit or license to perform consent tows in the city.
- (Ord. O-2006-005, passed 4-25-06)

Sec. 75.19 RESPONSE TO COLLISION ONLY UPON REQUEST; EXCEPTION.

No person shall drive, or cause to be driven a wrecker to or near the scene of a collision on a street in the city unless such person has been called by the Gun Barrel City Police Department (or the on-the-scene officer in charge) or by a party involved in the collision; provided that, when it is necessary to prevent bodily injury or death to any person involved in a collision, the prohibition of this section shall be inapplicable.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.20 SUBSTITUTIONS PROHIBITED.

No substitutions allowed.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.21 NOTIFICATION OF IMPOUNDMENT.

Each and every towing or wrecker company shall notify the operator or owner of any disabled or wrecked vehicle of the location of the facility to be used by the wrecker service.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.22 FOLLOWING EMERGENCY VEHICLE PROHIBITED.

No person in a motor vehicle shall follow any ambulance or police car, traveling on a public street in response to the report of an automobile collision or accident, for the purpose of following such ambulance or police car to the location of the collision or accident.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.23 LOCATION OF TRAFFIC ACCIDENTS.

No person shall drive a wrecker, or other motor vehicle used in the business of towing motor vehicles, to the scene or situs of a traffic accident or collision on the streets of the city unless such person has been called to the scene by the Police Department of the city or the owner of a motor vehicle involved in the accident. Provided that when it is necessary to prevent death or bodily injury to any person involved in an accident or collision, the prohibition of this section shall be inapplicable.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.24 SOLICITATION AT ACCIDENT SCENE.

No person shall solicit business at the scene of any traffic accident or collision on a public street in a manner to disrupt, impede or otherwise interfere with the flow of traffic or the provision or conduct of police, fire or emergency medical services. Proof of the presence of any person engaged in the towing for hire or wrecker business, or the presence of any wrecker or motor vehicle owned or operated by any person engaged in the towing for hire or wrecker business, at or near the scene or situs of a wreck, accident, or collision on any public street in the city, within one hour after the happening of such wreck, accident, or collision, shall, absent such person or wrecker being called to the scene of such accident or collision by the Police Department or owner of a vehicle involved in the accident, be prima facie evidence of a solicitation in violation of this section.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.25 TOWING CHARGES AND STORAGE.

- (A) A wrecker owner is hereby authorized to collect up to, but not more than, the following fees for services rendered as a result of a call from the city, a call resulting from being on the Wrecker Rotation List, or the request of any person who is not the owner of such vehicle. Such fee shall include the use of all equipment required by § 75.08 and § 75.11 during a tow, such as double hookups, dollies, winching, or a flatbed.
- (1) For vehicles not requiring a heavy-duty wrecker, basic towing charges shall be as provided for in § 28.00 of the Fee Schedule found in Appendix 1 of this Code for each wrecker proposed to provide non-consent towing services within the city.
 - (2) Disregard fee after wrecker arrives. N/C
 - (3) Storage fees. There will be no storage fee for vehicles which remain in the pound less than 12 hours. At the end of the 12-hour limit, a storage fee will be charged, plus an additional fee for each additional calendar day beginning at 12:00 a.m., as provided for in § 28.00 of the Fee Schedule found in Appendix 1 of this Code.
 - (4) All other labor shall be as provided for in § 28.00 of the Fee Schedule found in Appendix 1 of this Code.
 - (5) The wrecker service may charge no more than the amount granted by the Texas Department of Transportation, Motor carrier, Rules and Regulations, Chapter 18.93 Storage Fees and charges for impoundment fees if they preserve a vehicle or remove and store personal property from the vehicle for safe keeping.
- (B) The above fees and charges for towing services are not applicable to vehicles towed at the request of the owner of such vehicle and the fees for such owner requested services are not regulated by this chapter. Except for services provided pursuant to the direct request of the owner of a vehicle, it shall be unlawful for any person to charge any fee that exceeds the charges and fees permitted by this section. A permit holder who charges owners for services that have not been provided is subject to having his or her permit revoked pursuant to § 75.15.

(Ord. O-2006-005, passed 4-25-06; Am. Ord. O-2009-006, passed 2-24-09)

Sec. 75.26 AUDIT OF BOOKS.

The ~~Chief of Police~~City Manager or designee may audit the books of any permit holder to ensure compliance with § 75.25, governing permissible towing charges and fees. Upon request, permit holders shall allow the ~~Chief of Police~~City Manager or designee access to all documentation demonstrating towing and storage fees charged for non-consent tows.

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(Supp. No. 2, Update 1)

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.27 INTERPRETATION AND CONSTRUCTION.

This chapter does not require any person, repair or towing company to obtain any permit or to limit any fees charged, save and except such persons, businesses and companies that voluntarily obtain a permit and meet the standards herein provided in order to receive requests from the city for towing vehicles and/or placement on the Wrecker Rotation List.

(Ord. O-2006-005, passed 4-25-06)

Sec. 75.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Gun Barrel City, Texas, shall be punished by a fine not to exceed the sum of \$500 for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

(Ord. O-2006-005, passed 4-25-06)

**TITLE IX:
GENERAL REGULATIONS**

CHAPTER 90: ANIMAL CONTROL³

GENERAL PROVISION

COMMITTEE DID NOT REVIEW SINCE IT HAS BEEN REWRITTEN

CHAPTER 91: FIRE PREVENTION; FIREWORKS⁴

GENERAL PROVISIONS

³State law reference(s)—Cruelty to animals, see Tex. Penal Code § 42.09; Dangerous dogs: registration and restraint; attacks; defenses to prosecution, see Tex. Health and Safety Code §§ 822.041 et seq.; Dog fighting, see Tex. Penal Code §§ 42.09(a)(6) and 42.10

⁴Cross reference(s)—Fire alarm systems, see Ch. 118; Fire Department, see Chapter 36

Sec. 91.01 ARSON REWARD.

The city hereby offers a reward of up to two hundred and fifty dollars (\$2,500~~250~~) to anyone who secures and furnishes information necessary to and which results in the arrest and conviction of any person or persons who commit the crime of arson within the corporate limits of the city. This reward is a standing offer and shall be paid out of the city funds.

(Ord. 90, passed 11-14-77; '88 Code, Ch. 5, § 5.00; Am. Ord. O-2008-008, passed 2-26-08)

Reward offered by other cities is \$250 and it is included in this section

Sec. 91.02 DISCHARGE OF FIREWORKS IN CITY PROHIBITED; EXCEPTION.

- (A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISCHARGE. Any act causing or calculated to cause the explosion or ignition of fireworks or to cause the propelling of fireworks into the city limits.

OFFER TO SELL. The solicitation for sale of fireworks by verbal communication, written communication or by signs, or opening an establishment displaying or holding out fireworks for sale.

- (B) It shall be unlawful for any person, firm or association of persons to discharge any kind of fireworks within the city limits, to sell or offer to sell any kind of fireworks within the city limits or place any sort of sign or other advertisement for the sale of fireworks within the city limits.
- (C) The discharge of fireworks for display by a competent operator approved by the ~~Fire Chief~~City Manager or designee shall be exempt from this section, provided that such displays shall be of such character and so located, discharged or fired as in the opinion of the Fire ~~Chief~~Marshall after proper investigation, so as not to be hazardous to property or endanger any person. Permits for such display of fireworks shall be in accordance with section 17.04 of the Standard Fire Code.

(Ord. 106, passed 6-12-79; '88 Code, Ch. 5, § 4.01; '88 Code, Ch. 5, § 4.02; '88 Code, Ch. 5, § 4.03)

Cross reference(s)—Penalty, see § 10.99

Sec. 91.03 COLLECTION OF FEES AND COST RECOVERY. **Ability to bill insurance companies for response**

- (A) Collection of fees.

- (1) The ~~Fire Chief~~City Manager or designee of the department rendering the services shall collect all fees for fire prevention and protection services and for other public safety in emergency services. Such fees may include income from equipment, materials, maintenance and overhead expenses and costs of whatever nature, which all constitutes full reimbursement to the department for such services actually rendered and have hereinafter authorized.
- (2) Within 30 days of the date of providing fire prevention, suppression and protection services or other public safety and emergency services, the Fire Chief of the department rendering the service shall submit an invoice for all costs, fees, charges and expenses related to the provisions of such services in the minimal amount set forth in the schedule set forth pursuant to division (B) below to the owner's designated agent, representatives and/or insurance companies. All such bills to be paid in forth in 60 days of the receipt thereof, and interest shall accumulate thereafter on any unpaid balances at the rate of 10% per unpaid bill.

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- (3) In addition, any bills, fines or penalties, including but not limited to cleanup costs, fees or expenses that are imposed upon the city or its Fire Department by any local, state or federal agencies and related to the same situation or occurrences for the city or its Fire Department may be included in the billing or may be billed separately within 30 days of receipt and shall be paid as provided in division (A)(2) above.
- (B) Fees authorized. The fees set forth on the Fee Schedule attached to Ord. 02-031 and incorporated herewith are hereby authorized to be collected by virtue of this section.
- (C) Enforcement. The city may enforce the provisions of this chapter by civil actions in a court of competent jurisdiction for the collection of any amounts due hereunder, plus attorney fees, costs and expenses and any other relief that may be appropriate.
- (D) Fund allocation. The funds generated from this program will be deposited in the General Fund for the specific purpose of replenishment of Fire Department equipment.
- (Ord. 02-031, passed 10-8-02)

FIRE PREVENTION CODE

Sec. 91.15 INTERNATIONAL FIRE CODE ADOPTED BY REFERENCE. Recently amended to adopt NTCCOG Amendments to 2015 Fire Code – May 2025 NEED THIS BECAUSE WE AMENDED INTERNATIONAL CODE.

- (A) The 2015 Edition of the International Fire Code, published by the International Code Council, Inc., and all the subsequent revisions, standards or supplements thereto, are hereby adopted to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and to provide for the issuance of permits and the collection of fees. One copy of such code is on file for reference in the office of the Building Official and the same is adopted and incorporated fully as if set out in length herein.
- (B) Amendments. The following sections of the 2015 International Fire Code are hereby amended as follows:
- 102.1; No.3, shall be amended as follows:
 - 3) Existing structures, facilities and conditions when required in Chapter 11 or in specific sections of this Code.
 - 105.3.3 (Occupancy Prohibited Before Approval) shall be amended as follows: the building or structure shall not be occupied prior to the fire code official issuing a permit when required and conducting associated inspections indicating the applicable provisions of this Code have been met.
 - 105.7 is hereby amended by adding Section 105.7.19 (Electronic Access Control Systems) as follows: construction permits are required for the installation or modification of electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this Code is not considered a modification and does not require a permit.
 - 202 and the Definitions in said Section are hereby amended as follows:
 - (B) Ambulatory Care Facility is hereby amended by adding the follow: this group may include but not be limited to the following:

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- ▶ Dialysis Centers
 - ▶ Procedures Involving Sedation
 - ▶ Sedation Dentistry
 - ▶ Surgery Centers
 - ▶ Colonic Centers
 - ▶ Psychiatric Centers
- (B) Atrium is hereby amended as follows: an opening connecting 3 or more stories (remaining text unchanged).
- (B) Defend in Place: a method emergency response that engages building components and trained staff to provide occupants safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.
- Fire Watch: a temporary measure intended to insure continuous systematic surveillance of a building or a portion thereof by one or more qualified individuals or standby personnel when required by the fire code official, for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.
 - Fireworks: any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, detonation, and/or activated by ignition with a match or other heat producing device that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth herein (remainder of text unchanged).
 - Option A, High-Piled Combustible Storage is amended by adding a second paragraph: any building classified as a Group-S occupancy or speculative building exceeding 12,000 square feet that has a clear height in excess of 14 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be high-piled storage. When a specific product can not be identified, a fire protection system and life safety features shall be installed for Class-IV commodities to the maximum pile height.
 - Repair Garage: a building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicle for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.
 - Self-Storage Facility: real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing or removing personal property on a self-service bases.
 - Standby Personnel: qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.
 - Upgraded or Replaced Fire Alarm System: a fire alarm system that is upgraded or replaced includes, but is not limited to the following:
 - ▶ Replacing 1 single board or fire alarm control unit component with a newer model.
 - ▶ Installing a new fire alarm code unit in addition to or in place of an existing one.
 - ▶ Conversion from a horn system to an emergency voice/alarm communication system.
 - ▶ Conversion from a conventional system to one that utilizes addressable or analog devices.

