



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 Tuesday, July 28, 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 reports:

- 6.A June 8, 2026, Special meeting minutes.
- 6.B June 23, 2026, Regular meeting minutes.
- 6.C EDC May 2026 financials.

7. NEW BUSINESS

- 7.A Consider and take action to adopt Resolution No. R-2026-014 approving a municipal maintenance agreement with TxDot for the maintenance, control, supervision, and regulation of state highways within the corporate limits of the city; authorizing the mayor to execute said agreement. (Interim City Manager)

- 7.B Public hearing to discuss the unsafe structure located at 160 Box Rd., Gun Barrel City, Texas. (Mayor)
- 7.C Consider and take action to determine whether the structure located at 160 Box Rd., Gun Barrel City, Texas is considered unsafe. (Building Official)
- 7.D Consider and take action to adopt Order - 160 Box Rd. making findings of fact and ordering the demolition of structures located at 160 Box Rd., Gun Barrel City, Texas. (Building Official)
- 7.E Public hearing to discuss the unsafe structure located at 304 Valleyview, Gun Barrel City, Texas. (Mayor)
- 7.F Consider and take action to determine whether the structure located at 304 Valleyview, Gun Barrel City, Texas is considered unsafe. (Building Official)
- 7.G Consider and take action to adopt Order - 304 Valleyview, making findings of fact and ordering the demolition of structures located at 304 Valleyview, Gun Barrel City, Texas. (Building Official)
- 7.H Consider and take action to adopt Ordinance No. O-2026-035 calling a special election for November 3, 2026, to submit to the voters a proposition initiated by referendum relating to the repeal of Ordinance No. O-2026-003 (amending animal control) and Appendix 1 (Fee schedule). (City Secretary)
- 7.I Consider and take action to approve an interlocal agreement with Henderson County to conduct the city's November 3, 2026, special election. (City Secretary)
- 7.J Consider and take action to adopt Resolution No. R-2026-013 authorizing the City Manager to close the certificate of deposit account ending 1007 at Prosperity Bank and transferring the proceeds to the city's general fund account. (City Treasurer)
- 7.K Consider and take action to award the bid for a certified public accountant to perform annual audits on all city accounts for the next three fiscal years. (City Treasurer)
- 7.L Consider and take action to ratify EDC Board appointments made at the May 27, 2026, Council meeting. (Interim City Manager)
- 7.M Discussion regarding final draft of ordinances, Chapters 110-117. (Interim City Manager)

8. ECONOMIC DEVELOPMENT

- 8.A Consider and take action to give authorization to the Interim EDC Director to file a small claims petition with Slap N Good BBQ. (EDC)

9. 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:

Approved:

Janet Dillard, City Secretary

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 Monday, June 8, 2026, at 5:00 p.m.

1. CALL TO ORDER

Mayor Brian Crull called the meeting to order at 5:00 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, Doug Lander, Jennifer Jacobs, Matthew Proper and Robert Edwards.

2. ROLL CALL & QUORUM

3. CITIZEN COMMUNICATIONS (Limited to three minutes)

There were no citizen comments.

4. NEW BUSINESS

4.A Discussion regarding the FY 2026-2027 budget. (City Manager)

City Manager, Dr. Angela Smith presented FY2027 budget requests that came solely from the Police and Fire Departments including the following:

Deputy Fire Chief	\$65,500
• Help with code compliance, serve as fire marshal, ensure compliance with national fire protection standards during normal business hours (use part of the compensated volunteer budget for this position)	
Ladder Truck	\$202,871.81
• \$1.95M to replace 1997 Sutphen Ladder truck – finance for 12 years (10 years \$231,742) payments start one year from order	
Station Generator	\$49,575
• Turn key generator at station to support essential functions	
Ladder Truck Equipment	\$152,000
• Necessary tools and equipment	
Central Station Remodel	\$150,000
Station Remodel	\$54,604
• Station remodel, lobby remodel, lockers, sally port and jail floor repaint	
Communication Operating System	\$35,000
• Replace outdated eforce records management	
Traverse lights/sirens	\$3,978
• Lt has this vehicle with no lights or sirens	
Ticket Writers	\$9,480

• Will intergrate with in car computers and court software. (potential Court Technology upfront but won't pay each year	
Admin/Community Service Officer	\$54,725
• Officer for admin assistant to command staff, open records, events, crime prevention checks, monthly reports, property/evidence custodian, TCIC validations, arraignments, feed prisoners, certified patrol and communications	
CID Equipment	\$4,390
• Crime scene processing supplies – camera, fingerprint supplies, trajectory kit, etc	
CJIS Mandates	\$10,500
• Community	
Line Item Increases	\$7,500
• Increase training, office supplies and uniforms	

A draft pay scale was presented noting that it would move most of the employees to an open range pay scale starting at one rate, ending at another and then Council could give raises as they choose every year. Presented was a step for PD and Fire and a 2.8% increase for other employees totaling \$143,753.31.

Next steps for the budget were presented as follows:

Next Steps

1. Staff will begin to put together revenue estimates. Staff will formalize contract rates and insurance rates for FY2027
2. Follow up Budget meeting week of July 6-10 to share City Manager/Treasurer recommendations with Council and review all revenue and expenses through May along with projections for year end and revenue estimates for FY2027. Can have additional follow up meeting if needed.
3. August 1 – City Manager presents budget recommendation to Council.
4. August 3-7 – Council to meet to discuss recommendation and make any adjustments.
5. August 25 – approve budget for October 1 start date.

4.B Discussion and or action regarding City Manager position. (Mayor)

[48:09] April Burns made a motion to go into executive session regarding the City Manager position. Robert Edwards seconded, and all members voted yes. The City Council convened into executive session at 5:51 p.m.

The City Council reconvened into open session at 6:21 p.m. and the following motions were made.

April Burns motion that we accept the resignation of the City Manager effective July 1, 2026. Robert Edwards seconded, and all members voted yes to approve. Motion carries.

City Manager, Dr. Angela Smith thanked the Council for allowing her to serve the city for the past two years and nine months. Smith shared her reason for leaving is to be closer to her family.

Robert Edwards made a motion to allow the City Manager to work with Strategic Government Resources to contract for an interim City Manager until such time a City Manager is hired. Matthew Proper seconded, and all members voted yes to approve. Motion carries.

Jennifer Jacobs made a motion that we allow the City Treasurer to post the City Manager job on all relevant sites. Robert Edwards seconded, and all members voted yes to approve. Motion carries.

5. ADJOURNMENT

The City Council adjourned the meeting at 6:26 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, June 23, 2026, at 6:30 p.m.

1. CALL TO ORDER

Mayor Brian Crull called the meeting to order at 6:30 pm 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 Doug Lander, Jennifer Jacobs, Matthew Proper, and Robert Edwards.

5. CITIZEN COMMUNICATIONS (Limited to three minutes)

Cindy Key of 312 Canoe Court stated she decided to speak tonight as it'll be the last meeting with Angie sharing, it's been a pleasure and wished well for her in her next chapter.

Brandon Arthur, Oncor's operations supervisor in Athens introduced himself and shared Oncor's decision to split the city's current representative, Victor Entrveros' area as it is large; further stating he is putting in for the position and looks forward to serving the community.

Brian Crull of 111 Lost Forest Road began by stating the dog tax was never a tax, it was a misrepresentation of facts further sharing petition numbers that he claimed did not qualify; noting a total disregard for what a petition like that stands for. Crull continued on stating the individual that calls themselves citizen first never answers questions from citizens, instead uses the keyboard. Crull contested multiple statements claimed to be made by this individual stating I just can't sit by anymore and am tired of watching some of these towns get taken down by these people and see innocent people run through the mud. Crull stated Ms. Smith is leaving on her own accord, it's been difficult filling board vacancies, many people have expressed the reason they don't want to get involved is because of this individual and it's a shame. Crull concluded by stating he cares about this place and the people here and sometimes you have to meet fire with fire and will not stand for it anymore.

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 May 12, 2026 Special meeting minutes.
- 6.B May 27, 2026 Regular meeting minutes.
- 6.C EDC April 2026 financials.
- 6.D Ordinance No. O-2026-028, amending Chapter 70.
- 6.E Ordinance No. O-2026-029, amending Chapter 71.
- 6.F Ordinance No. O-2026-030, amending Chapter 72.
- 6.G Ordinance No. O-2026-031, amending Chapter 73.
- 6.H Ordinance No. O-2026-032, amending Chapter 75.
- 6.I Ordinance No. O-2026-033, amending Chapter 91.
- 6.J Ordinance No. O-2026-034, amending Chapter 92.

Mayor Brian Crull read all ordinance headers aloud and the following motion was made.

Jennifer Jacobs made a motion to accept the consent agenda as is. April Burns seconded and all members voted yes to approve. Motion carries.

7. NEW BUSINESS

- 7.A Presentation of quarterly department reports including Fire Department (Colby McBride), Streets and Parks (Mike Howell), and Community Engagement (Brooke Atkinson).

Quarterly reports for months March, April and May were presented. Key highlights included a total of 103 commercial occupancy fire inspections completed in 2026, park projects including the big blue chair and Peace pole dedication and an award from Tamio for the city's website redesign.

- 7.B Public hearing to discuss the unsafe structure located at 295 Ben Lacy, Gun Barrel City, Texas. (Mayor)

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

- 7.C Consider and take action to determine whether the structure located at 295 Ben Lacy, Gun Barrel City, Texas is considered unsafe. (Building Official)

Building Official, Shannon Wiggins presented the unsafe structure stating code enforcement began working this case in March, the property owners are in agreement that it needs to come down but do not have the financial means for they wish for us to move forward with the demo and they will pay us back.

Jennifer Jacobs made a motion to adopt Order - 295 Ben Lacy, making findings of fact and ordering the demolition of structures located at 295 Ben Lacy, Gun Barrel City, Texas. Robert Edwards seconded and it was noted that that motion belonged to the next item of business.

Jennifer Jacobs amended her motion to take action to determine whether the structure located at 295 Ben Lacy, Gun Barrel City, Texas is considered unsafe. Robert Edwards seconded, and all members voted yes to approve. Motion carries.

- 7.D Consider and take action to adopt Order - 295 Ben Lacy, making findings of fact and ordering the demolition of structures located at 295 Ben Lacy, Gun Barrel City, Texas. (Building Official)

Robert Edwards made a motion to adopt Order 295 Ben Lacy, making findings of fact and ordering the demolition of structures located at 295 Ben Lacy, Gun Barrel City, Texas. April Burns seconded, and all members voted yes to approve. Motion carries.

- 7.E Presentation by City Secretary of certification of insufficiency of the referendum petition for Resolution No. R-2026-007 regarding application for SB224 Catalytic Converter grant received from Petitioners' Committee pursuant to Article VI of the City Charter. (City Secretary)

City Secretary, Janet Dillard stated on June 5, the petitioners committee submitted a referendum petition seeking to overturn Resolution R-2026-007. I completed a thorough review and formally certified that this petition is legally insufficient. The Charter establishes a statutory minimum of 200 signatures for a referendum petition to be reconsidered by the City Council. The total number of verified signatures for this petition was 177. This certification serves as official notice that the referendum fails and Resolution R-2026-007 regarding a catalytic converter grant application remains in full effect as originally passed.

- 7.F Presentation by City Secretary of certification of sufficiency of the referendum petition for Ordinance No. O-2026-003 regarding animal control received from

Petitioners' Committee pursuant to Article VI of the City Charter. (City Secretary)

City Secretary Janet Dillard stated again on June 5th, a separate referendum petition was submitted seeking to overturn Ordinance O-2026-003 regarding animal control. Following a review of the petition, 207 signatures were verified and the petition is legally sufficient.