The following are not considered an upgrade or replacement:

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- ▶ Firmware updates.
 - ▶ Software updates.
 - ▶ Replacing boards of the same model with the chips utilizing the same or newer firmware.
 - 307.1 (Prohibited Open Burning) Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.
 - 307.2 (Permit Required) A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or open burning. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.
 - 307.3 (Extinguishment Authority) shall read as follows: The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation.
 - 307.4 (Location) is hereby amended as follows: the location for open burning shall not be less than 300 feet from any structure, and provision shall be made to prevent the fire from spreading to within 300 feet of any structure.
 - 307.4.3 (Exceptions) shall be amended by adding Exception No. 2 to read as follows: where buildings, balconies and decks are protected by an approved automatic sprinkler system.
 - 307.4.4 (Permanent Outdoor Fire Pit) is amended as follows: permanently installed outdoor fire pits for recreational fire purposes shall not be installed within 10 feet of a structure or combustible material.

Exception: Permanently installed outdoor fire places constructed in accordance with the International Building Code.
 - 307.4.5 (Trench Burns) shall be amended as follows: trench burns shall be conducted in air curtain trenches and in accordance with Section 307.2.
 - 307.5 (Attendance) is hereby amended as follows: open burning, trench burns, bonfires, recreational fires, and the use of portable outdoor fire places shall be constantly attended until the ... (remainder of Section unchanged).
 - 308.1.4 (Open Flame Cooking Devices) shall read as follows: cooking devices, charcoal grills and other similar devices used for cooking shall not be located or used on combustible balconies, decks, or within 10 feet of combustible construction.

Exceptions:
 - 1) One and two family dwellings, except that LP-gas containers are limited to a water capacity not greater than 50 pounds with an aggregate LP-gas capacity not to exceed 100 pounds (5 containers).
 - 2) Where buildings, balconies and decks protected by an approved automatic sprinkler system, except that LP-gas containers are limited to a water capacity not greater than 50 pounds with an aggregate LP-gas capacity not to exceed 40 pounds (2 containers).
 - 308.1.6.3 (Sky Lanterns) shall be amended as follows: a person shall not release or cause to be released unmanned free-floating devices containing an open flame or other heat source, such as, but not limited to a sky lantern.

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- 311.5 (Placards) shall be amended as follows: the fire code official has authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 110 of this Code relating to structural or interior hazards, as required by Section 311.5.1 through 311.5.5.
 - 403.5 (Group E Occupancies) is amended as follows: an approved fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E Occupancies and for buildings containing both a Group E Occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E Occupancy shall also comply with Section 403.5.1 through 403.5.3.
 - 404.2.2 shall be amended by adding No. 4.10 as follows:
4.10 (Fire Extinguishing System Controls)
 - 405.4 (Time) shall be amended as follows: the fire code official may require an evacuation drill at any time. A drill shall be held at unexpected times and under varying conditions to simulate the usual conditions that occur in case of fire.
 - 501.4 (Timing of Installation) shall be amended as follows: when fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure.
 - 503.1.1 is amended by adding the following sentence: Except for 1 or 2 family dwellings, the path of measurement shall be along a minimum of a 10 feet-wide unobstructed pathway around the external walls of the structure.
 - 503.2.1 (Dimensions) shall be amended as follows: fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 and an unobstructed vertical clearance of not less than 14 feet.
Exception: vertical clearance may be reduced; provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance when approved.
 - 503.2.2 (Authority) shall be amended as follows: the fire code official shall have the authority to require an increase in the minimum of access widths and vertical clearances where they are inadequate for fire or rescue operations.
 - 503.2.3 (Surface) is amended as follows: fire apparatus access roads shall be designed and maintained to support imposed loads of 80,000 pounds for fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
 - 503.3 (Marking) is amended as follows: striping, signs, or other markings, when approved by the fire code official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.
 - (1) Striping - Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6") in width to show the boundaries of the lane. The words "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" shall appear in four inch (4") white letters in 25 feet intervals on the red border markings along both sides of the fire lane. Where a curb is available, the striping shall be on the vertical face of the curb.
 - (2) Signs - Signs shall read "NO PARKING FIRE LANE" or "FIRE LANE NO PARKING" and shall be twelve inches (12") wide and eighteen inches (18") high. Signs shall be painted on a white background with letters and borders in red, using not less than two-inch (2") lettering. Signs shall be

permanently affixed to a stationary post and the bottom of the sign shall be 6 feet, 6 inches above the finished grate. Signs shall be spaced not more than 50 feet apart along both sides of the fire lane. Signs shall be installed on permanent buildings or walls or as approved by the Fire Chief.

- 503.4 (Obstruction of Fire Apparatus Access Roads) is hereby amended as follows: fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 and any area marked as a fire lane as described in Section 503.3 shall be maintained at all times.
- 505.1 (Address Identification) is hereby amended as follows: a new and existing building shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification character shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall not be less than six inches (6") high with a minimum stroke width of one-half inch ($\frac{1}{2}$ "). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of private road, buildings do not immediately front a street, and/or the building can not be viewed from the public way, a monument, pole or other sign with approved six inch (6") height building numerals or addresses in four inch (4") height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum twenty inch (20") background on border. Address identification shall be maintained.

Exception: R-3 Single Family Occupancy shall have approved numerals of a minimum three and a half inches ($3\frac{1}{2}$ ") in height and a color contrasting with a background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

- 507.4 (Water Supply Test Date and Information) shall be amended as follows: water supply tests used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA291 "recommended practice for fire float testing and marking of hydrants" and within 1 year of sprinkler plan submittal. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official, as required. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the water flow test report, or as approved by the fire code official. The report must indicate the dominant water tank level at the time of the test and the maximum and minimum operating levels of the tank, as well, or identify applicable water supply fluctuation. The licensed contractor must then design the fire protection system based on this fluctuation information, as part of the applicable referenced NFPA standard. Referenced Section 903.3.5 for additional design requirements.
- 507.5.4 (Obstruction) Unobstructed access to fire hydrants shall be maintained at all times. Post, fences, vehicles, growth, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernable. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
- 509.1.2 (Sign Requirements) shall be amended as follows: unless more stringent requirements apply, lettering for signs required by this Section shall be a minimum height of two inches (2") when located inside a building and four inches (4") when located outside, or as approved by the fire code official. The letters shall be of a color that contrasts with the background.

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- 6.03.3.2.1 (Exception) shall be amended as follows: the aggregate capacity limit shall be permitted to be increased to 3,000 gallons in accordance with all requirements of Chapter 57.
(The remainder of Section 6.03.3.2.1 is hereby deleted)
 - 6.03.3.2.2 (Restricted Use and Connection) shall be amended as follows: tanks installed in accordance with Section 6.03.3.2 shall be used only to supply fuel oil to fuel-burning equipment installed in accordance with Section 6.03.3.2.4. Connections between tanks and equipment supplied by such tanks shall be made using closed piping systems.
 - 604.1.1 (Stationary Generators) shall be amended as follows: stationary emergency and standby power generators required by this Code shall be listed in accordance with UL2200.
 - 604.1.2 (Installation) shall be amended as follows: emergency power systems and standby power systems shall be installed in accordance with the *International Building Code*, NFPA70, NFPA110 and NFPA111. Existing installation shall be maintained in accordance with the original approval, except as specified in Chapter 11.
 - 604.1.9 (Critical Operations Power Systems (COPS)) shall be amended as follows: for critical operations power systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reason of public safety, emergency management, national security, or business continuity, NFPA70.
 - 604.2 (Where Required) shall be amended as follows: emergency and standby power systems shall be provided where required by Section 604.2.1 through 604.2.24 or elsewhere identified in this Code or any other referenced Code.
 - 604.2.4 (Emergency Voice/Alarm Communications Systems) shall be amended as follows: emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this Code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load of a duration of not less than 24 hours, as required in NFPA72.
 - Covered and Open Malls, Section 907.2.20 and 914.2.3
 - Group A Occupancies, Sections 907.2.1 and 907.5.2.2.4
 - Special Amusement Building, Section 907.2.12.3
 - Highrise Buildings, Section 907.2.13
 - Atriums, Section 907.2.14
 - Deep Underground Buildings, Section 907.2.19
 - 604.2.12 (Means of Egress Illumination) shall be amended as follows: emergency power shall be provided for means of egress illumination in accordance with Sections 1008.3 and 1104.5.1 (90 Minutes).
 - 604.2.13 (Membrane Structures) shall be amended as follows: emergency power shall be provided for exit signs and temporary tents and membrane structures in accordance with Section 3103.12.6.1 (90 Minutes). Standby power shall be provided for auxiliary inflation systems and permanent membrane structures in accordance with Section 2702 of the *International Building Code* (4 Hours). Auxiliary inflation systems shall be provided in temporary air-supported and air-inflated membrane structures in accordance with Section 3103.10.4.
 - 604.2.15 (Smoke Control Systems) shall be amended as follows: standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this Code, as required in Section 909.11:

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- Covered Mall Building, International Building Code, Section 402.7
 - Atriums, International Building Code, Section 404.7
 - Underground Buildings, International Building Code, Section 405.8
 - Group 1-3, International Building Code, Section 408.4.2
 - Stages, International Building Code, Section 410.3.7.2
 - Special Amusement Buildings (as applicable to Group A's), International Building Code, Section 411.1
 - Smoked Protected Seating, Section 1029.6.2.1
- 604.2.17 (Covered and Open Mall Buildings) shall be amended as follows: emergency power shall be provided in accordance with Section 907.2.20 and 914.2.3.
 - 604.2.18 (Air Traffic Control Towers) shall be amended as follows: a standby power system shall be provided in airport traffic control towers more than 60 feet in height. Power shall be provided to the following equipment:
 - 1) Pressurization equipment, mechanical equipment and lighting
 - 2) Elevator operating equipment
 - 3) Fire alarm and smoke detection systems
 - 604.2.19 (Smoke Proof Enclosures and Stair Pressurization Alternative) shall be amended as follows: standby power shall be provided for smoke-proof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the *International Building Code*, Section 909.20.6.2.
 - 604.2.20 (Elevator Pressurization) shall be amended as follows: standby power shall be provided for elevator pressurization systems as required by the *International Building Code*, Section 909.21.5.
 - 604.2.21 (Elimination of Smoke Dampers and Shaft Penetrations) shall be amended as follows: standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the *International Building Code*, Section 717.5.3, Exception 2.3.
 - 604.2.22 (Common Exhaust Systems for Clothes Dryers) shall be amended as follows: standby power shall be provided for common exhaust systems for clothes dryers located in multi-story structures in accordance with the *International Mechanical Code*, Section 504.10, Item 7.
 - 604.2.23 (Hydrogen Cut-Off Rooms) shall be amended as follows: standby power shall be provided for mechanical ventilation and gas detection systems of hydrogen cut-off rooms in accordance with the *International Building Code*, Section 421.8.
 - 604.2.24 (Means of Egress Illumination in Existing Buildings) shall be amended as follows: emergency power shall be provided for means of egress illumination in accordance with Section 1104.5 when required by the fire code official. (90 Minutes and 1-2, 60 Minutes Elsewhere)
 - 604.8 (Energy Time Duration) shall be amended as follows: unless a time limit is specified by the fire code official, in this chapter or elsewhere in this Code, or any other reference code or standard, the emergency standby power system shall be supplied with enough fuel energy and storage capacity for not less than 2-hour full-demand operation of the system.

Exception: when the system is supplied with natural gas from a utility provider and is approved.
 - 609.2 (Where Required) shall be amended as follows: a Type 1 hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that

produce grease vapors, including but not limited to cooking equipment used in fixed, mobile, or temporary concessions, such as trucks, buses, trailers, pavilions, or any form of roofed enclosure, as required by the fire code official.

Exceptions:

- 1) Tents as provided for in Chapter 31.

Additionally, fuel gas and power provided for such cooking appliances shall be interlocked with the extinguishing system, as required by Section 904.12.2. Fuel gas containers and piping/hose shall be properly maintained in good working order and in accordance with all applicable regulations.

- 704.1 (Enclosure) shall be amended as follows: interior vertical shafts including, but not limited to, stairways, elevator hoist ways, service and utility shafts, that connect 2 or more stories of a building shall be enclosed or protected in accordance with the codes in effect at the time of construction but, regardless of when constructed, not less than is required in Chapter 11. New floor openings and existing building shall comply with the *International Building Code*.
- 807.3 (Combustible Decorative Materials) shall be amended as follows: in occupancies and groups A, E, I and R-1, and dormitories and Group R-2, curtains, draperies, fabric hangings and other similar combustible decorative materials suspended from walls or ceilings shall comply with Section 807.4 and shall not exceed 10% of the specific wall or ceiling area to which they are attached.
- 807.5.2.2 (Artwork in Corridors) shall be amended as follows: artwork and teaching materials shall be limited on the walls of corridors to not more than 20% of the wall area. Such material shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative materials suspended from the walls or ceiling shall meet the following propagation performance criteria of NFPA701 in accordance with Section 807 or be noncombustible.

Exception: corridors protected by approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50% of the wall area.

- 807.5.2.3 (Artwork in Classrooms) shall be amended as follows: artwork and teaching material shall be limited on walls in classrooms to no more than 50% of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA701 in accordance with Section 807 or be non-combustible.
- 901.6.1.1 (Standpipe Testing) shall be amended as follows: building owners/managers must maintain and test standpipe systems as part of NFPA25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:
 - 1) The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed when foreign material is present, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA25 requirements for the different types of standpipes.
 - 2) For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect a hose from a fire-hydrant or portable pumping system (as approved by the fire code official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there is no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
 - 3) Any pressure relief, reducing or controlling valves shall be tested in accordance with the requirements of NFPA25. All hose valves shall be exercised.

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- 4) If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the fire code official.
 - 5) Upon successful completion of standpipe tests, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked at "5th Year" for type of ITM, and the note on the back of the tag shall read "5-year standpipe test" at a minimum.
 - 6) The procedure required by Texas Administrative Code Fire Sprinkler Rules with regard to yellow tags and red tags or any deficiencies noted during the testing, including the required notification of the local authority having jurisdiction (Fire Code Official) shall be followed.
 - 7) Additionally, records that testing shall be maintained by the owner and contractor, if applicable, as required by the state rules mentioned above and NFPA25.
 - 8) Standpipe system tests where water will be flowed external to a building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
 - 9) Contact the fire code official for request to remove existing fire hose from Class 2 and 3 standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the fire code official.
- 901.6.3 (False Alarms and Nuisance Alarms) shall be amended as follows: false alarms and nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.
 - 901.7 (Systems Out of Service) shall be amended as follows: where required fire protection system is out of service or in the event of an excessive number of activities, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for occupants left unprotected by the shut down until the fire protection system has been returned to service ... (remaining text unchanged).
 - 901.8.2 (Removal of Occupant-Use Hose Lines) shall be amended as follows: the fire code official is authorized to permit the removal of occupant-use hose lines and hose valves for all the following conditions exist:
 - 1) The hose line(s) would not be utilized by trained personnel or the fire department.
 - 2) If the occupant-use hose lines are removed, but the hoses valves are required to remain as per the fire code official, such shall be compatible with local fire department fittings.
 - 903.1.1 (Alternative Protection) shall be amended as follows: alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to automatic sprinkler protection where recognized by the applicable standard or as approved by the fire code official.
 - 903.2 shall be amended by adding the following paragraph: Automatic sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage should not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating "ELEVATOR MACHINE ROOM—NO STORAGE ALLOWED".
 - 903.2 shall be amended by deleting the Exception found therein.
 - 903.2.9.3 (Self-Storage Facility) shall be amended as follows: an automatic sprinkler system shall be installed throughout all self-storage facilities.

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- 903.2.11.3 (Buildings 55 Feet or More in Height) shall be amended as follows: an automatic sprinkler system shall be installed throughout buildings that have 1 or more stories other than penthouses in compliance with Section 1510 of the *International Building Code*, located 55 feet or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

- 1) Open parking structures in compliance with Section 406.5 of the *International Building Code*, having no other occupancies above the subject garage.
 - 2) Deleted in its entirety.
- 903.2.11.7 (High-Piled Combustible Storage) shall be amended as follows: for any building with a clear height exceeding 12 feet, see Chapter 32 to determine if those provisions apply.
 - 903.2.11.8 (Spray Booths and Rooms) shall be amended as follows: new and existing spray booths and spray rooms shall be protected by an automatic fire-extinguishing system.
 - 903.3.1.1.1 (Exempt Locations) shall be amended as follows: when approved by the fire code official, automatic sprinkler shall not be required in the following rooms or areas or such ... (text unchanged) ... because it is damp, a fire resistance-rated construction or contains electrical equipment.
 - 1) Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
 - 2) Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the code official.
 - 3) Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistant rating of not less than 2 hours.
 - 4) Delete in its entirety.
 - 5) Elevator machine rooms, and machinery spaces, and hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
 - 6) Deleted in its entirety.
 - 903.3.1.2.3 (Attics and Attached Garages) shall be amended as follows: sprinkler protection is required in attic spaces of such buildings 2 or more stories in height in accordance with NFPA13 and/or NFPA13R requirements, and attached garages.
 - 903.3.1.3 (NFPA13D Sprinkler Systems) shall be amended as follows: automatic sprinkler systems installed in 1- and 2-Family Dwellings; Group R-3; Group R-4 Condition 1 and Town Houses shall be permitted to be installed throughout in accordance with NFPA13D or in accordance with State law.
 - 903.3.1.4 (Freeze Protection) shall be amended as follows: freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.
 - 903.3.1.4.1 (Attics) shall be amended as follows: only dry-pipe preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces. Exception: Wet-pipe sprinkler systems shall be allowed to protect non-ventilated attic spaces where:
 - 1) The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building; and
 - 2) Adequate heat shall be provided for freeze protection as per the applicable reference NFPA standard; and

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- 3) The attic space is a part of the building's thermal, or heat envelope, such that installation is provided at the roof deck rather than at the ceiling level.
- 903.3.1.4.2 (Heat Trace/insulation) shall be amended as follows: heat trace/insulation shall only be allowed or approved by the fire code official for small sections of larger diameter wall-fill pipe.
 - 903.3.5 shall be amended by adding a second paragraph as follows: Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water based fire protection system shall be designed with a 10-psi safety factor. Reference Section 507.4 for additional design requirements.
 - 903.4 shall be amended by adding a second paragraph after Exceptions as follows: Sprinkler and standpipes system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connecting valves shall be electrically supervised to initiate a supervisor signal at the central station upon tampering.
 - 903.4.2 shall be amended by adding a second paragraph to read as follows: The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.
 - 905.2 (Installation Standard) shall be amended as follows: standpipe systems shall be installed in accordance with this Section and NFPA14. Manual dry standpipe systems shall be supervised with a minimum of 10-psig and a maximum of 40-psig air pressure with a high-low alarm.
 - 905.3.9 (Buildings Exceeding 10,000 Square Feet) shall be amended as follows: in buildings exceeding 10,000 square feet in area per story and/where any portion of the buildings interior area is more than 200 feet of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class-1 automatic wet or manual wet standpipe shall be provided.

Exceptions:

- 1) Automatic dry and semi-automatic dry standpipes are allowed as provided for in NFPA14.
 - 2) R-2 occupancies of 4 stories or less in height having no interior corridors.
- 905.4, Subsections 1, 3 and 5 shall be amended as follows:
 - 1) In every required exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connection shall be located at an intermediate landing between stories, unless otherwise approved by the fire code official.
 - 3) In every exit passageway, at the entrance from the exit passageway to other areas of a building. Exception: Where floor areas adjacent to an exit passageway are reachable from an exit stairway hose connection by a (no change to remainder of this Section).
 - 5) Where the roof has a slope less than 4 units vertical in 12 units horizontal, each standpipe shall be provided with a 2-way hose connection located to serve the roof or at the highest landing of an exit stairway with stair access to the roof provided in accordance with Section 1011.12.
 - i. Subsection 7 shall be added to 905.4 as follows: 7) When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at 200 feet intervals along major corridors thereafter, or as otherwise approved by the fire code official.
 - 905.9 shall be amended by adding a second paragraph after Exceptions to read as follows: Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in

the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

- 907.1.4 (Design Standards) shall be amended as follows: where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog initiating devices.
- 907.2.1 (Group-A) shall be amended as follows: a manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group-A occupancies having an occupant load of 300 or more persons or more than 100 persons above or below the lowest level of exit discharge. Group-A occupancies not separated from one another in accordance with Section 707.3.10 of the *International Building Code* shall be considered as a single occupancy for the purposes of applying this Section. Portions of Group-E occupancies occupied for assembly purposes shall be provide with a fire alarm system as required for the Group-E occupancy.

Activation of fire alarm notification appliances shall:

- 1) Cause illumination of the means of egress with light of not less than 1 footcandle at the walking surface level; and
 - 2) Stop any conflicting or confusing sounds or visual distractions.
- 907.2.3 (Group-E) shall be amended as follows: a manual fire alarm system that imitates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2.2 and installed in accordance with Section 907.6 shall be installed in Group-E Educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group-E Daycare occupancies. Unless separated by a minimum of 100 feet of the open space, all buildings, whether portable buildings or the main building, would be considered 1 building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

- 1.1 Residential In-home Daycare with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than 5 children 2½ or less years of age, see Section 907.2.6.) (No change to remainder of Exceptions.)
- 907.2.13, Exception 3, shall be amended as follows: open air portions of buildings with an occupancy in Group-A-5 in accordance with Section 303.1 of the *International Building Code*; however, this exception does not apply to accessory uses which include but not limited to sky boxes, restaurants and similarly enclosed areas.
 - 907.4.2.7: Section 907.4.2 shall be amended by adding Section 907.4.2.7 (Type) as follows: manual alarm initiating devices shall be an approved double action type.
 - 907.6.1 shall be amended by adding Section 906.1.1 (Wiring Installation) as follows: all fire alarm systems shall be installed in such a manner that a failure of any single initiating device or single open in an initiating circuit conductor will not interfere with the normal operation of other such devices. All signaling line circuits (SLC) shall be installed in such a way that a single open will not interfere with the operation of any addressable devices (Class-A). Outgoing and return SLC conductors shall be installed in accordance with NFPA72 requirements for Class-A circuits and shall have a minimum of 4 feet separation horizontal and 1 foot vertical between supply and return circuit conductors. The initiating device circuit (IDC) from a signaling line circuit interface device may be wired Class-B, provided the distance from the interface device to the initiating device is 10 feet or less.
 - 907.6.3 is hereby amended by deleting all 4 exceptions.