Upon receiving this sufficiency, the City Council is required to reconsider the challenged legislation and take action to either repeal Ordinance O-2026-003 entirely or call for a special election and send it to the voters. Staff has drafted Ordinance O-2026-027 if the Council desires to repeal or you may reject this ordinance to place this ballot measure on the next available uniform election date which would be in November of this year.

Clarification was given regarding the options Council must act upon including adopt the Ordinance to repeal or reject it which would legally send the measure to the voters.

- 7.G Consider and take action to adopt Ordinance No. O-2026-027 repealing Ordinance No. O-2026-003 regarding animal control. (City Secretary)

April Burns made a motion to deny and send it to the people for a vote. Robert Edwards seconded and all members voted yes to deny. Motion carries and a special election will be called at the next meeting.

- 7.H Consider and take action to adopt Ordinance No. O-2026-025 amending the fiscal year 2025-2026 budget to include a fund balance of \$25,000 and allocate those funds into the Police Department. (April Burns)

[55:25] Mayor Brian Crull read the ordinance header aloud. April Burns stated for years, building repairs for the Police Department have been asked for and we just didn't have the extra funds but this year we had funds left over and she would like to allocate \$25,000 into the police department.

Robert Edwards made a motion to take action to adopt Ordinance No. O-2026-025 amending the fiscal year 2025-2026 budget to include a fund balance of \$25,000 and allocate those funds into the Police Department. April Burns seconded and all members voted yes to approve. Motion carries.

- 7.I Consider and take action to spend up to \$7,100 from the Capital Improvement Fund to remove mini-splits and install a 2.5-ton HVAC unit at the Central Fire Station. (Fire Chief)

City Manager, Dr. Angela Smith advised weeks ago Chief was having some issues with heat in the building, their team started looking at the mini splits and found they were full of mold. Smith confirmed we have the funding, this would be a capital improvement project. Chief Colby McBride confirmed what Ms. Smith stated and added the 2.5 ton unit will help equal out the rooms because its going to pull the officer off of the five ton unit and let it focus on the main part of the station. McBride confirmed if approved, he would go out and get two more quotes before any work was completed.

Jennifer Jacobs made a motion to to spend up to \$7,100 from the Capital Improvement fund to remove the mini splits and install a 2.5 ton HVAC until at the central fire station. Matthew Proper seconded and all members voted yes to approve. Motion carries.

- 7.J Consider and take action to allow the City Manager to execute an agreement for Interim City Manager/EDC Director services with Strategic Government Resources (SGR). (City Manager)

City Manager, Dr. Angela Smith stated at the last meeting, Council gave me direction to start working to find someone that could serve as both Interim City Manager and interim EDC Director while we accept applications and you begin your interview process for those two positions. This contract is directly with SGR. Smith spoke to a couple of folks that were recruited by SGR and settled for an individual serving about 27-30 hours a week at \$90/hour. The top candidate has extensive experience in city management and also EDC experience. This candidate is not interested in a long-term position, he will simple be an interim.

April Burns made a motion to allow the City Manager to execute an agreement for the interim City Manager/EDC Director services with Strategic Government Resources. Jennifer Jacobs seconded and all members voted yes to approve. Motion carries.

- 7.K Presentation and discussion on an ordinance related to defining dead trees which are hazardous to public facilities, including city buildings, sidewalks, easements and street right of way; power lines, light poles, utility appurtenances; or hazardous to surrounding houses and structures or present an immediate danger to residents of the property or adjacent property nuisance. (City Manager)

City Manager, Dr. Angela Smith stated this has been a topic of conversation for about a year with our Street Superintendent, Mike Howell. Smith stated we have a lot of beautiful tree covered roadways but some of the dead trees are causing issues. The city isn't interested in going into people yards or on their property to nitpick and/or remove these dead trees, that isn't the purpose of this ordinance. The purpose of this is to work with homeowners to remove dead trees that could

potentially fall on someone or in the road. This ordinance would allow the city to deem a dead unsafe tree a nuisance. Smith confirmed the property owner still maintains their easements so our goal is to partner with the homeowner just like we do on all other code issues to resolve the issue.

7.L Presentation and discussion on a proposed Social Media Participation Policy for City Council. (City Manager)

City Manager, Dr. Angela Smith began by stating increasingly Council is using social media both personally and as a city representative. City staff in no way is asking to monitor or determine what you put on your city page, an ethics policy is in place, this just says if you want to have social media it is important to note that Council does not lose their right as a resident however laws need to be followed if you are acting as a city representative. Policy benefits included:

- Recommendations on Commenting on City Accounts
- Use of Personal Accounts
- Recommendations to Ensure all laws are met:
 - Open Meetings Act – advice on ensuring the page meets all required standards
 - Public Information Act – allows City staff to archive the page, advice on ensuring the page meets all required standards
 - First Amendment rights.
- Advice on using official accounts
- General Guidelines – much like the ethics policy Council members have a responsibility.
 - This does not mean you cannot have a personal page.
- How this will help records retention – must be retained two years
 - We will archive for you if you give the Community Engagement Coordinator access

This is a Council policy – can be updated at any time as requested by Council. Really just sets best practice!

Discussion regarding having a campaign page separate from a Council member page and if these archives are necessary, if it can remain only one page and what these requirements are. Smith confirmed she would get clarification on this from the City Attorney.

7.M Discussion regarding final draft of ordinances, Chapters 93-97. (City Manager)

City Manager, Dr. Angela Smith shared major changes in Chapters 93-97 including:

Chapter 93: Food Establishment – designates the state as the regulatory authority for the city; addresses Mobile Food Truck – the attorney will need to rewrite this ordinance as rules change on July 1 related to what the City can regulate – HB 2844

- Unified statewide license for mobile truck food vendors – no local permits
- Believe we can continue to regulate fire and life safety requirements, traffic, noise and public safety regulations, and zoning and approved operating locations.

Chapter 94: Nuisances – general housekeeping updates

Chapter 95: Junked Vehicles – recently updated by City Council

Chapter 96: Streets and Sidewalks – redefine responsibilities related to culverts

- May need to remove/update 96.02 (C) intent was not to punish owners with current culverts but to replace as necessary. Should be no NEW PVC or Plastic culverts – those already existing are allowed to stay until they need to be replaced.

Chapter 97: Outdoor Lighting – general housekeeping updates, add section on Street lights

No discussion was had among Council, these ordinances will come back at the July meeting for adoption.

8. ECONOMIC DEVELOPMENT

- 8.A Second reading of Resolution No. R-2026-012 approving a performance agreement by and between the Gun Barrel City Economic Development Corporation and Texas Plumbing Pros, LLC. in an amount not to exceed \$25,000. (EDC)

Mayor Brian Crull read the resolution header aloud. This constitutes the second reading.

- 8.B Consider and take action to adopt Resolution No. R-2026-012 approving a performance agreement by and between the Gun Barrel City Economic Development Corporation and Texas Plumbing Pros, LLC. in an amount not to exceed \$25,000. (EDC)

City Manager, Dr. Angela Smith gave a short outline of the project and made mention of an addition in the performance agreement for the EDC to pay for Lifelock for the owner of Texas Plumbing Pros for five years. It was noted that the entirety of this owners application including accounting was posted publicly so the EDC will be paying for this to ensure protection for the owner and the company.

April Burns made a motion to adopt Resolution No. R-2026-012 approving a performance agreement by and between the Gun Barrel City Economic Development Corporation and Texas Plumbing Pros, LLC. in an amount not to exceed \$25,000. Robert Edwards seconded, and all members voted yes to approve. Motion carries.

9. ADJOURNMENT

The City Council adjourned the meeting at 8:14 p.m.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

Financial Report

May 2026

Prepared for Gun Barrel City Economic Development Corporation

For the July 2026 Board meeting

By Stephen Halliwell

Gun Barrel City Economic Development Corporation

Bank Balance Report Month End

Account	Balance
Prosperity – Operating	\$20,443.75
Prosperity – Projects	\$398,572.62
Prosperity – Sales Tax Revenue	\$1,551,520.33
TexStar 1890	\$731,799.71

Notes Receivable

Account	April 2026	May 2026
Lakeland Medical Associates	25,246.97	23,905.01
Badge, LLC, Lake Glass & Mirror	8,765.48	8,765.48
Slap-n-Good BBQ	19,752.40	19,752.40
Safari Project – Saucedo Ent	8,066.73	7,530.95
Michael Huskisson/Tip Top	67,299.94	66,327.68
Jacey Hurst – Dreamy Dogs	81,887.86	81,104.04
Gun Barrel Transmission	235,322.21	232,953.92
Mosier's Contracting Inc	75,000	75,000

Notes Payable

Account	April 2026
SSB Pier 334	\$365,409.38

Gun Barrel City Economic Development Corporation

Budget Report

October 1, 2025 – May 30, 2026

Summary:

Total Income: \$531,298.12

Total Expenses: \$236,215.52

Net Income: \$295,082.60



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: July 28, 2026
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: ACTION

SUBMITTING INFORMATION

DEPARTMENT: General
REQUESTED BY: TxDOT

POSTED AGENDA ITEM WORDING

Consider and take action to adopt Resolution No. R-2026-014 approving a municipal maintenance agreement with TxDot for the maintenance, control, supervision, and regulation of state highways within the corporate limits of the city; authorizing the mayor to execute said agreement.

SUMMARY

Eduardo Castaneda with Txdot will be presenting this agreement for consideration. A powerpoint presentation is included in your packet providing an overview of the updates and changes to the agreement.

RECOMMENDED ACTION

Approval.

ATTACHMENTS

- Resolution No. R-2026-014
- Municipal Maintenance Agreement
- MMA Changes

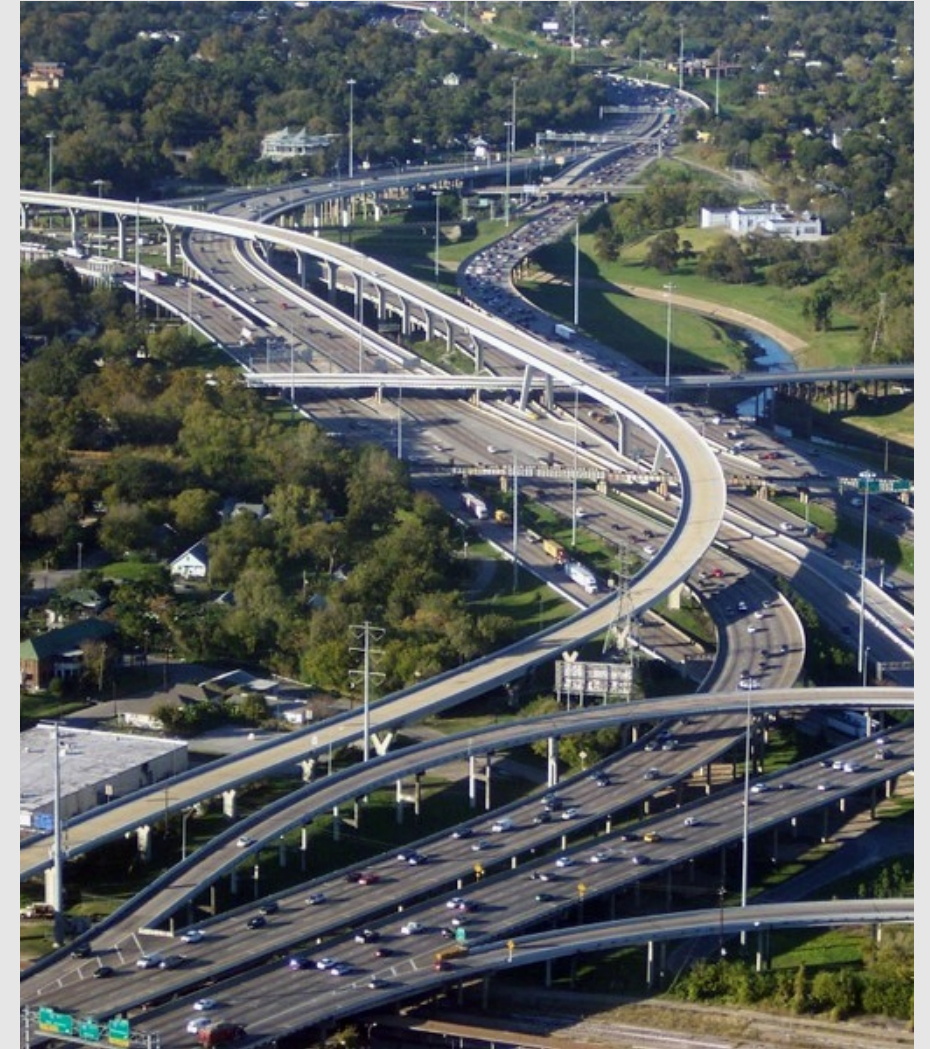
MMA Changes

State and City Requirements

- Recently there have been some updates to the Municipal Maintenance Agreement
- Changes to City and State responsibilities for Controlled and Non-Controlled Access roadways
- Both parties should periodically check in to reflect changes to State Highway System



- Updated agreement includes specific code numbers for traffic regulations, signs, signals, and pavement markings
- Adds information and clarity for lighting projects, permitted landscaping, sidewalks, and other accessibility related items
- Includes new sections on mailbox supports and markings, roadside barriers, and structural support at bridges, culverts, drainage pipes, embankments, and retaining walls
 - **All of which are State responsibility**





State Requirements

- Responsible for structural maintenance and repair of drainage facilities within the ROW and State drainage easements

City Requirements

- Responsible for regular cleanups and litter control to ensure that drainage facilities are clear
- City still responsible for structural repair and maintenance outside of the ROW but within its corporate limits





- New construction of sidewalks or other accessibility-related items by either Party should comply with current ADA standards
- **State** is responsible for structural maintenance and repair of these items
- **City** is responsible for the maintenance of these accessibility-related items, including keeping them clear of debris and vegetation



Non-Controlled Access

City Responsibility

- City responsible for parking restrictions, crosswalks, signage and marking of intersecting streets, privately owned utilities, pavement sweeping, mowing and litter cleanup, ice control, and more
 - Mostly remains unchanged from original agreement, just adds clarity
- Specifies that the City's is still **responsible** for cleanup and litter control of drainage facilities **outside** of the right of way



Non-Controlled Access

State Responsibility



- Provides clarity that State is responsibilities for school safety devices and installation and operation of traffic signals in cities of less than 50,000 people
- Otherwise, **almost identical** to old agreement
 - Responsible for maintaining the travel surface and shoulders
 - Assist in mowing, sweeping, and ice control when requested by the City and if State resources are available



Controlled Access

City Responsibility



- The City is responsible for cleaning and sweeping any pavement that is not the traveled surface or shoulders, **including** underneath grade separated structures
- The City is responsible for mowing and picking up any litter between the ROW line and outermost curb or crown line of the frontage roads, including around drainage facilities
- The City is responsible for **everything not explicitly defined** as that of the State
 - Everything else remains the same as old agreement



Controlled Access

State Responsibility

- Mowing and litter cleanup and snow and ice control in the Right of Way are responsibility of the State
 - **Can assist** with these same items between ROW line and frontage roads and on grade separated structures “on the City’s request and if State resourced are available”
- Sweeping, installing school safety devices, and maintenance of drainage facilities **remain State responsibility** within ROW along traveled surface and shoulders



- Updated MMA document provides clarity on responsibility in an easier to read format
- Remains largely the same, with the State retaining responsibility along its Right of Way and the City retaining responsibility elsewhere





MUNICIPAL MAINTENANCE AGREEMENT

This Municipal Maintenance Agreement ("Agreement") is made this _____ day of _____, 20____, by and between the State of Texas through the Texas Department of Transportation ("State"), and the City of _____ (population _____, 2020, latest Federal Census) acting by and through its duly authorized officers ("City").

RECITALS

- A.** Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through its corporate limits; and
- B.** Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter agreements with cities to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of such cities; and
- C.** The Executive Director, acting for and on behalf of the Texas Transportation Commission, has made it known to the City that the State will assist the City in the maintenance and operation of State highways within the City, conditioned that the City will enter into agreements with the State for the purpose of determining the respective responsibilities of the parties; and
- D.** The City has requested the State to assist in the maintenance and operation of State highways within the City as described herein. The Municipal Ordinance or Resolution authorizing the undersigned City Official to execute this Agreement on behalf of the City is attached as **Exhibit C**.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, it is agreed as follows:

ARTICLE I. COVERAGE

1. State assumption of maintenance and operations described in this Agreement shall be effective on the date of execution of this agreement by the Texas Department of Transportation.
2. In this Agreement, the use of the words "State Highway" shall be construed to mean all numbered highways that are part of the State's Highway System.

3. This Agreement is intended to cover and provide for State participation in the maintenance and operation of the following classifications of State Highways within the City:
 - A. Non-Controlled Access highways or portions thereof which are described as “State Maintained and Operated” highways in the document attached and incorporated as **Exhibit A**.
 - B. All State highways or portions thereof which have been designated by the Texas Transportation Commission, or are maintained and operated, as Controlled Access Highways and which are described in the document attached and incorporated as **Exhibit B**.
4. In the event that the present system of State highways within the City is changed by cancellation, modified routing, new routes, or a change to City boundaries, the State shall terminate maintenance and operation and this Agreement shall become null and void on those portions of the highways which are no longer on the State Highway System; and this Agreement shall apply to the new highways on the State Highway System within the City; and they shall be classified as “State Maintained and Operated” under paragraph 3 above, unless the execution of a new agreement on the changed or new portions of the highways is requested by either the City or the State.
5. Exhibits that are a part of this Agreement may be changed with both parties’ written concurrence. Additional exhibits may also be added with both parties’ written concurrence. The Parties shall periodically update any exhibits to reflect changes to the State Highway System under paragraph 3. Paragraph 4 shall apply to changes to the State Highway System regardless of whether an exhibit has been updated under this Paragraph.
6. The terms of the Agreement apply to a State Highway described by paragraphs 2-4 of this Article, unless provided otherwise in a specific project agreement.

ARTICLE II. GENERAL CONDITIONS

1. The City authorizes the State to maintain and operate the State highways covered by this agreement in the manner set out herein.
2. This agreement is between the State and the City only. No person or entity may claim third party beneficiary status under this contract or any of its provisions, nor may any non-party sue for personal injuries or property damage under this contract.
3. This agreement is for the purpose of defining the authority and responsibility of both parties for maintenance and operation of State highways through the City. This agreement shall supplement any special agreements between the State and the City for the maintenance, operation, and/or construction of the State highways covered herein, and this agreement shall supersede any existing Municipal Maintenance Agreements.

4. Traffic regulations, including speed limits, shall be established only after traffic and engineering studies have been completed by the State or City, as applicable and in accordance with 43 Tex. Admin. Code Ch. 25, Subch. B, and approved by the State.
5. The State shall install, maintain, and operate, when required, all traffic signs and associated pavement markings necessary to regulate, warn, and guide traffic on State highways within the State right-of-way, including main lanes and frontage roads, except as otherwise provided in this paragraph and elsewhere in this Agreement.
 - A. At the intersections of off-system approaches to State highways, the City shall install and maintain (1) all stop signs, yield signs, and one-way signs to regulate, warn, and guide traffic on the off-system street, even if such signs are to be installed on State right-of-way, and (2) any necessary stop or yield bars and pedestrian crosswalks outside the main lanes or outside the frontage roads, if such exist. These signs and markings must meet or exceed the latest State breakaway standards, if applicable, and be in accordance with the latest edition/revision of the Texas Manual on Uniform Traffic Control Devices
 - B. The City shall install and maintain all street name signs except for those mounted on State-maintained traffic signal poles or arms or special advance street name signs on State right-of-way.
 - C. Any other signs or pavement markings desired by the City on State right-of-way shall require prior written authorization by the State, and shall be installed and maintained by the City.
 - D. All signs and markings installed by the City under this Paragraph must meet or exceed the latest State breakaway standards, if applicable, and be in accordance with the latest edition/revision of the Texas Manual on Uniform Traffic Control Devices. All existing signs or markings shall be upgraded on a maintenance replacement basis to meet these requirements.
6. Traffic control devices such as signs, traffic signals, and pavement markings, with respect to type of device, points of installation, and necessity, shall be determined by traffic and engineering studies as provided by regulation in the Texas Administrative Code.
 - A. The City shall not install, maintain, or permit the installation of any type of traffic control device which will affect or influence the use of State highways unless approved in writing by the State. Traffic control devices installed prior to the date of this agreement are hereby made subject to the terms of this agreement and the City agrees to the removal of such devices which affect or influence the use of State highways unless their continued use is approved in writing by the State.
 - B. It is understood that basic approval for future installations of traffic control signals by the State or as a joint project with the City, shall be indicated by the

proper City official's signature on the title sheet of the plans. Both parties should retain a copy of the signed title sheet or a letter signed by both parties acknowledging which signalized intersections are covered by this agreement. Any special requirements not covered within this agreement shall be covered under a separate agreement.

- C. This Agreement satisfies the agreement requirements of 43 Tex. Admin. Code § 25.5 concerning traffic signal installation, unless the parties determine a separate agreement is necessary to address project-specific issues that are not otherwise addressed by this Agreement.
- 7. Subject to approval by the State, any State highway lighting system may be installed by the City provided the City shall pay or otherwise provide for all cost of installation, maintenance, and operation, except in those installations specifically covered by separate agreements between the City and State.
 - A. For all highway lighting system projects, including those covered by separate agreements unless provided otherwise therein, (1) costs shall include the electricity required to construct and operate the lighting system, (2) the State shall not begin the trial phase of a newly installed lighting system until the applicable utility account is established by the City.
 - B. Attached as **Exhibit D** is a list of lighting installations subject to this Agreement, but which do not have a separate agreement. Exhibit D shall be updated as necessary pursuant to Article 1, Section 6.
- 8. The City shall enforce the State laws governing the movement of loads which exceed the legal limits for weight, length, height, or width as prescribed by Chapters 621, 622, and 623 of the Transportation Code for public highways inside corporate limits of cities. The City shall also, by ordinance/resolution and enforcement, prescribe and enforce lower weight limits when mutually agreed by the City and the State that such restrictions are needed to avoid damage to the highway and/or for traffic safety.
- 9. The City shall prevent future encroachments within the right-of-way of the State highways and assist in removal of any present encroachments when requested by the State except where specifically authorized by separate agreement; and prohibit the planting of trees or shrubbery or the creation or construction of any other obstruction within the right-of-way without prior approval in writing from the State. Permitted landscaping and public art installations shall be handled through separate agreements.
- 10. New construction of sidewalks, shared use pathways, curb ramps, or other accessibility-related items by either Party shall comply with current ADA standards. Except as otherwise provided in this paragraph, the City is responsible for the maintenance of these items, regardless of whether the City or the State constructed the item. Maintenance includes keeping sidewalks clear of debris and vegetation, but does not

include pavement work except as provided in the next sentence. If a Party's highway project is considered an "alteration" under the ADA that triggers the requirement to construct or upgrade accessibility-related items, that Party is responsible for the construction or upgrade, unless provided otherwise in a separate agreement.