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- 907.6.6 is hereby amended by adding a sentence at the end of the paragraph to read as follows: see 907.6.3 for the required information transmitted to the supervising station.
 - 909.22 (Stairway or Ramp Pressurization Alternative) shall be amended as follows: when the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the stair pressurization alternative is chosen for compliance with building code requirements for a smoke-proof enclosure, interior exit stairways or ramps shall be pressurized to a minimum of 0.10 inches of water and maximum of 0.35 inches of water in the shaft relative to the building measured with all interior exit stairway and ramp doors closed under maximum anticipated conditions of stack effect and wind defect. Such systems will comply with Section 909, including in the installation of a separate fire-fighter's smoke control panel as per Section 909.16, and a smoke control permit shall be required from the fire department as per Section 105.7.
 - 909.22.1 (Ventilating Equipment) shall be amended as follows: the activation of ventilating the equipment for the stair or ramp pressurization system shall be by smoke detectors installed at each floor level at an approved location at the entrance to the smoke-proof enclosure. When the closing device to the stairway or ramp shaft vestibule doors is activated by smoke detection or power failure, the mechanical equipment shall activate and operate at the required performance levels. Smoke detectors shall be installed in accordance with Section 907.3.
 - 909.22.1.1 (Ventilation Systems) shall be amended as follows: smoke-proof enclosure ventilation systems shall be independent of other building ventilation systems. The equipment, control wiring, power wiring and duct work shall comply with one of the following:
 - 1) The equipment, control wiring, power wiring and duct work shall be located exterior to the building and directly connected to the smoke-proof enclosure or connected to the smoke-proof enclosure by duct work enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
 - 2) Equipment, control wiring, power wiring and duct work shall be located within the smoke-proof enclosure with intake or exhaust directly from and to the outside or through duct work enclosed by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.
 - 3) Equipment, control wiring, power wiring and duct work shall be located within the building if separated from the remainder of the building, including other mechanical equipment, by not less than 2-hour fire barriers constructed in accordance with Section 707 of the Building Code or horizontal assemblies constructed in accordance with Section 711 of the Building Code, or both.

Exceptions:

- 1) Control wiring and power wiring utilizing a 2-hour rated cable or cable system.
 - 2) Where encased no less than 2 inches of concrete.
 - 3) Control wiring and power wiring protected by a listed electrical circuit protective system with a fire-resistance rating of not less than 2 hours.
- 909.22.1.2 (Standby Power) shall be amended as follows: mechanical vestibule in stairway and ramp shaft ventilation systems and automatic fire detection systems shall be provided by standby power in accordance with Section 2702 of the Building Code.
 - 909.22.1.3 (Acceptance in Testing) shall be amended as follows: before the mechanical equipment is approved, the system shall be tested in the presence of the fire code official to confirm that the system is operating in compliance with these requirements.

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- 910.2, Exceptions 2 and 3 shall be amended as follows:
 - 2) Only manual smoke and heat removal shall be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
 - 3) Only manual smoke and heat removal shall be required in areas of buildings equipped with control mode special application sprinklers with a response time index of 50 (M*S) ½ or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.
 - 910.2 is hereby amended by adding Section 910.2.3 with Exceptions as follows: 910.2.3 (Group H): buildings and portions thereof using a Group H occupancy as follows:
 - 1) In occupancies classified at Group H-2 or H-3, any of which are more than 15,000 square feet in single floor area.

Exception: buildings of non-combustible construction containing only noncombustible materials.
 - 2) In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: building of non-combustible construction containing only noncombustible materials.
 - 910.3 shall be amended by adding Section 910.3.4 (Vent Operation) as follows: smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.
 - 910.3.4.1 (Sprinklered Buildings) shall be amended as follows: when installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vent shall operate at a temperature rating at least 100 degrees F greater than the temperature rating of the sprinklers installed. Exception: manual only systems per Section 910.2.
 - 910.3.4.2 (Non-Sprinklered Buildings) shall be amended as follows: when installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100 degrees F and 220 degrees F above ambient.

Exception: listed gravity-operated drop out vents.
 - 910.4.3.1 (Makeup Air) shall be amended as follows: makeup air openings shall be provided with 6 feet of the floor level operation of makeup air openings shall be automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute of smoke exhaust.
 - 910.4.4 (Activation) shall be amended as follows: the mechanical smoke removal system shall be activated automatically by the automatic sprinkler system or by an approved fire detection system. Individual manual controls shall be provided. Exception: manual only systems per Section 910.2.
 - 912.2.3 (Hydrant Distance) shall be amended as follows: an approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.
 - 913.2.1 shall be amended by adding a second paragraph and Exception to read as follows: When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 feet in width and 6 feet 8 inches in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by Section 506.1.

Exception: when it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that is required for the pump room, or as approved by the fire code official. Access keys shall be provided in the key box as required by Section 506.1.

- 914.3.1.2 (Water Supply to Required Fire Pumps) shall be amended as follows: in buildings that are more than 120 feet in building height, required fire pumps shall be supplied by connections to no fewer than 2 water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and supply piping between the connection and the pump shall be sized to supply the flow and pressure required for the pumps to operate.
- 1006.2.2.6 (Electrical Rooms) shall be amended as follows: for electrical rooms, special exiting requirements may apply. Reference the Electrical Code as adopted.
- 1009.1 shall be amended by adding the following Exception 4:
 - 4) Buildings regulated under state law and built in accordance with state registered plans, including any variances or waivers granted by the state, shall be deemed to be in compliance with requirements of Section 1009.
- 1010.1.9.4 (Bolt Locks) Exceptions 3 and 4 shall be amended as follows:
 - 3) Where a pair of doors serves an occupancy load of less than 50 persons in a Group B, F, M or S occupancy (remainder unchanged).
 - 4) Where a pair of doors serves Group A, B, F, M or S occupancy (remainder unchanged).
- 1015.8 (Window Openings), Subsection 1 shall be amended as follows:
 - 1) Operable windows where the top of the seal of the opening is located more than 55 feet above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F 2006.
- 1020.1 (Construction), shall be amended by adding Exception 6 as follows:
 - 6) In Group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector shall activate self-annunciating fire alarms audible in all areas within the corridor. Smoke detectors shall be connected to an approved automatic fire alarm system where such system is provided.
- 1029.1.1.1 (Spaces Under Grandstands and Bleachers) is deleted in its entirety.
- 1031.2 (Reliability) shall be amended as follows: required exit accesses, exits and exit discharges shall be continuously maintained from free obstruction or impediments to full instant use in the case of fire or other emergency. An exit or exit passageway should not be used for any purpose that interferes with a means of egress.
- 1103.3 shall be amended by adding a sentence to the end of the paragraph as follows: provide emergency signage as required by Section 607.3.
- 1103.5 shall be amended by adding Section 1103.5.1 (Group A-2) (Spray Booths and Rooms) as follows: existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.
- 1103.7 shall be amended by adding Sections 1103.7.8 and 1103.7.8.1 as follows:

1103.7.8 (Fire Alarm System Design Standards): where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog 17 initiating devices.

Exception: existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building or fire alarm systems, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permanent application.

1103.7.8.1 (Communication Requirements): refers to Section 907.6.6 for applicable requirements.

- 2304.1 (Supervision of Dispensing) shall be amended as follows: the dispensing of fuel at motor fuel-dispensing facilities shall be in accordance with the following:
 - 1) Connected by a qualified attendant; and/or
 - 2) Should be under the supervision of qualified attendant; and/or
 - 3) Shall be an unattended self-service facility in accordance with Section 2304.3. At any time the qualified attendant of item 1 or 2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.
- 2401.2 shall be deleted in its entirety.
- Table 3206.2 (Footnote J) shall be amended as follows: where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (M*S) ½ or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.
- 3310.1 shall be amended by adding a sentence to the end to the paragraph as follows: when fire apparatus access roads are required to be installed for any structure or development, it shall be approved prior to the time at which construction has progressed beyond completion of the foundation of any structure.
- 5601.1.3 (Fireworks) shall be amended as follows: the possession, manufacture, storage, sale, handling, and use of fireworks are prohibited.

Exceptions:

- 1) Only when approval for fireworks displays, storage, and handling of fireworks is allowed in Section 5604 and 5608.
 - 2) The use of fireworks for approved firework displays is allowed in Section 5608.
- 5703.6 (Piping Systems) is amended by adding a sentence to read as follows: Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An approved method of secondary containment shall be provided for underground tank and piping systems.
 - 5704.2.9.5 (Aboveground Tanks Inside of Buildings) shall be amended as follows: aboveground tanks inside of buildings shall comply with Sections 5704.2.9.5.1 through 5704.2.9.5.3.
 - 5704.2.9.5.3 (Combustible Liquid Storage Tanks Inside of Buildings) is hereby added as follows: the maximum aggregate allowable quantity limits shall be 3,000 gallons of Class 2 or 3 combustible liquid for storage in protected aboveground tanks complying with Section 5704.2.9.7 when all of the following conditions have been met:

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- 1) The entire 3,000-gallon quantity shall be stored in protected aboveground tanks;
 - 2) The 3,000-gallon tank capacity shall be permitted to be stored in a single tank or multiple smaller tanks;
 - 3) The tanks shall be located in a room protected by an automatic sprinkler system complying with Section 903.3.1.1; and
 - 4) Tanks shall be connected to fuel burning equipment, including generators, utilizing an approved closed piping system.

The quantity of combustible liquids stored in tanks complying with this Section shall not be counted towards the maximum allowable quantities set forth in Table 5003.1.1(1), and such tanks shall not be required to be located in a control area. Such tanks shall not be located more than 2 stories below grade.

- 5704.2.11.4 (Leak Prevention) is amended by adding the following sentence: Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 through 5704.2.11.4.3. An approved method of secondary containment shall provide for underground tank and piping systems.
- 5704.2.11.4.2 (Leak Detection) shall be amended as follows: underground storage tank systems shall be provided with an approved method of leak detection for any component of the system that is designed and installed in accordance with NFPA30 and is specified in Section 5704.2.11.4.3.
- 5704.2.11.4.3 (Observation Wells) is added to the Code to read as follows: Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a 0.12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and 1 every 50 feet routed along product lines towards the dispensers, a minimum of 2 are required.
- 6103.2.1.8 (Jewelry Repair, Dental Labs, and Similar Occupancies) is added to the Code as follows: where natural gas service is not available, portable LP-gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound water capacity. Aggregate capacity shall not exceed 60-pound water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.
- 6104.2 (Exception) shall be amended by adding an Exception 2 to read as follows: Exception 2: Except as permitted in Sections 308 and 6104.3.2, LP-gas containers are not permitted in residential areas.
- 6104.3.2 (Spas, Pool Heaters, Other Listed Devices) is hereby added to the Code as follows: where natural gas service is not available, an LP-gas container is allowed to be used to supply spa and pool heaters or other listed devices. Such container shall not exceed 250-gallon water capacity per lot. See Table 6104.3 for location of containers.

Exception: lots LP-gas can be off-loaded wholly on the property where the tank is located may install up to 500-gallon above ground or 1,000-gallon underground approved containers.

- 6107.4 (Protecting Containers from Vehicles) is hereby amended as follows: where exposed to vehicular damage due to proximity in alleys, driveways or parking areas, LP-gas containers, regulators, and piping shall be protected in accordance with Section 312.
- 6109.13 (Protection of Containers) is hereby amended as follows: LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

('88 Code, Ch. 5, § 3.01; Ord. 260, passed 1-10-89; Am. Ord. 98-016, passed 5-12-98; Am. Ord. 00-025, passed 9-12-00; Am. Ord. O-2005-017, passed 9-27-05; Am. Ord. O-2008-030, passed 12-9-08; Am. Ord. O-2016-015, passed 5-17-16; Am. Ord. O-2018-015, passed 11-16-2018; Ord. O-2025-010, § I, passed 5-27-25)

Sec. 91.16 ENFORCEMENT.