11. If the City has a driveway permit process that has been submitted to and approved by the State, the City shall issue permits for access driveways on State highway routes and shall assure the grantee's conformance, for proper installation and maintenance of access driveway facilities, with either a Local Access Management Plan that the City has adopted by ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted to the State a Local Access Management Plan, the State's Access Management Manual. If the City does not have an approved city-wide driveway permit process, the State shall issue access driveway permits on State highway routes in accordance with the City's Local Access Management Plan, adopted by city ordinance and submitted to the State or, if the City has not adopted by ordinance and submitted a Local Access Management Plan, the State's Access Management Manual.
12. The use of unused right-of-way and areas beneath structures for public functions, such as parking, recreation, and law enforcement use, shall be determined by a separate agreement.
13. The State shall be responsible for installation, repair, and maintenance of any mailbox supports installed on the State highway system, including any markings needed on the mailbox supports.
14. The State shall be responsible for installation, repair, and maintenance of any roadside barriers including guardrail, guardrail end treatments, cable barriers, and concrete barriers needed for traffic safety on the state highway system.
15. The State shall be responsible for any structural repairs needed at bridges, culverts, drainage pipes, embankments, and retaining walls on the state highway system.
16. For purposes of this Agreement, "grade separation structure" is defined as any bridge, overpass, or similar structure that raises the roadway above ground level, regardless of what is underneath the structure.

ARTICLE III. NON-CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall apply to the non-controlled access State highways described in Exhibit A, in addition to the General Conditions in Article II above.

1. State's Responsibilities (Non-Controlled Access)

- A. Maintain the traveled surface and foundation beneath such traveled surface necessary for the proper support of vehicular loads encountered, and maintain the shoulders.

- B.** Assist in mowing and litter pickup within the right of way to supplement City resources, when requested by the City and if State resources are available.
- C.** Assist in sweeping and otherwise cleaning the traveled surface and shoulders to supplement City resources, when requested by the City and if State resources are available.
- D.** Assist in snow and ice control to supplement City resources, when requested by the City and if State resources are available.
- E.** Structural maintenance and repairs of drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility outside of the right of way or State easements but within its corporate limits.
- F.** In cities with less than 50,000 population, the State shall install and maintain school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads. This does not include other pedestrian crosswalks.
- G.** Install, operate, and maintain traffic signals in cities with less than 50,000 population.
- H.** In cities equal to or greater than 50,000 population, the State may provide for installation of traffic signals when the installation is financed in whole or in part with federal-aid funds, if the City agrees to enter into an agreement setting forth the responsibilities of each party.

2. City's Responsibilities (Non-Controlled Access)

- A.** Prohibit angle parking, except upon written approval by the State after traffic and engineering studies have been conducted to determine if the State highway is of sufficient width to permit angle parking without interfering with the free and safe movement of traffic.
- B.** Install and maintain all parking restriction signs, pedestrian crosswalks (except as provided in Art. II.5), parking stripes, and special guide signs when agreed to in writing by the State. Cities greater than or equal to 50,000 population shall also install, operate, and maintain all school safety devices and school crosswalks.
- C.** Signing and marking of intersecting city streets with State highways shall be the full responsibility of the City (except as provided under Art. II.5).
- D.** Require installations, repairs, removals or adjustments of publicly or privately owned utilities or services to be performed in accordance with Texas Department of Transportation specifications and subject to approval of the State in writing.

- E.** Regular cleanups and litter control to ensure drainage facilities are clear. Further, State structural maintenance and repair of drainage facilities within the right-of-way does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way or State easements but within its corporate limits, except where participation by the State is specifically covered in a separate agreement between the City and the State.
- F.** Install, maintain, and operate all traffic signals in cities equal to or greater than 50,000 population. Any variations shall be handled by a separate agreement.
- G.** Perform mowing and litter pickup.
- H.** Sweep and otherwise clean the pavement, including grade separation structures. This includes cleaning and removing litter, trash, discarded personal property, unauthorized temporary shelters, or any other unauthorized item from all areas within the right of way, including underneath a grade separation structure.
- I.** Perform snow and ice control.
- J.** Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State.

ARTICLE IV. CONTROLLED ACCESS HIGHWAYS

The following specific conditions and responsibilities shall apply to the controlled access State highways described in Exhibit B, in addition to the General Conditions in Article II above.

1. State's Responsibilities (Controlled Access)

- A.** Maintain the traveled surface and foundations of the main lanes, ramps, and frontage necessary for the proper support of vehicular loads encountered.
- B.** Mow and clean up litter within the outermost curbs of the frontage roads or the entire right-of-way width where no frontage roads exist. Assist in performing these operations between the right-of-way line and the outermost curb or crown line of the frontage roads on the City's request and if State resources are available.
- C.** Sweep and otherwise clean the traveled surface and shoulders of the main lanes, ramps, grade separation structures, and frontage roads.
- D.** Remove snow and control ice on the main lanes and ramps. Assist in these operations on the frontage roads and grade separation structures on the City's request and if State resources are available.

- E.** Install and maintain school safety devices, school crosswalks, and crosswalks installed in conjunction with pedestrian signal heads on frontage roads. This does not include other pedestrian crosswalks.
- F.** Install, operate and maintain traffic signals at ramps and frontage road intersections, unless covered by a separate agreement.
- G.** Structural maintenance and repair of drainage facilities within the limits of the right-of-way and State drainage easements. This does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way or State easement but within its corporate limits.

2. City's Responsibilities (Controlled Access)

- A.** Prohibit, by ordinance or resolution and through enforcement, all parking on frontage roads except when parallel parking on one side is approved by the State in writing. Prohibit all parking on main lanes and ramps and at such other places where such restriction is necessary for satisfactory operation of traffic, by passing and enforcing ordinances or resolution and taking other appropriate action in addition to full compliance with current laws on parking.
- B.** When considered necessary and desirable by both the City and the State, the City shall pass and enforce an ordinance or resolution providing for one-way traffic on the frontage roads except as may be otherwise agreed to by separate agreements with the State.
- C.** Secure the approval of the State before any utility installation, repair, removal or adjustment is undertaken, crossing over or under the highway facility or entering the right-of-way. In the event of an emergency, it being evident that immediate action is necessary for protection of the public and to minimize property damage and loss of investment, the City, without the necessity of approval by the State, may at its own responsibility and risk make necessary emergency utility repairs, notifying the State of this action as soon as practical.
- D.** Pass necessary ordinances or resolutions and retain responsibility for enforcing the control of access to an expressway/freeway facility.
- E.** Sweep and otherwise clean the pavement other than the traveled surface and shoulders, including underneath grade separation structures. This includes cleaning and removing litter, trash, discarded personal property, unauthorized temporary shelters, or any other unauthorized item.
- F.** Mow and clean up litter between the right-of-way line and the outermost curb or crown line of the frontage roads, including drainage facilities in this area.

- G.** Install and maintain all parking restriction signs, pedestrian crosswalks (except as provided by Art. II.5), and parking stripes when agreed to by the State in writing.
- H.** Signing and marking of intersecting city streets to State highways shall be the full responsibility of the City (except as provided by Art. II.5).
- I.** Retain all functions and responsibilities for maintenance and operations which are not specifically described as the responsibility of the State. State maintenance of drainage facilities within the right-of-way does not relieve the City of its responsibility for drainage of the State highway facility outside of the right-of-way but within its corporate limits except where participation by the State is specifically covered in a separate agreement between the City and the State.

ARTICLE V. TERMINATION

- 1.** All obligations of the State to maintain and operate a State highway covered by this agreement shall terminate if and when such highway ceases to be designated as part of the State highway system.
- 2.** Should either party fail to properly fulfill its obligations under this Agreement, the other party may terminate this agreement upon 30 days written notice.
- 3.** Upon termination, all maintenance and operation duties on non-controlled access State highways shall revert to City responsibilities, except that the State shall retain all maintenance and operation responsibilities on controlled access State highways.

City of _____

State of Texas

Signature

TxDOT District Engineer

Name

Name

Title

Date

Date

RESOLUTION NO. R-2026-014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, APPROVING A MUNICIPAL MAINTENANCE AGREEMENT (FORM 1038) WITH THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE MAINTENANCE, CONTROL, SUPERVISION, AND REGULATION OF STATE HIGHWAYS WITHIN THE CORPORATE LIMITS OF THE CITY; AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT AND ALL RELATED EXHIBITS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 311 of the Texas Transportation Code grants the City of Gun Barrel City exclusive dominion, control, and jurisdiction over public streets within its corporate limits; and

WHEREAS, Section 221.002 of the Texas Transportation Code authorizes the State of Texas, through the Texas Department of Transportation ("State"), to enter into agreements with cities to fix responsibilities for the maintenance, control, supervision, and regulation of State highways within municipal corporate limits; and

WHEREAS, the Texas Department of Transportation has proposed a Municipal Maintenance Agreement (designated as Form 1038) to define the respective duties, obligations, and jurisdictions of the State and the City regarding state highway routes passing through the city; and

WHEREAS, the City Council finds that entering into this Agreement is in the best interest of the health, safety, and welfare of the citizens of Gun Barrel City, as it clarifies responsibilities for traffic regulations, signalization, mowing, drainage, and road surface maintenance;

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

SECTION 1. The recitals set forth above are true and correct and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. The Municipal Maintenance Agreement (TxDOT Form 1038), a copy of which is attached hereto and incorporated for all intents and purposes, is hereby approved.

SECTION 3. The mayor is hereby authorized and directed to execute the Municipal Maintenance Agreement, along with Exhibits A, B, C, and D, on behalf of the City of Gun Barrel City, Texas.

SECTION 4. The City Secretary is authorized to attest to the signature of the executing official and to attach a certified copy of this Resolution as "Exhibit C" to the executed contract copies for submission to the Texas Department of Transportation.

SECTION 5. This Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED this ____ day of _____, 2026.

APPROVED:

Brian Crull, Mayor
City of Gun Barrel City, Texas

ATTEST:

Janet Dillard, City Secretary
City of Gun Barrel City, Texas



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: 07/28/26
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: ACTION

SUBMITTING INFORMATION

DEPARTMENT: Building
REQUESTED BY: S. Wiggins

POSTED AGENDA ITEM WORDING

Public hearing to discuss the unsafe structure located at 160 Box Rd., Gun Barrel City, Texas. (Mayor)

Consider and take action to determine whether the structure located at 160 Box Rd., Gun Barrel City, Texas is considered unsafe.
(Building Official)

Consider and take action to adopt Order - 160 Box Rd. making findings of fact and ordering the demolition of structures located at 160 Box Rd., Gun Barrel City, Texas. (Building Official)

SUMMARY

160 Box Rd has been declared an unsafe, unsecured structure. All notifications have been made. There has been no response from the listed property owner. There have been (3) Code violations on this property in the past (4) years. The building has been vandalized and open to the elements for several years. It is unknown when it was last occupied. The demolition will be conducted by an outside contractor at an estimated cost of \$5600.

FINANCIAL INFORMATION

BUDGETED ITEM: **yes**

AMOUNT BUDGETED: **0**

AMOUNT REQUESTED: **5600**

ACCOUNT NUMBER: **N/A**

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Notice
Order
Photos.