- (A) The ~~Fire Chief, or Fire Marshal or Fire Inspector shall enforce approved Fire Code. shall be appointed by the City Manager with two-thirds a majority plus one vote approval of the City Council on the basis of examination to determine his or her qualifications.~~
- (B) ~~The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Council the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be for an indefinite term with the removal only for cause.~~

(Ord. 170, passed 1-11-83; '88 Code, Ch. 5, § 3.02)

Cross reference(s)—Fire Department, see Chapter 36

Sec. 91.17 VIOLATIONS OR FAILURE TO COMPLY; REMEDIES.

- (A) (1) Any person who shall violate any of the provisions of this Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Chief or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor.
- (2) The imposition of one penalty for any violation shall not excuse the violation or permit to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- (B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 170, passed 1-11-83; '88 Code, Ch. 5, § 3.03)

Cross reference(s)—Penalty, see § 10.99

Sec. 91.18 HIGH-RISE BUILDING.

- (A) A high-rise building is defined as a building with an occupied floor located more than 55 feet (16,764 millimeters) above the lowest level of Fire Department vehicle access.
- (B) Any building exceeding the height restriction found in division (A) shall adhere to all applicable high-rise building requirements found in Chapter 403 of the International Building Code as adopted by the City Council.

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- (C) The height of a high-rise building designated in division (A) shall supersede and be binding with respect to any other definition and/or height standard relative to a high-rise building as may be found in the International Building Code, Fire Code or any other code and/or regulation adopted by the City Council.

(Ord. O-2021-046, passed 12-21-21)

COMBUSTIBLE MATERIALS

Sec. 91.30 KEEPING COMBUSTIBLE MATERIALS WITHIN BUSINESS DISTRICT PROHIBITED.

It shall be unlawful for any owner or occupant of any building or premises or any vacant lot or enclosure within the Business District of the city to leave or cause to be left in any building or on any premises in other than an approved receptacle, any paper, rags, ashes, sweepings, shavings, hay or straw, or any combustible material liable to cause a fire or that would be instrumental in spreading a fire.

('88 Code, Ch. 5, § 7.01; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

Sec. 91.31 KEEPING HAY, STRAW, FODDER OR SHUCKS.

It shall be unlawful for any person to have, put or keep any hay, straw, fodder or shucks in any stack or pile without having the same enclosed or secured so as to be protected from flying sparks or fire.

('88 Code, Ch. 5, § 7.02; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

Sec. 91.32 KEEPING COTTON NEAR DWELLINGS.

It shall be unlawful for any person or persons to keep or store any cotton in any yard, lot or other place nearer than 50 feet from any house or building where there is any fire kept or used, without the consent of the owner of such house or building, unless the such cotton be securely closed and covered so as to protect it from flying sparks or fire.

('88 Code, Ch. 5, § 7.03; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

Sec. 91.33 SMOKING OR CARRYING BURNING OBJECTS NEAR COMBUSTIBLE MATERIALS PROHIBITED.

It shall be unlawful for any person or persons to carry any lighted cigarette, cigar or smoking pipe, or any lighted candle, lamp, torch or burning coal or branding iron, through or near any place in the city where cotton, hay, straw, shavings or other combustible material is stored unless such fire is securely enclosed and protected in a covered vessel.

CITY ATTORNEY - HOW IS THIS ENFORCED? DO WE NEED THIS??

('88 Code, Ch. 5, § 7.04; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

CHAPTER 92: HEALTH AND SANITATION⁵

GENERAL PROVISIONS

Sec. 92.01 CITY HEALTH AUTHORITY.

- (A) Appointment. There is hereby created the office of [a](#) Health Authority of the city who shall be appointed by the City Council. The Health Authority, after appointment, shall take and subscribe to the official oath, and shall file a copy of such oath and a copy of his appointment with the State Board of Health.
- (B) Qualifications. The Health Authority shall be a competent physician, legally qualified to practice medicine in the state and shall have a reputable professional standing and be a resident of Henderson County.
- (C) Duties generally. The Health Authority shall be fully responsible to the City Council in any matters affecting the public health and the prevention and containment of contagious diseases. He shall make reports to the State Board of Health as required by state law and discharge and perform his duties under the direction, rules, regulations, and requirements of the State Board of Health.
- (D) Power to quarantine. The Health Authority shall have charge of and superintend the administration of all matters pertaining to quarantine within the city with full authority to declare and enforce quarantine as provided in this section and the sanitary regulations of the state.

('88 Code, Ch. 8, § 13.01; '88 Code, Ch. 8, § 13.02; '88 Code, Ch. 8, § 13.03; '88 Code, Ch. 8, § 13.05; Ord. 260, passed 1-10-89; Am. Ord. 99-014, passed 8-10-99)

State law reference(s)—Authority to appoint health authority, see Tex. Health and Safety Code § 121.028; Health authority (officer), see Tex. Health and Safety Code §§ 121.021 et seq.; Issuance of search warrants to health officers, see Tex. Code Crim. Proc. Art. 18.05

UNSANITARY OR UNSIGHTLY CONDITIONS

Sec. 92.15 MAINTENANCE OF PROPERTY IN DANGEROUS OR UNSIGHTLY CONDITION.

It shall be unlawful for any person, firm, or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the city to permit, allow, create or continue any act, condition or thing, existing, done or being within the city, which endangers the public peace, property, health and safety of citizens of the city or which is detrimental to the appearance of the city and each such act, condition or thing is hereby declared to be a public nuisance.

⁵Cross reference(s)—Food and food service establishments, see Chapter 93; Nuisances, see Chapter 94

State law reference(s)—Authority to make regulations for the promotion of health or the suppression of disease, see Tex. Health and Safety Code §§ 121.003 and 122.006; Authority to regulate and enforce air pollution standards, see Tex. Health and Safety Code §§ 382.111 et seq.; Health control in cities, see Tex. Health and Safety Code §§ 342.001 et seq.; Minimum standards of sanitation and health protection, see Tex. Health and Safety Code §§ 341.001 et seq.

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(Supp. No. 2, Update 1)

(Ord. 245, passed 10-13-87; '88 Code, Ch. 6, § 1.01)

Cross reference(s)—Penalty, see § 92.99

State law reference(s)—Health control and authority to regulate weeds and grass, see Tex. Health and Safety Code §§ 342.001 et seq.; Littering prohibited, see Tex. Health and Safety Code §§ 365.001 et seq.

STATE LAW DESIGNATES WHAT IS UNSANITARY OR UNSIGHTLY

Sec. 92.16 STAGNANT WATER PROHIBITED; OUTDOOR PRIVIES, CESSPOOLS AND OPEN DRAINAGE RESTRICTED.

- (A) It shall be unlawful for any person, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the city to permit, allow, create or continue any holes, depressions or places on such property where water may accumulate and become stagnant or to permit same to remain.
- (B) It shall be unlawful for any person, firm or corporation to own or maintain any outdoor privies, open or objectionable cesspools, or any other open and unsanitary drainage anywhere within the city.

(Ord. 245, passed 10-13-87; '88 Code, Ch. 6, § 1.02; '88 Code, Ch. 6, § 2.00; Ord. 298, passed 12-11-90)

Cross reference(s)—Septic tanks, see § 52.02; Penalty, see § 92.99

Sec. 92.17 ACCUMULATIONS OF CARRION, FILTH OR UNWHOLESOME MATTER PROHIBITED.

It shall be unlawful for any person, firm or corporation who shall own or occupy any house, building or other structure or who owns or occupies any lot or lots or yard or other property in the city to permit, allow, create or continue any carrion, filth or other impure or un-wholesome matters to accumulate or remain.

(Ord. 245, passed 10-13-87; '88 Code, Ch. 6, § 1.03)

Cross reference(s)—[Health and Safety Code Chapter 342.003](#), Penalty, see § 92.99

STATE LAW DETERMINES WHAT SPECIFICALLY

Sec. 92.18 DUMPING OF REFUSE, GARBAGE, AND THE LIKE ON ANY PROPERTY PROHIBITED; BURNING RESTRICTED.

It shall be unlawful for any person, firm or corporation to dump, throw, deposit or leave any refuse, garbage, rubbish, trash, leaves, [grass clippings](#), limbs, dead trees or tree trunks or junk on any street, right-of-way or easement, public property or private property within the city, whether or not the same or the property upon which it is dumped, deposited or left belongs to the person, firm or corporation dumping, depositing or leaving it, and it shall be unlawful for any such person or entity who is not a public employee in the course and scope of their public employment to burn any such refuse, garbage, rubbish, trash, leaves, limbs, dead trees, tree trunks or junk on any street, right-of-way or easement or public property within the city.

(Ord. 245, passed 10-13-87; '88 Code, Ch. 6, § 1.05; Am. Ord. 97-001, passed 1-14-97)

Cross reference(s)—Solid waste management, see Chapter 51; Penalty, see § 92.99

Sec. 92.19 LEAVING OR DEPOSITING BUILDING MATERIALS PROHIBITED; DUMPSTER REQUIRED FOR CONSTRUCTION SITES; OWNERS OR CONTRACTORS REQUIRED TO KEEP CONSTRUCTION SITES CLEAR OF LITTER.

- (A) It shall be unlawful for any person, firm or corporation to leave, store or deposit any building material (new or used), lumber, brick, gravel, sand or dirt on any lot or lots or yard or other property in the city, except during such reasonable time as a house or structure is under actual construction and properly permitted by the city, except for dirt and sand being used by the occupant of a home on such property for leveling, grading or landscaping purposes.
- (B) During construction, all debris (including concrete, brick, lumber, building materials, paper, cups and sacks) shall be properly disposed of on a daily basis. On major remodels and new construction, a commercial trash container (of a size determined by the Building Inspector) shall be provided and emptied as needed. Large pieces of lumber or building material shall be stacked neatly where not obtrusive to the neighbors. Dirt, mud, or debris in streets or alleys, or on any public sidewalk or adjacent private property as a result of grading, construction, demolition or other activities must be properly removed on a daily basis. At the discretion of the Building Inspector, any violation of the above requirements may result in the stoppage of all work on the building site, cancellation of the building permit, and/or issuance of citations. The Building Inspector shall determine the size of the required commercial trash container relative to the size of the project and the estimated amount of resulting construction debris. At all times during construction, the owner, contractor, subcontractor, or other person in charge of or working on the construction project shall, on a daily basis, have the duty of keeping the site clean from all such debris.

(Ord. 245, passed 10-13-87; '88 Code, Ch. 6, § 1.06; Am. Ord. 01-007, passed 4-10-01)

Cross reference(s)—Penalty, see § 92.99

Sec. 92.20 NOTICE TO PROPERTY OWNER TO REMEDY OR REMOVE CONDITION.

- (A) Wherever any condition which violates the provisions set out in this subchapter is found to exist on any premises within the city or is being created, the city, in addition to and without regard to any punishment by fine, may notify the owner of such premises, in writing, to correct, remedy or remove the condition within ten-thirty days after such notice. Such notice ~~shall be served personally on the owner to whom it is directed~~ or shall be given by letter addressed to such owner at ~~his or her last known post office address~~the address as recorded in the appraisal district records. **CAD USED TO DETERMINE REGISTERED OWNER**
- (B) If such owner's address is unknown, such notice shall be given by:
- ~~(1) Publication as many as two times within ten consecutive days in a newspaper in general circulation within the city; or~~
- (1) ~~(2)~~ Posting the notice on or near the front door of each building on the property to which the violation relates or ~~by~~
- (2) posting the notice on a placard attached to a stake driven into the ground on the property if the property contains no buildings.
- ~~(A) (C)~~ In the notice of violation, the city may inform the owner 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 the initial notice, the city without further notice may either correct the violation at the owner's expense and assess the expense against the property, or file a formal complaint with the Municipal Court. If a violation covered by a notice under this division occurs within the one-year period, and the city has not been informed in writing by the

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(Supp. No. 2, Update 1)

owner or an ownership change, then the city without notice may take any action permitted by § 91.21 and assess its expenses as provided in § 91.21.