160 Box Rd
Gun Barrel City TX 75156
United States
Jul 21, 2026 at 9:39:09 AM



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 July 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 **160 Box Rd. AB 483 B MEDRO SUR, SIESTA SHORES #1 BLK E LTS 74 & 75, C/299 Gun Barrel City, Tx. 75156**, 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 July 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 **160 Box Rd. AB 483 B MEDRO SUR, SIESTA SHORES #1 BLK E LTS 74 & 75, C/299. Gun Barrel City, Tx. 75156**, 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 BARREL CITY, 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 **160 Box Rd. AB 483 B MEDRO SUR, SIESTA SHORES #1 BLK E LTS 74 & 75, C/299 Gun Barrel City, Tx. 75156** 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



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: 07/28/26
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: ACTION

SUBMITTING INFORMATION

DEPARTMENT: Building
REQUESTED BY: S. Wiggins

POSTED AGENDA ITEM WORDING

Public hearing to discuss the unsafe structure located at 304 Valleyview, Gun Barrel City, Texas. (Mayor)

Consider and take action to determine whether the structure located at 304 Valleyview, Gun Barrel City, Texas is considered unsafe.
(Building Official)

Consider and take action to adopt Order - 304 Valleyview, making findings of fact and ordering the demolition of structures located at 304 Valleyview, Gun Barrel City, Texas. (Building Official)

SUMMARY

304 Valley View has been declared an unsafe, unsecured structure. All notifications have been made. There has been no response from the property owner. There have been (6) Code violations on this property in the past (5) years. The building has been gutted and vacant for the past (3) years. The demolition will be conducted by an outside contractor at an estimated cost of \$5300.

FINANCIAL INFORMATION

BUDGETED ITEM: yes

AMOUNT BUDGETED: 0

AMOUNT REQUESTED: 5300

ACCOUNT NUMBER: N/A

RECOMMENDED ACTION

Approval.

ATTACHMENTS

Notice
Order
Photos.

304 Valleyview St
Gun Barrel City TX 75156
United States
Jul 21, 2026 at 9:46:43 AM



304 Valleyview St
Gun Barrel City TX 75156
United States
Jul 21, 2026 at 9:47:09 AM



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 July 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 **304 Valleyview AB 59 J P BROWN SUR, TAMARACK VENTURE LT 390, B/136 Gun Barrel City, Tx. 75156**, 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 July 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 **304 Valleyview AB 59 J P BROWN SUR, TAMARACK VENTURE LT 390, B/136 Gun Barrel City, Tx. 75156**, 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 BARREL CITY, 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 **304 Valleyview AB 59 J P BROWN SUR, TAMARACK VENTURE LT 390, B/136 Gun Barrel City, Tx. 75156** 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



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: July 28, 2026
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: ACTION

SUBMITTING INFORMATION

DEPARTMENT: City Secretary
REQUESTED BY: Janet Dillard

POSTED AGENDA ITEM WORDING

Consider and take action to adopt Ordinance No. O-2026-035 calling a special election for November 3, 2026, to submit to the voters a proposition initiated by referendum relating to the repeal of Ordinance No. O-2026-003 (amending animal control) and Appendix 1 (Fee schedule).

SUMMARY

A valid referendum petition was submitted requesting that the City Council repeal Ordinance No. O-2026-003 (Amending Animal Control) and Appendix 1 (Fee Schedule). Pursuant to Section 6.08 of the City Charter, when a referendum petition is determined sufficient, the City Council must reconsider the referred ordinance by voting on its repeal. If the Council fails to repeal the ordinance within thirty (30) days after the petition is determined sufficient, the Charter requires the matter to be submitted to the qualified voters of the City at the first uniform election date.

The proposed ordinance calls for a Special Election to be held on Tuesday, November 3, 2026, establishes the required election procedures in accordance with the Texas Election Code, designates polling locations, and provides for early voting and election administration through the Henderson County Elections Administrator.

FINANCIAL INFORMATION

Election expenses associated with this special election would be incurred during the next fiscal year's budget cycle, which has not yet been finalized. The proposed budget allocation for election expenses in that fiscal year is \$5,000. The estimated cost of this special election, as outlined in the accompanying agenda item request, is \$3,645.00.

RECOMMENDED ACTION

Approval.

ATTACHMENTS

- Ordinance No. O-2026-035
- Order of election

ORDINANCE #O-2026-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2026, TO SUBMIT TO THE VOTERS A PROPOSITION INITIATED BY REFERENDUM RELATING TO THE REPEAL OF ORDINANCE NO. O-2026-003 (AMENDING ANIMAL CONTROL) AND APPENDIX 1 (FEE SCHEDULE), WHICH WAS PASSED BY THE CITY COUNCIL AND ESTABLISHING PROCEDURES FOR SAID SPECIAL ELECTION.

Whereas, a special election to submit to the voters a proposition initiated by referendum relating to the repeal of Ordinance No. O-2026-003 (Amending Animal Control) and Appendix 1 (Fee Schedule), which was passed by the City Council and is to be held on a uniform election date; and

Whereas, the Texas Election Code is applicable to said election, and in order to comply with said Code, an Ordinance should be passed calling the election, establishing the procedures to be followed in said election, and designating the voting places for said election.

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

Section 1. Special Election Ordered. The special election for the purpose of submitting to the voters a proposition initiated by referendum relating to the repeal of Ordinance No. O-2026-003 (Amending Animal Control) and Appendix 1 (Fee Schedule) shall be held on Tuesday, November 3, 2026.

Section 2. Election Precincts and Polling Places. There shall be two election precincts for the election. The election precincts and the polling place for each such election precinct shall be as follows:

(a) Election Precinct Number 1 shall contain all that geographic area of the city lying and being situated west of Prairie Creek. The following location is hereby designated as the polling place for Election Precinct Number 1 on election day: City Hall, 1716 West Main Street, Gun Barrel City, Texas.

(b) Election Precinct Number 2 shall contain all that geographic area of the city lying and being situated east of Prairie Creek. The following location is hereby designated as the polling place for Election Precinct Number 2 on election day: City Hall, 1716 West Main Street, Gun Barrel City, Texas.

The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m.

Section 3. Election Judge and Alternate. A Presiding Judge, Alternate Presiding Judge and Clerk may be designated and appointed election officers for the holding of said election

at each of the respective Election Precincts.

Each Alternate Presiding Judge shall, in the absence of the respective Presiding Judge, perform the duties of the respective Presiding Judge in said election. The Presiding Judge shall appoint qualified voters who are residents of the City to serve as Clerks in said election; the appointment of such clerks is to include the Alternate Presiding Judge, who, if present, shall be appointed and counted as one of the election clerks. The rate of pay for Election Judges and the Clerks shall be set by the **Henderson County Election Administrator's** office.

Section 4. Early Voting. That early voting in said election shall be conducted as prescribed by the order of election attached hereto and the **Henderson County Election Administrator's** office is hereby charged with the duty of conducting early voting in said election as required by law.

Early Voting by mail shall be by paper ballots. Early Voting by personal appearance shall be by optical scan ballots. All early voting ballots shall be canvassed by an Early Voting Ballot Board and it is hereby ordered that the Judges and clerks additionally serve as the Early Voting Ballot Board.

Section 5. Voting System. Said election shall be held in accordance with the Texas Election Code §61.012 providing that each polling place must provide at least one accessible voting station that provides a practical and effective means for voters with physical disabilities to cast a secret ballot. In addition to the standard paper ballots, the City Council hereby adopts for use in early and election day voting the eSlate Electronic Voting System, which uses optical scan ballots, as approved by the Secretary of State to comply with HAVA requirements. All expenditures necessary for the conduct of the election, the purchase of materials therefore, and the employment of all election officials is hereby authorized.

Section 6. Ballots. That it is hereby determined that optical scan ballots shall be used in conducting said election, and that said ballots and other election materials as are required by the Texas Election Code, as amended, shall be printed in both the English and Spanish languages. Proposition to be listed on the ballot is attached as **Exhibit "A"**.

Section 7. Notice of Election. That notice of said election shall be given by the Mayor in accordance with the terms and provisions of the Texas Election Code and the Federal Voting Rights Act of 1965, as amended.

Section 8. General. Said election shall be held in accordance with the Texas Election Code, and only resident qualified voters of said City shall be eligible to vote at said election. The **Henderson County Election Administrator's office** is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election. Returns of said election shall be made known as soon as possible after the closing of the polls.

Section 9. Effective Date. This Ordinance shall be effective upon its passage by a majority vote of the City Council.

Passed and Approved this the **28th** day of **July 2026**.

Attest:

Approved:

Janet Dillard, City Secretary

Brian Crull, Mayor

EXHIBIT “A”

PROPOSITION

Should Ordinance No. O-2026-003 (Amending Animal Control) and Appendix 1 (Fee Schedule) be repealed?

- **FOR** Repeal of the Ordinance

☐

- **AGAINST** Repeal of the Ordinance

☐

ORDER OF SPECIAL ELECTION FOR GUN BARREL CITY
ORDEN DE ELECCIÓN ESPECIAL PARA GUN BARREL CITY

An election is hereby ordered to be held on November 3, 2026, for the purpose of submitting to the voters a proposition initiated by referendum relating to the repeal of Ordinance No. O-2026-003 (amending animal control) and Appendix 1 (Fee Schedule) which was passed by the City Council. *(Por la presente se ordena que se celebre una elección el 3 de noviembre de 2026, con el propósito de someter a los votantes una propuesta iniciada mediante referéndum relacionada con la derogación de la Ordenanza Núm. O-2026-003 (que modifica el control de animales) y el Apéndice 1 (Tabla de Tarifas), los cuales fueron aprobados por el Concejo Municipal.)*

List Propositions/Measures on the ballot *(enumere los propuestas/medidas en la boleta electoral)*
PROPOSITION: Should Ordinance No. O-2026-003 (Amending Animal Control) and Appendix 1 (Fee Schedule) be repealed?

Early voting by personal appearance will be conducted each WEEKDAY at:
(La votación adelantada en persona se llevará a cabo de lunes a viernes en:)

The Main Early Voting Location *(sitio principal de votación adelantada)*

Henderson County Senior Citizen's Center In front of Henderson County Regional Fairpark 3344 A TX-31- Athens, TX 75752	October 19, 2026 – October 23, 2026 8:00 A.M. – 5:00 P.M. October 26, 2026 – October 30, 2026 7:00 A.M. – 7:00 P.M.
--	--

Branch Early Voting Locations *(sucursal sitios de votación adelantada)*

Henderson County Annex Seven Points (Old Prosperity Bank Building) 601 East Cedar Creek Parkway Seven Points, TX 75143	October 19, 2026 – October 23, 2026 8:00 A.M. – 5:00 P.M. October 26, 2026 – October 30, 2026 7:00 A.M. – 7:00 P.M.
Chandler Community Center Next to City Hall 811 State HWY 31 W Chandler, TX 75758	October 19, 2026 – October 23, 2026 8:00 A.M. – 5:00 P.M. October 26, 2026 – October 30, 2026 7:00 A.M. – 7:00 P.M.
Henderson Co. Larue Complex 9551 County Road 4719 Larue, TX 75770	October 19, 2026 – October 23, 2026 8:00 A.M. – 5:00 P.M. October 26, 2026 – October 30, 2026 8:00 A.M. – 5:00 P.M.
Malakoff ISD Learning Center 110 Jackson Street Malakoff, Texas 75148	October 19, 2026 – October 23, 2026 8:00 A.M. – 5:00 P.M. October 26, 2026 – October 30, 2026 8:00 A.M. – 5:00 P.M.