At the discretion of the Code Enforcement Officer, two additional extensions can be granted to remediate the condition provided the property owner is making progress on the remediation.

If the violation is not remediated within thirty days of such notice, a citation will be issued for the violation. A citation will then be issued each day until issue is remediated.

(Ord. 245, passed 10-13-87; '89 Code, Ch. 6, § 1.07; Am. Ord. 344, passed 6-23-92; Am. Ord. 99-003, passed 2-9-99)

State law reference(s)—Notice requirements, see Tex. Health and Safety Code § 342.006

Sec. 92.21 FAILURE TO COMPLY; ABATEMENT BY CITY; LIEN AGAINST PROPERTY; FORECLOSURE.

- (A) In the event the owner of any lot, lots, yard or other property upon which a condition described in this subchapter exists fails to correct, remedy or remove such condition within ~~ten~~thirty days after notice to do so is given in accordance with this subchapter, the city may do such work or make such improvements as are necessary to correct, remedy or remove such condition, or cause the same to be done, and pay therefor and charge the expenses incurred thereby to the owner of such lot, lots, yard or other property. Such expenses shall be assessed against the lot, lots, yard or other property upon which the work was done or the improvements made. The doing of such work by the city shall not relieve any person, firm or corporation from prosecution for violation of any provision of this subchapter.
- (B) Whenever any work is done or improvements are made by the city pursuant to the provisions of this subchapter, the City ~~Manager~~Secretary shall file a statement of expenses incurred thereby with the County Clerk of Henderson County, Texas. The lien statement must state the name of the owner, if known, and the legal description of the property. Such statement shall give the amount of such expenses, the date or dates on which the work was done or the improvements were made, and a description of the lot, lots, yard or other property upon which the work was done or the improvements made. After this statement is so filed, the city shall have a privileged lien on the lot, lots, yard or other property upon which the work was done or improvements made to secure the expenses thereof. The lien attaches upon the filing of the lien statement with the County Clerk. Such liens shall be second only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of 10% per annum from the date such statement was filed with the County Clerk. For any such expenditure and interest, suit may be ~~instituted~~instituted, and recovery and foreclosure of the lien may be had in the name of the city and the statement of expenses made and filed in accordance with division (A) of this section or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.
- (C) The remedy provided in this section shall be in addition to any other penalty imposed under this chapter.
- (D) The City Council may foreclose a lien on property under these provisions in a proceeding relating to the property brought under Tex. Tax Code §§ 33.91 et seq.

(Ord. 245, passed 10-13-87; '89 Code, Ch. 6, § 1.08; '89 Code, Ch. 6, § 1.09)

State law reference(s)—Assessment of expenses; lien, see Tex. Health and Safety Code § 342.007

WEED CONTROL

Sec. 92.35 STATEMENT OF POLICY.

The terms and provisions hereof shall apply to the growth, accumulation, cutting and storage of grass, weeds and any other vegetative material upon property in the city, to the end that property shall be maintained in a sanitary and healthful condition for the benefit of all residents of the community.

(Ord. 429, passed 1-24-95)

Sec. 92.36 DEFINITION.

~~For the purpose of this chapter;~~ DIRECTOR shall mean the director of the department designated by the ~~City Manager~~City Manager or designee to enforce and administer this subchapter or the director's authorized representative.

(Ord. 429, passed 1-24-95)

Sec. 92.37 GROWTH TO CERTAIN HEIGHT PROHIBITED; OFFENSES.

- (A) A person commits an offense if he is an owner, occupant, or person in control of occupied or unoccupied premises in the city and permits weeds or grass located on the premises to grow to a height greater than 12 inches.
- (B) It is a defense to prosecution under division (A) of this section that the weeds and grass are maintained at or below a height of 12 inches at all points on the premises within 100 feet of its perimeters.
- (C) For purposes of this subchapter, the term PREMISES means the lot, plot, or parcel of land, plus the front or side parkway between the property line or sidewalk and the curb or traveled way, and the rear or side parkway between the property line and the center line of an adjacent alley.
- (D) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this section.

(Ord. 429, passed 1-24-95)

Cross reference(s)—Penalty, see § 92.99

Sec. 92.38 DUTY TO PREVENT WEEDS OR GRASS FROM BECOMING A NUISANCE OR FIRE HAZARD.

It shall be the duty of every owner, occupant, or person in control of any occupied or unoccupied premises in the city to use every precaution to prevent weeds or grass from growing on the premises so as to become a nuisance or fire hazard.

(Ord. 429, passed 1-24-95)

Cross reference(s)—Penalty, see § 92.99

Sec. 92.39 FAILURE TO COMPLY.

A person who violates a provision of this subchapter, or who fails to perform a duty required of him under this subchapter, commits an offense. A person is guilty of a separate offense for each day or part of a day during which a violation is committed, continued, or permitted.

(Ord. 429, passed 1-24-95)

Cross reference(s)—Penalty, see § 92.99

Sec. 92.40 REMOVAL OF WEEDS BY CITY.

- (A) Upon the failure of the owner, occupant, or person in control of private premises to comply with § 92.37, the director shall have the weeds or grass cut, mulched or raked, and removed from the premises.
- (B) Before having the weeds or grass cut, mulched, raked, or removed, the director must notify the owner of the premises to bring the premises into compliance with § 92.37 within ten days. The notice shall comply with § 92.20, and the procedures outlined in § 92.21 shall be followed in cases of abatement, liens and foreclosures.

(Ord. 429, passed 1-24-95)

State law reference(s)—Additional authority to abate dangerous weeds, see Tex. Health and Safety Code § 342.008

COMMERCIAL VACANT STRUCTURES

ATTORNEY: We do not currently enforce this ordinance. This ordinance was put into place for a specific property. Is this even enforceable?

Sec. 92.50 DEFINITIONS.

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

BUILDING. Any enclosed structure designed for commercial use, including engaging in trade or manufacturing.

CITY BUILDING OFFICIAL or BUILDING OFFICIAL. The designated building official for the city or his or her designated representative.

CITY COUNCIL or COUNCIL. The City Council of Gun Barrel City.

CITY ENGINEER. The City Engineer for the city or his or her designated representative, or any engineer hired by the city as an independent contractor.

CITY MANAGER. The chief administrative officer of the city, ~~or his or her designated representative.~~

CITY STAFF. The officers, employees and agents of the city assigned and designated from time to time by the ~~City Manager~~ City Manager or designee and/or Council to review, comment and/or report on issues regarding the regulations found within this subchapter.

OWNER. The person that owns the real property on which a building is situated, according to the real property records of Henderson County, or the records of the Henderson County Appraisal District.

SECURED.

- (1) All accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows, are locked so as to prevent unauthorized entry by vagrants and criminals.

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- (2) TEMPORARILY SECURED. All accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows, are covered with plywood which has been nailed or bolted in place so as to prevent unauthorized entry by vagrants and criminals.

STRUCTURE. That which is built or constructed.

UNIT. A part of a building distinctly separated from other spaces within the building. It must be directly accessible from an outer door or through an interior door in a shared hallway rather than by walking through another building space.

VACANT STRUCTURE. All lawful commercial activity at the building has ceased, or reasonably appears to have ceased, for 150 days; or the building contains more than three units (single building subdivided for multiple businesses), 75% or more of which have not been used lawfully, or reasonably appear not to have been used lawfully, for more than 150 days.

(Ord. O-2021-048, passed 1-25-22)

Sec. 92.51 REGISTRATION REQUIRED.

- (A) A person commits an offense if the person owns a vacant building and fails to register the building as vacant within 90 days from the date that written notice is issued by the City Building Official to the owner.
- (B) Written notice shall be issued to the vacant structure owner by means of personal service, by first class mail to his or her last known address according to the Henderson County Appraisal District records, or by posting on the property. Upon issuance of notice to register the vacant structure, the owner shall submit a registration application with the City Building Official. The registration application shall be submitted on forms provided by the city. The registration application shall include the following information supplied by the applicant:
- (1) The address and legal description of the property.
 - (2) Name, mailing address, telephone number and email address of all owners. Corporation or corporate entities shall submit the same information pertaining to their registered agent.
 - (3) Name, address and telephone number for any third party who the owner has entered into a contract or agreement with for property management.
 - (4) Name and address of all known lien holders, tenants and all other parties with an ownership or possessory interest in the structure.
 - (5) Name and address of a person to contact in an emergency.
 - (6) Proof of liability insurance for the property. The insurance required herein shall remain in full force and effect at all times during the registration term. An updated certificate of insurance shall be provided every six months that the building is required to be registered.
 - (7) Complete a vacant building plan containing a plan of action and time line for correcting any and all existing violations, maintaining the building while vacant, renovating or repairing the building, occupying or selling the building, and/or demolition of the building. The vacant building plan must be updated every six months that the building is required to be registered.
 - (8) Property owner shall post "No Trespass" signs on the property front door or window.
 - (9) Vacant structure owners shall provide written notice to the City Building Official of a change in ownership of the property and/or contact information for either the owner or the designated property manager. Written notice shall be provided to the city no later than 30 days after the changes have occurred.

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- (C) Continued annual registration (from the original date of vacancy) of the property by the vacant structure owner is required until the structure is deemed occupied and in compliance with all relevant code requirements by the City Building Official.
 - (D) The vacant property will be reviewed by the City Building Official for compliance with all requirements of this subchapter or any other ordinance applicable to the vacant structure.

(Ord. O-2021-048, passed 1-25-22)

Cross reference(s)—Penalty, see § 92.99

Sec. 92.52 REGISTRATION FEES AND EXEMPTIONS.

- (A) A vacant structure property owner shall tender an annual registration fee ~~of \$100~~as provided for in XX of the Fee Schedule found in Appendix 1 of this code. for all structures regulated by this subchapter. Subsequent annual registration fees shall be due in the same amount on the anniversary date of the original registration fee being tendered.
- (B) An owner or an owner's authorized agent may apply for an exemption to the registration fee on an annual basis. A fee exemption is only valid for 12 months. Exemptions may be granted under the following circumstances:
 - (1) A vacant building which has suffered fire damage or damage caused by extreme weather conditions may be exempted for a period of one year from the date of the fire or extreme weather event.
 - (2) A property owner who is determined to be indigent by the city must register the property and is otherwise subject to this subchapter, but shall be exempt from the registration fees.
 - (3) Representatives of a property owner who is deceased, and the deceased owner's estate is subject to formal administration in the probate court, must register the property and are otherwise subject to this subchapter, but shall be exempt from the registration fees.
 - (4) A property owner who has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy must register the property and is otherwise subject to this subchapter, but shall be exempt from the registration fees.

(Ord. O-2021-048, passed 1-25-22)

Cross reference(s)—Penalty, see § 92.99

Sec. 92.53 STANDARD OF CARE FOR VACANT PROPERTY.

The standard of care for all vacant structures shall be in accordance with any and all requirements of the Gun Barrel City Code of Ordinances and amendments thereto. Failure to maintain the vacant structure to the standard of care specified by the city is a violation of this subchapter. Neighboring businesses are encouraged to report vacant buildings in disrepair to the City Code Enforcement Official for action.

(Ord. O-2021-048, passed 1-25-22)

Cross reference(s)—Penalty, see § 92.99

Sec. 92.99 PENALTY.

- (A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in § 10.99.