Early voting by personal appearance will be conducted each WEEKEND at:
(La votación adelantada en persona se llevará a cabo en el fin de semana en:)

The Main Early Voting Location *(sitio principal de votación adelantada)* Location *(sitio)* Hours *(horas)*

Henderson County Senior Citizen's Center In front of Henderson County Regional Fairpark 3344 A TX-31- Athens, TX 75752	October 24, 2026 – 7:00 A.M. – 7:00 P.M. October 25, 2026 – 10:00 A.M. – 4:00 P.M.
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Branch Early Voting Locations *(sucursal sitios de votación adelantada)*

Henderson County Annex Seven Points (Old Prosperity Bank Building) 601 East Cedar Creek Parkway Seven Points, TX 75143	October 24, 2026 – 7:00 A.M. – 7:00 P.M. October 25, 2026 – 10:00 A.M. – 4:00 P.M.
---	---

Applications for ballot by mail shall be mailed to:
(Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:)
Paula Ludtke Email: HCElections@henderson-county.com
P. O. Box 2720 Website: <https://www.henderson-county.com/departments/elections-voter-registration>
Athens, TX 75751

Applications for ballots by mail must be received no later than the close of business on **October 23, 2026**
(Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de negocio el)
Federal Post Card Applications (FPCAs) must be received no later than the close of business on:
(La Tarjeta Federal Postal de Solicitud deberán recibirse no más tardar de las horas de negocio el:) **October 23, 2026**

Issued this the _____ day of _____, 20_____. *(Emitida este día _____ de _____, 20____.)*

Signature of Mayor *(Firma del Alcalde)*

Signature of Councilperson *(Firma del Concejal)* Signature of Councilperson *(Firma del Concejal)*

Signature of Councilperson *(Firma del Concejal)* Signature of Councilperson *(Firma del Concejal)*

Signature of Councilperson *(Firma del Concejal)*



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CITY COUNCIL AGENDA ITEM REPORT

DATE: July 28, 2026
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: ACTION

SUBMITTING INFORMATION

DEPARTMENT: City Secretary
REQUESTED BY: Janet Dillard

POSTED AGENDA ITEM WORDING

Consider and take action to approve an interlocal agreement with Henderson County to conduct the city's November 3, 2026, special election.

SUMMARY

Approval of this Interlocal Agreement authorizes Henderson County to administer the City of Gun Barrel City's November 3, 2026, Special Election in accordance with the Texas Election Code. Under the agreement, Henderson County will provide election administration services, including election programming, voting equipment, poll worker recruitment and training, early voting and Election Day operations, tabulation of electronic voting results, operation of the central counting station, and retention of election records.

The City will remain responsible for duties required by law, including approving the ballot language, providing election notices, canvassing the election results, and fulfilling all other statutory obligations assigned to the City.

The agreement also establishes the cost-sharing arrangement for election services. Henderson County will charge the City the actual costs associated with conducting the election, plus an administrative fee equal to ten percent (10%) of those costs. The election will be conducted using Henderson County Vote Centers and voting equipment.

FINANCIAL INFORMATION

The estimated cost of the November 3, 2026, Special Election is \$3,645.00. Election expenses will be incurred during the next fiscal year's budget cycle, which has not yet been finalized. The proposed election budget for that fiscal year is \$5,000.00.

RECOMMENDED ACTION

Approve the Interlocal Agreement between the City of Gun Barrel City and Henderson County for the administration of the November 3, 2026, Special Election and authorize the Mayor to execute the agreement.

ATTACHMENTS

- Interlocal Agreement

INTERLOCAL AGREEMENT

STATE OF TEXAS

COUNTY OF HENDERSON

This Agreement is entered into by and between Henderson County, Texas, a political subdivision of the State of Texas, with the authorization of its governing body (hereinafter referred to as "COUNTY"), and City of Gun Barrel City with the authorization of its governing body (hereinafter referred to as "Gun Barrel City").

WITNESSETH

WHEREAS, COUNTY has the resources and equipment to conduct elections throughout all or portions of Henderson County, Texas; and

WHEREAS, GUN BARREL CITY and COUNTY have determined that it is in the public interest of their inhabitants that the following Agreement be made and entered into for the purpose of having COUNTY furnish certain election equipment/services needed by GUN BARREL CITY in connection with GUN BARREL CITY election.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and agreements contained herein, as well as other good and valuable consideration stated herein below, COUNTY and GUN BARREL CITY agree as follows:

PURPOSE

It is the purpose of this **INTERLOCAL AGREEMENT** to set forth the purpose, terms, rights and duties of the contracting parties whereby COUNTY is to provide certain equipment limited to the undertaking of an election herein described for GUN BARREL CITY.

TERMS, RIGHTS AND DUTIES

I. COUNTY'S DUTIES

COUNTY shall perform the following duties in connection with conducting GUN BARREL CITY election:

1. Provide services for electronic voting machines including the preparation of voting machines; programming, testing of tabulation equipment, and notifying GUN BARREL CITY of such tests; and notification of the time and place of such test;
2. Henderson County's electronic voting machines shall be used for Early Voting and Election Day. Early voting dates are: October 19, 2026 through October 30, 2026 Election Day is: November 3, 2026;
3. GUN BARREL CITY will utilize the different voting machines for Early Voting and Election Day;
4. Receive and process official tabulation of electronic voting machine in accordance with the Texas Election Code;
5. Provide for retention and storage of election records as provided by law;
6. COUNTY shall receive and process official tabulation of electronic voting machine in accordance with the Texas Election Code;

7. The Elections Administrator will recruit all election workers. The Elections Administrator will take the necessary steps to ensure that all election judges appointed for the Joint Election are eligible to serve and meet the eligibility requirements in Subchapter C of Chapter 32 of the Texas Election Code and meet any requirements to serve as an Election Worker set forth by the Henderson County Commissioners Court. The Elections Administrator shall arrange for the training and compensation of all election judges, clerks, and election personnel;
8. The Election Administrator shall appoint an Early Voting Ballot Board (EVBB) to process Early Voting results from the Joint Election. The Presiding Judge, with the assistance of the Elections Administrator, shall appoint two or more additional members to constitute the EVBB. The Elections Administrator shall determine the number of EVBB members required to efficiently process the Early Voting ballots;
9. The Elections Administrator will take the necessary steps for establishing and operating the central counting station to receive and tabulate the voted ballots in accordance with the provisions of the Texas Election Code and of this Contract. The Counting Station Manager or an approved representative shall deliver timely cumulative reports of the election results as precincts report to the central counting station and are tabulated. The Counting Station Manager shall be responsible for releasing unofficial cumulative totals and precinct returns from the election to the joint participants, candidates, press, and general public by distribution of hard copies at the central counting station and by posting to the Henderson County Elections Office webpage. The Elections Administrator will prepare the unofficial canvass reports that are necessary for compliance with Election Code Section 67.004, after all precincts have been counted and will deliver a copy of the unofficial canvass to each Participating Authority as soon as possible after all returns have been tabulated. Each Participating Authority shall be responsible for the official canvass of its respective election(s); and
10. Election Systems & Software and Henderson County certifies that a criminal background check on all employees, including current employees, future employees and temporary employees that may program, test, perform maintenance, transport equipment, or perform technical support on the voting system equipment for Henderson County has been performed. COUNTY has determined there are no findings that would prevent the employees from performing their assigned duties.

II. GUN BARREL CITY DUTIES

GUN BARREL CITY shall be required to perform the following duties in connection with the terms and conditions of this Agreement:

1. Furnish wording of ballot for GUN BARREL CITY election in English and Spanish, and give final approval of GUN BARREL CITY ballot in writing;
2. Prepare and submit any voting changes to the United States Department of Justice as required by the Federal Voting Rights Act of 1965, as amended, for GUN BARREL CITY election;
3. Receive and process official tabulation of paper ballots in accordance with the Texas Election Code, including but not limited to, canvassing the vote in accordance with the Texas Election Code;
4. Perform those duties and functions which, by law, GUN BARREL CITY remains required to perform; and
5. Give notice of the election as required by all applicable laws including Chapter 4 of the Texas Election Code.

III. CONSIDERATION

As consideration for performing the duties herein described in relation to GUN BARREL CITY election to be held on November 3, 2026, COUNTY shall charge an administrative fee of ten percent (10%) of the total amount of the actual costs of holding GUN BARREL CITY'S election (refer to Exhibit A for actual cost) as well as providing the service to perform functionalities on equipment, testing, predefining and tally of the equipment for GUN BARREL CITY for its municipal election. GUN BARREL CITY will conduct its election at Henderson County Vote Centers, utilizing the voting machines.

IV. TERM

This Agreement shall be effective as of the date of its execution by both parties. This Agreement is subject to approval, on an annual basis, by the governing bodies of each respective party prior to GUN BARREL CITY'S regular elections.

V. VENUE AND CHOICE OF LAW

The obligations and undertakings of each of the parties to this Agreement shall be performed in Henderson County, Texas, and its Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

VI. MODIFICATION

This Agreement contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect. Any modifications concerning this agreement shall be in writing and agreed upon by both parties. No official, representative, employee or agent of COUNTY has any authority to modify or amend this Agreement except pursuant to specific authority to do so granted by the Commissioners' Court of COUNTY and the City Council of Gun Barrel City.

VII. NONASSIGNMENT OF RIGHTS

No assignment of this Agreement or of any right accruing hereunder shall be made in whole or in part by GUN BARREL CITY, without prior written consent by COUNTY by and through an order of its Commissioners' Court.

VIII. SUCCESSORS AND ASSIGNS

This agreement shall be binding upon and inure to the benefit of the successors in office and assigns of the respective parties hereto.

IX. NOTICES

Any notice to be given hereunder by either party to the other shall be in writing and may be affected by personal delivery in writing or certified mail, return receipt requested, when mailed to the proper party at the following address:

COUNTY: Henderson County – County Judge
Attn: Wade McKinney
125 N. Prairieville Courthouse Annex Suite 100
Athens, Texas 75751

CITY: City of Gun Barrel City
1716 West Main Street
Gun Barrel City, TX 75156

X. CANCELLATIONS

In the event that GUN BARREL CITY elections are cancelled, GUN BARREL CITY shall pay all costs incurred by County up to the date of cancellation, if any. Such costs shall be determined by the COUNTY Election Administrator.

IN WITNESS WHEREOF, HENDERSON COUNTY and CITY OF GUN BARREL CITY, have caused this Agreement to be effective as prescribed in Section IV of this Agreement.

APPROVED BY THE HENDERSON COUNTY COMMISSIONERS' COURT on this the _____ day of _____, 2026, and executed by Wade McKinney, County Judge, as Authorized Representative of HENDERSON COUNTY.

APPROVED:

Wade McKinney, County Judge

ATTEST:

Paula Ludtke, Election Administrator
Henderson County, Texas

APPROVED:

Ken Strawn, County Attorney
Henderson County, Texas

APPROVED:

Mayor

ATTEST:

City Secretary

Exhibit A
City of Gun Barrel City

DESCRIPTION	UNIT	COST PER UNIT	NO. UNITS	AMOUNT	CATEGORY TOTALS
ELECTION WORKER CHARGES					
EARLY VOTING					
Poll Worker	HR	\$12.00		\$1,200.00	
				Estimate	\$1,200.00
SITE SUPPORT					
Central Counting Station 3 People	3	\$23.00	9	\$207.00	
Manager and Tech Support 4 People	2	\$23.00	8	\$184.00	
					\$391.00
SERVICES & SUPPLIES					
Election Day Kit	EA	\$42.00	1	\$42.00	
Absentee Ballot	EA	\$1.50	0	\$0.00	
					\$42.00
EQUIPMENT RENTAL					
Express Vote		\$213.25	0	\$0.00	
DS200 - Scanner		\$304.00	0	\$0.00	
Pollbooks		80.23	1	80.23	
					\$80.23
PROGRAMING - CODING					
Coding					
Audio					
Layout					
				Estimate	\$1,600.00
			Sub Total		\$3,313.23
			10% Admin Fee		\$331.32
			Est. Total		\$3,644.55



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CITY COUNCIL AGENDA ITEM REPORT

DATE: July 28, 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 adopt Resolution No. R-2026-013 authorizing the City Manager to close the certificate of deposit account ending 1007 at Prosperity Bank and transferring the proceeds to the city's general fund account.