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- (B) (1) An offense under §§ 92.35 through 92.40 of this chapter is punishable by a fine of not more than \$2,000 and, upon a first conviction, not less than \$50.
- (2) The minimum fine established in division (B)(1) of this section shall be doubled for the second conviction of the same offense within any 12-month period and tripled for the third and subsequent convictions of the same offense within any 12-month period. At no time shall the minimum fine exceed the maximum fine established in division (B)(1) of this section.
- (C) Any person, firm or corporation who shall violate any of the provisions or terms of §§ 92.50 through 92.53 shall be deemed guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of \$500 for each offense. Each day a violation exists shall be deemed to constitute a separate offense. The penalty provided herein shall be in addition to any other remedies the city may have under city ordinance and/or state law. Nothing herein shall prohibit the city from taking administrative or civil action as may be permitted by law.
- (Ord. 429, passed 1-24-95; Am. Ord. O-2021-048, passed 1-25-22)



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: May 27, 2026
AGENDA SECTION: Economic Development Corporation Business
ITEM TYPE: Discussion

SUBMITTING INFORMATION

DEPARTMENT: Administration
REQUESTED BY: Angela Smith, PhD – City Manager

POSTED AGENDA ITEM WORDING

First reading of Resolution No. R-2026-012 approving a potential performance agreement by and between the Gun Barrel City Economic Development Corporation and Texas Plumbing Pros, LLC for a Small Business Incentive Grant not to exceed \$25,000 to make interior and exterior improvements on a building located at 322 N. Gun Barrel Lane, Gun Barrel City, Texas.

SUMMARY

Texas Plumbing Pros is a locally owned and operated plumbing company based in Gun Barrel City, Texas. They have applied for a Small Business Incentive Grant not to exceed \$25,000 to make both interior and exterior renovations at their primary office location at 322 N. Gun Barrel Lane, Gun Barrel City, Texas.

RECOMMENDED ACTION

Discussion item only.

ATTACHMENTS

- Draft Resolution
- Small Business Incentive Grant Application
- Business Plan

RESOLUTION # R-2026-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, APPROVING A PERFORMANCE AGREEMENT BY AND BETWEEN THE GUN BARREL CITY ECONOMIC DEVELOPMENT CORPORATION AND TEXAS PLUBING PROS, LLC., A TEXAS CORPORATION, AUTHORIZED PURSUANT TO SECTIONS 501.103 AND 505.158 OF THE TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Gun Barrel City Economic Development Corporation (hereinafter referred to as the “Gun Barrel City EDC”) is a Type B economic development corporation, created pursuant to Chapter 505 of the Texas Local Government Code, as amended; and

WHEREAS, Section 501.103 of the Texas Local Government Code, in pertinent part, defines the term “project” to mean “expenditures that are found by the board of directors to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, limited to: (1) streets and roads, rail spurs, water and sewer utilities, electric utilities, or gas utilities, drainage, site improvements, and related improvements; (2) telecommunications and Internet improvements . . .”; and

WHEREAS, Section 505.158 of the Texas Local Government Code provides that “[f]or a Type B corporation authorized to be created by a municipality with a population of 20,000 or less, “project” also includes the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation’s board of directors to promote new or expanded business development.” Further, the statute provides that “[a] Type B corporation may not undertake a project authorized by this section that requires an expenditure of more than \$10,000 until the governing body of the corporation’s authorizing municipality adopts a resolution authorizing the project after giving the resolution at least two separate readings”; and

WHEREAS, Gun Barrel City EDC has approved a project with Texas Plumbing Pros, LLC., a Texas corporation; and

WHEREAS, the City Council of the City of Gun Barrel City, Texas, finds and determines that the expenditure as specified in the details, attached hereto as ***Exhibit A***, will promote new or expanded business development, and otherwise meets the definition of “project,” as that term is defined by Sections 501.103 and 505.158 of the Texas Local Government Code.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, AS FOLLOWS:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Gun Barrel City, Texas, and are fully incorporated into the body of this Resolution.

Section 2. That the City Council of the City of Gun Barrel City, Texas, finds and determines that the project and Performance Agreement, attached hereto as ***Exhibit A***, will

promote new and expanded business development, and is otherwise consistent with Sections 501.103 and 505.158 of the Texas Local Government Code.

Section 3. That the City Council of the City of Gun Barrel City, Texas, following the second reading of this Resolution authorizes the project and Performance Agreement, attached hereto as ***Exhibit A***, and authorize the Mayor to execute this Resolution.

Section 4. That this Resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Gun Barrel City, Texas, on this the _____ day of _____, 2026.

APPROVED:

Brian Crull, Mayor

ATTEST:

Janet Dillard, City Secretary

Exhibit A

[Performance Agreement to be presented to the EDC Board in June and presented to City Council at the June meeting for final approval.]

Small Business Incentive Package



Date received:

Business Name: Texas Plumbing Pros

Contact Name: Brandon Braswell

Contact Phone: 903-802-9839

Contact Email:

Reimbursement Request:

- ☒ Building Improvements – Exterior or Interior – circle one
- ☐ Marketing
- ☐ Workforce Development
- ☐ Public Disaster/Emergency

Requested Amount:

Required Documents:

- ☒ Application
- ☒ Located in City Limits
- ☒ Project comply with City Ordinances
- ☒ All bills and charges up to date with City
- ☐ Permission from the property owner.
 - o Property Owner Name:
- ☒ Home based business with gross revenue more than \$20,000
- ☒ Sales Tax Generation amount included - very limited
- ☒ Company total revenue included
- ☒ Own or Lease – circle one
 - o Length of Lease: 12-16 mo
- ☒ References included
- ☒ Photo representation of project
- ☐ Bids included
- ☒ Business Plan
- ☒ Personal Financials from previous two years
- ☒ Existing Business
 - o Two years of financials, tax returns and profit loss statements
- ☐ New Business
 - o Three years of income projections



INCENTIVE APPLICATION

Thank you for your interest in starting, expanding or moving a business to Gun Barrel City, Texas. The Gun Barrel City Economic Development Corporation (GBCEDC) works to attract new business, grow existing business and diversify and expand Gun Barrel City's sales tax bases. The GBCEDC is committed to recruiting high quality development, complementary businesses and employment opportunities that enhance the quality of life for residents. The GBCEDC does not provide incentives in the form of "venture capital." Applicants will be vetted on a **case-by-case** basis. The GBCEDC Board will use the following criteria as a guide when considering an offer of financial incentives to a business prospect.

Key Considerations for Economic Incentives

- ✓ Creation of primary jobs, with preference for jobs that meet or exceed Gun Barrel City's Median Per Capita Wage
- ✓ High capital investment
- ✓ Significant impact to local sales tax, hotel occupancy tax and/or utility revenue
- ✓ Projects requiring significant infrastructure improvements/upgrades
- ✓ Within the range of target industries for the GBCEDC
- ✓ The business has a majority of their investment capital secured
- ✓ Unique and/or "destination" businesses that enhances the City's character, tourism and quality of place
- ✓ Demonstrated need of market demand for the type of business
- ✓ Market saturation of existing businesses providing similar products/services

Incentives Application Process

- ❖ Fill out this application and submit all required documentation.
- ❖ You will be expected to attend the GBCEDC Board of Directors meetings, and City Council Meetings to answer any questions regarding your application.
- ❖ Depending on the project and amount of incentives, the GBCEDC and City of Gun Barrel City may need to hold a public hearing prior to expending incentives to a prospect. This process takes approximately 60 days.
- ❖ The EDC Attorney will draft a performance agreement including the company's capital investment, job creation numbers, interest rate and dates metrics must be met.
- ❖ Incentives will be expended based upon terms of the performance agreement

EACH SECTION MUST BE COMPLETE PRIOR TO ACCEPTANCE FOR AN EDC REVIEW.

BUSINESS INFORMATION

Date of Application: _____

Name of Business or Project Name: Texas Plumbing Pros, LLCTax ID Number: 38-4102822Type of Business/Development: ☐ Commercial ☐ Industrial ☒ Office ☐ Retail/Dining/Entertainment (Can only check one per application)Business or Site Consultant Address: 322 N. Gun Barrel Ln, Gun Barrel, TX 75156Business or Site Consultant Phone: 903-802-9839Primary Contact: Brandon BraswellContact's Email: brandon@txplumbingpros.comBusiness/Project Description: Remodel / updateProposed Address/Location of Project: 322 N. Gun Barrel Ln, Gun Barrel, TX 75156Type of Project: ☐ Expansion ☐ Location/Relocation ☐ Redevelopment RemodelIf relocating, what is the address of your current location(s)? N/A**PRINCIPAL/OWNER PROFILE**

Please complete a Owner Profile for each registered owner of the organization you are applying for.
Make copies if needed

Attach to this application:

- Current personal financial statement for each owner listed

INCENTIVE REQUEST

What is your total local incentive request?

\$25,000

Note: The Gun Barrel City EDC does not provide incentives in the form of "venture capital"

The Gun Barrel City Economic Development Corporation is a Type B Economic Development Corporation and operates under the Texas Development Corporation Act. The Gun Barrel City EDC collects a dedicated 1/4 percent local sales tax for the purpose of commercial development and job creation/retention. *Denotes incentive based upon approval by the City and/or County governing bodies

INVESTMENT

What is your total anticipated capital investment? \$ \$100,000

Land	Building Lease	Construction	Equipment	Inventory
\$	\$	\$	\$	\$

TAXES

Does your business remit sales tax? ☒ Yes ☐ No

If so, what is your projected local sales tax generation? (2% local sales tax rate - 1.5% City/0.25% EDC)

Annually - \$1 - \$10K (varies)

EMPLOYMENT

How many new full-time employees will you hire? (Defined as 35 hours per week or more)

2-6

How many new part-time employees will you hire? (Defined as less than 35 hours per week)

0

Will you be relocating employees to this facility? ☐ Yes ☒ No If so, how many?

What is the average combined wage for new employees at this facility?

\$40,000.00

How many positions will pay a salary at or above \$29,141 (not including benefits)?

All

If leasing, how long is the term? (If purchasing, skip this question)

Have you already purchased the property or executed a lease agreement? ☒ Yes ☐ No

What is your projected real property value? (If leasing, skip this question)

\$275,000.00 Before updates

INFRASTRUCTURE

Will infrastructure extensions/improvements need to be made? (Roads, utility lines, etc.) ☐ Yes ☒ No

If so, what type? _____

Estimated cost of improvements

Roads	Water	Sewer	Electric
\$	\$	\$	\$

Natural Gas	Telecom	Fire Suppression/Safety Improvements	Paving/Parking
\$	\$	\$	\$

Grand Total of Improvement Costs: _____

Attach to this application:

- A formal Business Plan
- Personal financials from the last two years
- If acquiring or operating an existing business include two years of financials, tax returns, and profit-loss statements.
- If starting a new business, please include three years of income projections.

REFERENCES

Reference 1:

Name: Moore Supply

Address: 1112 Tripp Rd., Mesquite, TX

Phone: (936) 524-6411 Email: will.sadler@mooresupply.com

Reference2:

Name: TW Construction - Tim Weathered

Address: 18256 Tarlton Rd, Mabank, TX 75147

Phone: (903) 288-1710 Email: timweathered@gmail.com

I, Brandon Braswell certify the above information is true and understand the Gun Barrel City Economic Development Corporation Board may require submission of other documents as part of this application, including, but not limited to: business balance sheets, financial statements, business plan or any other documentation the Board deems necessary.