SUMMARY

In March 2026, City Council approved the closure of a Certificate of Deposit (CD) based on information provided at that time indicating the CD would be closed. Due to miscommunication during the process, the approved closure was not completed, and the CD renewed for an additional four months.

This item is being brought back before Council for consideration to address the outstanding matter and obtain direction regarding the closure of the CD. Staff is presenting this item to ensure transparency, clarify the status of the account, and complete the action previously authorized by Council.

This resolution will close the last Certificate of Deposits at Prosperity 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. This CDs will officially expire on August 15, 2026.

The amount of the CDs at closure is approximately \$165,073.19 plus accrued interest.

The interest rate with TexStar as of July 16, 2026, was 3.63%.

FINANCIAL INFORMATION

BUDGETED ITEM: N/A

AMOUNT BUDGETED: 0

AMOUNT REQUESTED: 0

ACCOUNT NUMBER: N/A

RECOMMENDED ACTION

Approval.

ATTACHMENTS

- Resolution No. R-2026-013

RESOLUTION NO. 2026-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUN BARREL CITY, TEXAS, AUTHORIZING THE CLOSURE OF CERTIFICATE OF DEPOSIT ACCOUNT NO. ENDING 1007 AT PROSPERITY BANK AND TRANSFERRING THE PROCEEDS TO THE CITY'S GENERAL FUND ACCOUNT.

WHEREAS, the City of Gun Barrel City, Texas ("City") currently holds a Certificate of Deposit (CD) Account ending 1007 (the "Account") with Prosperity Bank in the amount of approximately \$165,073.19 plus accrued interest; 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 No. ending 1007 held at Prosperity Bank.

SECTION 2. The City Council authorizes and directs the City Manager to transfer the entire principal amount of approximately \$165,073.19 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 Prosperity 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

Firm	Year 2026	Year 2027	Year 2028	Estimated Hours	Additional Hourly Rate
Donald Allman	\$ 25,000 - 27,000	\$ 27,000.00	\$ 27,000.00		250/hr
Carr, Riggs & Ingram	\$ 32,500.00	\$ 33,800.00	\$ 35,100.00		375/hr
*All invoices will include a 7% Admin fee					
BGFN	\$ 23,395.00	\$ 24,214.00	\$ 25,061.00		None listed
*no hourly rates listed					

Members present during bid opening: Janet Dillard

Firm	Experience/ Qualifications 20%	Understanding City Needs 30%	Audit Approach/ Timeline 40%	Cost Proposal 10%	Total Evaluation
Donald Allman	Disqualified per section 7.18 - Independent Auditor of the City Charter				
Carr, Riggs & Ingram	18%	30%	40%	5%	93%
BGFN	20%	30%	40%	10%	100%

*Recommendation highlighted



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CITY COUNCIL AGENDA ITEM REPORT

DATE: July 28, 2026
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: ACTION

SUBMITTING INFORMATION

DEPARTMENT: City Treasurer
REQUESTED BY: Mickie Raney

POSTED AGENDA ITEM WORDING

Consider and take action to award the bid for a certified public accountant to perform annual audits on all city accounts for the next three fiscal years.

SUMMARY

City Staff put out a request for proposals for auditing services for fiscal years 2026, 2027 and 2028 on June 7 and 14, 2026 to be accepted until July 14, 2026, and opened publicly at City Hall. The City received three (3) proposals. Based on proposed evaluations (tabulation attached), staff is recommending the City choose BGFN Certified Public Accountants (Brockway, Gersbach, Franklin & Niemeier, P.C. Temple, Texas) for independent auditing services for Fiscal Years 2026, 2027 and 2028.

FINANCIAL INFORMATION

BUDGETED ITEM: Y
AMOUNT BUDGETED: 2026 \$23,395, 2027 \$24,214 and 2028 \$25,061
AMOUNT REQUESTED: 0
ACCOUNT NUMBER: 23-5124

RECOMMENDED ACTION

Award bid to BGFN.

ATTACHMENTS

Bid tabulation



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CITY COUNCIL AGENDA ITEM REPORT

DATE: July 28, 2026
AGENDA SECTION: NEW BUSINESS
ITEM TYPE: ACTION

SUBMITTING INFORMATION

DEPARTMENT: City Manager
REQUESTED BY: Steve Norwood

POSTED AGENDA ITEM WORDING

Consider and take action to ratify EDC Board appointments made at the May 27, 2026, Council meeting.

SUMMARY

During the Regular City Council Meeting held on May 27, 2026, the City Council took official action to appoint two new members to the Gun Barrel City Economic Development Corporation (EDC) Board.

April Burns and Jennifer Jacobs were both appointed with the following motion being made by Mr. Robert Edwards: motion due to current vacancies, the state law allows us to appoint, motion to appoint April and Jennifer to the EDC open seats. Doug Lander seconded, and all members voted yes to approve.

The purpose of this agenda item is to formally ratify those appointments to ensure complete transparency, compliance with local governance protocols, and uninterrupted operation of EDC initiatives.

RECOMMENDED ACTION

Approval.

ATTACHMENTS

None.



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CITY COUNCIL AGENDA ITEM REPORT

DATE: July 28, 2026
AGENDA SECTION: New Business
ITEM TYPE: Discussion

SUBMITTING INFORMATION

DEPARTMENT: Administration
REQUESTED BY: Interim City Manager

POSTED AGENDA ITEM WORDING

Discussion regarding final draft of ordinances, Chapters 110-117.

SUMMARY

Included in your agenda packet is a red line copy of suggested updates and/or changes to chapters 110-117 provided by the Ordinance Review Committee. This is a discussion only item, following Council directive, these will be forwarded onto the City Attorney for a final draft that will come back to Council at a later date for adoption.

RECOMMENDED ACTION

Discussion item only.

ATTACHMENTS

Draft Code of Ordinances Amendment – Chapters 110-117

TITLE XI: BUSINESS REGULATIONS¹

CHAPTER 110: ALCOHOLIC BEVERAGES²

Sec. 110.01 FEES ON STATE PERMITS AND LICENSES; DURATION. REMOVE FEES PER SB1008

The one-year and two-year fee for businesses having a state alcoholic beverage permit or license shall be an amount equal to 1/2 the state fee for each permit or license issued for selling, brewing, distilling, manufacturing or distribution of alcoholic beverages. The City Treasurer sends letters and collects the fee for each permit or license issued. The term of such permit shall run concurrent with the state license or permit.

('88 Code, Ch. 4, § 1.03 and App. A, § 9.00; Ord. 260, passed 1-10-89; Am. Ord. O-2016-031, passed 8-23-16)

Cross reference(s)—See also § 7.00 of Appendix 1 of this Code.

State law reference(s)—Authority to levy and collect permit fee not to exceed ½ state permit fee, see Tex. Alcoholic Beverage Code §§ 11.38 and 61.36

Sec. 110.02 SALES NEAR CHURCHES, SCHOOLS OR HOSPITALS PROHIBITED.

It shall be unlawful for any person to sell or engage in the business of selling alcoholic beverages within the city where the place of business is situated within 300 feet of any church, ~~public~~-hospital, or school or other educational institution. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public schools or other educational institution shall be in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections.

('88 Code, Ch. 4, § 1.04; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

State law reference(s)—Authority to restrict location of sales, see Tex. Alcoholic Beverage Code § 109.33

¹State law reference(s)—Authority to adopt regulations under police powers for the good government, peace and order and for trade and commerce, see Tex. Local Gov't Code § 51.001

²Editor's note(s)—The Texas Alcoholic Beverage Code has been held to preempt any municipal legislation regarding alcohol unless explicitly authorized by state law. See *Dallas Merchants and Concessionaires Association v. City of Dallas*, 852 S.W.2d 489 (Tex. 1993) (holding that comprehensive state scheme of regulation preempts municipal legislation). Therefore, this chapter only contains legislation explicitly authorized by state law.

**Sec. 110.03 POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED;
DEFINITIONS.**

(A) A person commits an offense if he consumes or possesses an alcoholic beverage:

- (1) While in a public park; or
- (2) While on a public street, sidewalk, or parking area adjacent to a public park; or
- (3) While in or on city property.

(B) Definitions.

ALCOHOLIC BEVERAGE. Alcohol, or any beverage containing more than 1/2 of 1% of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

CITY PROPERTY. Any building, facility, park, land, vehicle or equipment owned by the city.

Any word or term used in this chapter and not specifically defined herein, shall have the meaning set out in Tex. Alcoholic Beverage Code § 1.04.

(C) Exceptions. The restrictions of this section shall not apply to a festival, civic celebration, or charitable event on city property which has been authorized by the City ~~Council~~Manager, and which is authorized by the provisions of the Texas Alcoholic Beverage Code. Before the City Council makes any such determination, the ~~City Manager~~City Manager or designee shall make a recommendation whether to approve or not approve the consumption or possession of alcoholic beverages on city property, and in doing so shall consider the impact on the surrounding neighborhood, whether the festival, civic celebration or charitable event is one which traditionally has had alcoholic beverage consumption with no resultant problems, whether the sponsor of the event will provide for sufficient trash and refuse removal and necessary sanitary facilities, and any other conditions the ~~City Manager~~City Manager or designee deems advisable to protect the public health, safety and welfare. The ~~City Manager~~City Manager or designee is authorized to erect appropriate signs on city property to give notice that the possession or consumption of alcoholic beverages is prohibited as provided by this chapter.

(Ord. 98-026, passed 9-8-98)

Cross reference(s)—Penalty, see § 10.99

**Sec. 110.04 EXTENSION OF HOURS FOR SALE OF ALCOHOLIC BEVERAGES TO HOLDERS OF A
PRIVATE CLUB LATE HOURS PERMIT AND A FOOD AND BEVERAGE CERTIFICATE.**

The holder of both a state food and beverage certificate authorized by Tex. Alcoholic Beverage Code § 32.23 and a private club late hours permit authorized by Tex. Alcoholic Beverage Code § 33.01 may offer or sell mixed beverages, beer and wine between midnight and 2:00 a.m. on Fridays, Saturdays, Sundays and federally recognized holidays, provided the holder complies with the Code.

(Ord. O-2011-010, passed 7-26-11)

Cross reference(s)—Penalty, see § 110.99

Sec. 110.99 PENALTY.

Any person, firm, corporation or entity violating § 110.04 shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of \$500 or other such penalty as authorized by state law. Each continuing days violation under this section shall constitute a separate offense. The penal

provisions imposed under this section shall not preclude the city from filing suit to enjoin the violation. The city retains all rights and remedies available to it pursuant to local, state and federal law.

(Ord. O-2011-010, passed 7-26-11)

CHAPTER 111: AMUSEMENTS

GENERAL PROVISIONS

Sec. 111.01 COIN-OPERATED MACHINES. ATTORNEY REWRITING BASED ON COUNCIL

FEEDBACK

- (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~~Gun Barrel City, 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 through a permit 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~~City Manager or designee will visit the establishments to make sure the establishments have their ~~permits, the Code Compliance Officer shall permits and~~ enforce the provisions of the Code.