Signature: 

Printed Name: Brandon Braswell

Date: 1-9-26

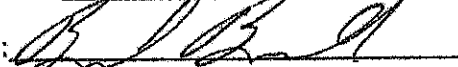
Eligibility Disclosure

Are you or your business involved in any pending lawsuit? ☐ Yes ☒ No (If yes, provide details as Exhibit A)

Do you or your spouse or any other member of your household, or anyone who owns, manages or directs your business or their spouses or members of their households work for the City of Gun Barrel City (elected or appointed) or the Gun Barrel City Economic Development Corporation? ☐ Yes ☒ No

I authorize the Gun Barrel City Economic Development Corporation (GBCEDC) /Lender to make inquiries as necessary to verify the accuracy of my statements and to my credit worthiness. I agree that if the GBCEDC approves this request for assistance I will not employ or hire anyone who is employed by or otherwise involved with the City of Gun Barrel City or the GBCEDC for at least one year after assistance approval. And, I hereby certify that: (1) as consideration for any Management, Technical and/or Business Development Assistance that may be provided, I waive all claims against the GBCEDC, its directors and employees, and that (2) all information contained in this document and attachments are true and correct to the best of my knowledge.

Printed Name: Brandon Braswell

Signature: 

Title: owner

Date: _____

FINANCES

What is your company's total revenue?

\$ 2.4 M.

Has your business filed for bankruptcy in the last 15 years? ☐ Yes ☒ No

If so, explain: _____

Are you currently delinquent on taxes or have you been delinquent in the last 3 years? ☐ Yes ☒ No

If so, explain: _____

Has your company received any government incentives/tax abatements in the last 15 years? ☐ Yes ☒ No

If so, when and how much? (*Please provide supporting documentation) _____

Has your business ever defaulted on a loan, lease and/or performance agreement? ☐ Yes ☒ No

If so, explain: _____

Have you pursued other financing options for this project? ☐ Yes ☒ No

If so, what type of financing have you pursued/secured?

*Please provide a bank commitment letter if a loan has been secured. Also, please list other financing sources (i.e., self, angel investor, etc.).

Type: _____

Amount: _____

Type: _____

Amount: _____

Type: _____

Amount: _____

Total Financing Secured (*REQUIRED FIELD*): _____

REAL ESTATE

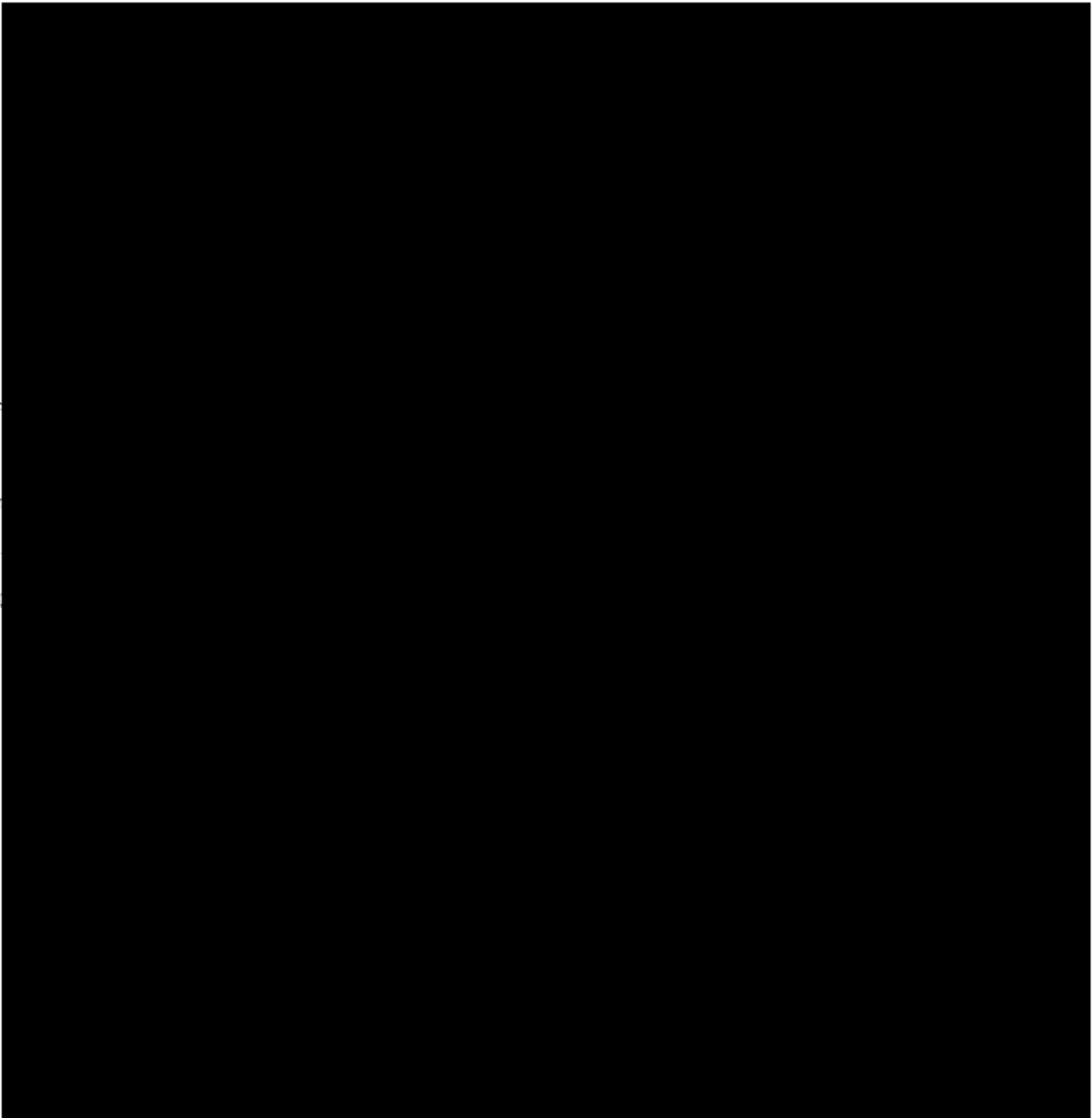
How many square feet do you plan to occupy/build?

1450 sq

If constructing, how many acres do you plan to purchase?

N/A

CONFIDENTIAL INFORMATION AUTHORIZATION



The results from this record check are to remain confidential and in the applicants file in the GBC EDC Office.

Mail The Complete Package To:

Gun Barrel City Economic Development Corporation Attn: Executive Director
1 720 West Main Street
Gun Barrel City, TX 75156

E-Mail The Complete Package To: admin@gbcedc.com

Additional GBC EDC Contact Information Office: 903-887-1899

Texas Plumbing Pros

Small Business Incentive Application

Gun Barrel City Economic Development Corporation (GBCEDC)

Address: 322 N Gun Barrel Ln, Gun Barrel City, TX

Owner: Brandon Braswell

Phone: 903-802-9839

Website: www.txplumbingpros.com

1. Executive Summary

Texas Plumbing Pros is a locally owned and operated plumbing company based in Gun Barrel City, Texas. We are submitting this application for participation in the GBCEDC Small Business Incentive Program to support a comprehensive building renovation and exterior improvement project at our primary office location.

This project represents a significant private investment to modernize an existing commercial structure, improve operational efficiency, and enhance the overall appearance of the property. The improvements will directly contribute to the visual quality, economic activity, and long-term business development within Gun Barrel City.

2. Existing Conditions

The current structure reflects an older commercial building with visible wear and outdated exterior elements. Portions of the façade, entryway, and siding do not present a modern or cohesive appearance.

The proposed project will transform the building into a clean, updated, and professional commercial facility that aligns with the surrounding community's growth and development.

3. Project Scope

Exterior & Structural Improvements

- Full exterior upgrade to **all brick façade (painted finish)** for a unified appearance
- Construction of a **centered covered front porch with timber columns and decorative truss**

- Installation of **double commercial entry doors centered on building**
- Installation of new windows, repositioned to create a symmetrical front elevation
- Exterior painting and finish upgrades
- Roof replacement and structural improvements
- Exterior lighting upgrades for safety and curb appeal

Interior Improvements

- Full interior remodel based on updated floor plan
- Office layout reconfiguration for improved workflow and functionality
- Reception and customer waiting area improvements
- Electrical system upgrades
- HVAC system installation/upgrades
- Framing and drywall installation
- New flooring throughout

The proposed layout (see attached plan) creates a centralized reception area with offices aligned on both sides, improving both customer experience and internal operations

4. Project Budget

Total Investment: \$98,866

Breakdown:

- Framing: \$23,000
- Electrical: \$12,000
- HVAC: \$10,000
- Plumbing \$5,000
- Cabinets/Tops \$3,000
- Roofing: \$12,500
- Drywall: \$7,066
- Painting: \$5,500
- Flooring: \$4,500
- Windows & Doors: \$6,300
- Concrete \$10,000

Texas Plumbing Pros is requesting reimbursement up to **\$25,000**, based on final documented expenses and program guidelines.

5. Economic Impact

Texas Plumbing Pros is an established service business supporting residential and commercial customers throughout Gun Barrel City and the Cedar Creek Lake area.

This project will:

- Support continued business growth and expansion
- Improve operational efficiency and service capacity
- Generate over **\$80,000 in contractor and supplier spending**
- Support local trades and workforce
- Strengthen long-term investment within Gun Barrel City

This investment ensures the business remains competitive and positioned for continued growth within the community.

6. Community & Visual Impact

The proposed improvements will significantly enhance the building's appearance and contribute positively to the surrounding area.

Key impacts include:

- Modern, professional commercial façade
- Improved curb appeal and property value
- Safer, better-lit exterior environment
- Consistent and attractive building design

This project aligns directly with the program's goal of improving the visual quality and functionality of existing businesses within Gun Barrel City.

7. Design Concept Summary

The building is being redesigned to create a **clean, symmetrical, and modern commercial appearance**, including:

- Centered architectural entry feature
- Double commercial front doors
- Evenly spaced windows across the front elevation
- Full brick exterior for durability and uniformity
- Black and natural wood accents for a modern finish

(See attached "Before & Proposed Exterior" visual rendering)

8. Timeline

- **Project Start:** Within 90 days of approval
- **Completion:** Within 6–9 months

All work will comply with GBCEDC program timelines and requirements.

9. Compliance & Requirements

Texas Plumbing Pros confirms:

- Business is located within Gun Barrel City limits
- All city accounts are current
- Work will comply with all building codes and permits
- Required contractor estimates will be provided
- Business will remain operational in Gun Barrel City for at least one year after project completion

10. Closing Statement

Texas Plumbing Pros is committed to long-term investment and growth within Gun Barrel City.

This project represents a substantial private investment into improving an existing commercial property, enhancing the local business environment, and contributing to the overall development of the community.

We appreciate your consideration and look forward to partnering with the GBCEDC on this project.

From: Brandon Braswell <brandon@txplumbingpros.com>

Sent: Monday, April 27, 2026 7:45 AM

To: [REDACTED]

Subject: Re: Office refi

[REDACTED]

Total Investment: \$98,866

Breakdown:

- Framing: \$23,000
- Electrical: \$12,000
- HVAC: \$10,000
- Plumbing \$5,000
- Cabinets/Tops \$3,000
- Roofing: \$12,500
- Drywall: \$7,066
- Painting: \$5,500
- Flooring: \$4,500
- Windows & Doors: \$6,300
- Concrete \$10,000

PROPOSED EXTERIOR

TEXAS PLUMBING PROS
322 N GUN BARREL LN, GUN BARREL CITY, TX



BEFORE - EXISTING



PROJECT HIGHLIGHTS

- ✓ New front entry with timber columns and decorative truss
- ✓ All brick exterior for a clean, durable, and modern look
- ✓ New windows and doors for improved efficiency and appearance
- ✓ Updated exterior lighting for safety and curb appeal
- ✓ Unified design with black accents and natural wood details

MATERIAL PALETTE



BRICK
(WHITE)



TRIM, DOORS &
WINDOWS (BLACK)



WOOD ACCENTS
(NATURAL STAIN)



ROOF
(CHARCOAL)



LIGHTING
(BLACK)

INVESTING IN OUR COMMUNITY



Improve Building
Appearance



Support Local Jobs
& Business Growth



Increase Economic
Activity



Enhance Community
& Growth Value