(Ord. 149, passed 9-22-81; '88 Code, Ch. 4, § 2.00 and App. A, § 10.00; Ord. 344, passed 6-23-92; Am. Ord. 98-023, passed 8-11-98; Am. Ord.01-020, passed 10-23-01)

Cross reference(s)—Penalty, see § 111.99

State law reference(s)—Authority to levy occupation tax on coin-operated machines, see Tex. Rev. Civ. Stat. Art. 8814

PARADES, CARNIVALS, CIRCUSES, SPECIAL EVENTS AND TENT SHOWS

Sec. 111.15 DEFINITIONS.

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

PARADE. The assembly of three or more persons whose gathering is for the common design of traveling or marching in procession from one location to any other location for the purpose of advertising, promoting, celebrating or commemorating a thing, person, date or event that is not directly related to the expression of feelings and beliefs on current political, religious or social issues.

REGULATORY AUTHORITY. The City Manager or designee.

SPECIAL EVENT. A temporary event or gathering, using either public or private property, which involves one or more of the following activities, except when the activity is for construction or house moving purposes only:

- (1) Closing a public street.
- (2) Blocking or restriction of public property.
- (3) Sale of merchandise, food or beverages on public property, or on private property where otherwise prohibited by ordinance.
- (4) Erection of a tent on public property, or on private property where otherwise prohibited by ordinance.
- (5) Installation of a stage, band shell, trailer, van, portable building, grandstand or bleachers on public property, or on private property where otherwise prohibited by ordinance.
- (6) Placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance.
- (7) Placement of temporary no-parking signs in a public right-of-way.
- (8) Anticipated attendance of over 100 people in one place – designated as a mass gathering.

('88 Code, Ch. 4, § 10.01; Ord. 97-021, passed 9-23-97)

Sec. 111.16 PERMIT REQUIRED.

It shall be unlawful for any person, group or organization to conduct a parade upon the city streets or hold a circus, carnival, special event or tent show without first obtaining a permit from the city. However, this section shall not apply to funeral processions; school functions such as pep rallies, fund raisers, marching bands and the like; provided, such conduct is under the immediate direction and supervision of the proper school authorities, or a government agency.

('88 Code, Ch. 4, § 10.02; Ord. 260, passed 1-10-89; Am. Ord. 97-021, passed 9-23-97)

Cross reference(s)—Streets and sidewalks, see Chapter 96; Penalty, see § 111.99

Sec. 111.17 APPLICATION FOR PERMIT; FEE.

- (A) Any person desiring to conduct a parade or to hold a circus, carnival, special event or tent show within the city shall make an application in writing to the city at least ten days prior to the date such parade, circus, carnival, special event or tent show is to be conducted.
- (B) The application for a permit shall be on forms furnished by the city which shall set forth the following information:
 - (1) The name, address and telephone number of the person, sponsor, group or organization desiring such permit;
 - (2) The name, address and telephone number of the person who will be responsible for the conduct of the parade, circus, carnival, special event or tent show;
 - (3) The proposed dates the parade, circus, carnival, special event or tent show is to be held;
 - (4) A site plan of the event including the proposed route of parade or location of the circus, carnival, special event or tent show;

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- (5) A description of the proposed parade (number of vehicles, animals and the like), circus, carnival, special event or tent show which is to be held;

(6) A copy of the event holders event insurance with the City of Gun Barrel City listed as the additionally insured; and~~and~~

- (7) Any additional information which the city may deem pertinent as to whether a permit should or should not be issued.

- (C) Each application for a permit shall be accompanied by a permit fee as provided for in § 14.00 of the Fee Schedule found in Appendix 1 of this Code before its consideration. This fee shall be a non-refundable fee regardless of whether the permit is granted or denied.

('88 Code, Ch. 4, § 10.03 and App. A, § 16.00; Ord. 260, passed 1-10-89; Am. Ord. 344, passed 6-23-92; Am. Ord. 97-021, passed 9-23-97; Am. Ord. 98-023, passed 8-11-98)

Cross reference(s)—Penalty, see § 111.99

Sec. 111.18 CONSIDERATION OF APPLICATION.

- (A) Upon the filing of an application for a permit for a parade, circus, carnival, special event or tent show, the ~~City Manager~~City Manager or designee shall cause or make an investigation to determine whether or not the proposed event is in conflict with any laws or ordinances and not detrimental to the public health, safety and welfare.

- (B) When reviewing the permit application, the following concerns and any other information as may otherwise be obtained shall be considered before approving any permit:

- (1) The proposed event will not substantially interrupt the safe and orderly movement of traffic, both vehicular and pedestrian.
- (2) The proposed event will not require the diversion of so great a number of police officers to prevent the normal protection to the entire city.
- (3) The concentration of persons, animals and vehicles will not unduly interfere with proper fire and ambulance service to all portions of the city.
- (4) The conduct of the event is not reasonably likely to cause injury to persons or property or to provoke disorderly conduct or create a disturbance.
- (5) The event is for a meaningful purpose and is of sufficient interest to the general public to justify any inconvenience it may cause.
- (6) That the event has been planned to ensure the general safety, health and welfare of all persons.

- (C) After review of the application, the ~~City Manager~~City Manager or designee shall issue the event permit unless denial is required by § 111.19.

('88 Code, Ch. 4, § 10.04; Ord. 260, passed 1-10-89; Am. Ord. 97-021, passed 9-23-97)

Sec. 111.19 DENIAL OR REVOCATION; APPEAL.

- (A) The ~~City Manager~~City Manager or designee may deny a permit if:

- (1) An event permit has been granted for another event at the same place and time;
- (2) The proposed event will occupy any part of a federal or state highway;

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- (3) The proposed event will unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;
 - (4) The applicant fails to adequately provide for:
 - (a) The protection of event participants;
 - (b) Maintenance of public order in and around event locations;
 - (c) Crowd security, taking into consideration the size and character of the event; or
 - (d) Emergency vehicle access;
 - (5) The applicant fails to comply with or the proposed event will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this subchapter;
 - (6) The applicant makes a false statement of material fact on an application for an event permit;
 - (7) The applicant fails to provide proof that he or she possesses or is able to obtain a license or permit required by city ordinance or other applicable law for the conduct of all activities included as part of the special event;
 - (8) The applicant has had an event permit revoked within the preceding 12 months;
 - (9) The applicant has committed, within the preceding 12 months, two or more violations of a condition or provision of an event permit or this chapter; or
 - (10) The applicant fails to pay any outstanding reimbursable costs owed to the city for a past event.
- (B) The ~~City Manager~~City Manager or designee shall revoke an event permit if:
- (1) The applicant fails to comply with or the event is in violation of a condition or provision of the event permit, an ordinance of the city, or any other applicable law; or
 - (2) The permit holder made a false statement of material fact on an application for an event person.
- (C) If the ~~City Manager~~City Manager or designee denies the issuance of a permit or revokes a permit, he or she shall send to the applicant or permit holder by certified mail, return receipt requested, or by personal delivery, written notice of the denial or revocation and of the right of an appeal. The decision of the ~~City Manager~~City Manager or designee shall be final unless the applicant or permit holder appeals the decision in writing to the City Council within three days. The City Council shall render a decision on the appeal within 14 days after the appeal. The decision of the City Council shall be final.
- ('88 Code, Ch. 4, § 10.05; '88 Code, Ch. 4, § 10.06; Ord. 97-021, passed 9-23-97; Am. Ord. 97-030, passed 12-9-97)

Sec. 111.20 COMPLIANCE WITH PERMIT CONDITIONS AND APPLICABLE LAWS AND ORDINANCES.

It shall be unlawful for any person participating in any parade, circus, carnival, special event or tent show for which a permit here under has been issued to fail to comply with all directions and conditions of such permit and all applicable laws and ordinances.

('88 Code, Ch. 4, § 10.07; Ord. 260, passed 1-10-89; Am. Ord. 97-021, passed 9-23-97)

Cross reference(s)—Penalty, see § 111.99

Sec. 111.99 PENALTY.

- (A) Whoever violates any provision of this chapter for which no other penalty has been established shall be punished as provided in § 10.99.
 - (B) Any person, firm or corporation violating any of the provisions or terms of §§ 111.15 through 111.20 shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed \$500 for each offense. Each and every day such violation is continued shall be deemed to constitute a separate offense.
- (Ord. 97-021, passed 9-23-97)

CHAPTER 112: PEDDLERS, SOLICITORS AND ITINERANT MERCHANTS~~PEDDLERS, VENDORS AND SOLICITORS~~

Sec. 112.01 DEFINITIONS.

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

PEDDLER, ITINERANT VENDOR, INTINERANT MERCHANT, OR SOLICITOR. Any person, partnership, firm, or corporation going from place to place in the city soliciting, exhibiting, selling, canvassing, or taking orders for or offering to sell or take orders for any goods, wares, merchandise, foodstuffs, services, and subscriptions to magazines or publications. The same shall also include any person, partnership, firm or corporation soliciting, exhibiting, selling, canvassing or taking orders for or offering to sell or take orders for any goods, wares, merchandise, foodstuffs, services, and subscriptions to magazines or publications upon or from a truck or other vehicle whether on the streets or from any property whatsoever in the city, whether public or private. Anyone who solicits orders and, as a separate transaction, makes deliveries to purchasers as a part of a scheme or design to evade these provisions shall be deemed a peddler, itinerant merchant or solicitor.

FOOD ESTABLISHMENT. Coffeeshops, cafeterias, short order cafes, restaurants, luncheonettes, day care centers, taverns, sandwich stands, BBQ stands, soda fountains and all other such eating or drinking establishments including any vehicle or other portable structure which remains stationary for more than two weeks.

MOBILE FOOD ESTABLISHMENT. A food establishment operating from a vehicle or any portable structure on a trailer or wheels, that meets all the requirements of Gun Barrel City Municipal Health District (GBCMHD); and that does not remain in any one location for a period of more than two weeks.

NONCOMMERCIAL PURPOSE or CAUSE. A purpose or cause not created, existing or espoused for the generation of profit or the remuneration of individuals, including, but not limited to, the religious or charitable solicitation of contributions, seeking political support or contributions, the promotion of civic causes, the promotion of conservation of resources or animals, advocating a philosophy or religion, or minors conducting fund-raising activities, who represent an organization for the benefit of youths, including but not limited to Boy Scouts, Girl Scouts, little league groups and school groups.

PEDDLER. Any person, whether a resident of this city or not, who sells or offers for sale for immediate delivery any goods, merchandise, or products, whether at one or more fixed locations or by carrying goods, merchandise or products from house to house, business to business, street to street, or upon public property; a merchant shall be considered temporarily in business unless it is the intention of such merchant to establish a permanent business. Transfer of payment at the time of sale or later is immaterial. The word

~~PEDDLER shall include the terms SOLICITOR and "commercial solicitor." This term shall not include individuals connected with a noncommercial purpose or cause.~~

~~PERMANENT BUSINESS ESTABLISHMENT. A building or part of a building or space within a building owned or occupied for use in the operation of an on-going commercial or industrial enterprise which has been or is intended to be conducted for more than one year and for which a certificate of occupancy has been issued by the city.~~

~~PERMIT HOLDER. Any person holding a current permit or license issued pursuant to this chapter.~~

~~PERSON. An individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.~~

~~SEASONAL FOOD ESTABLISHMENT. A food establishment operating at a fixed location for a specific season or portion of the year only, not to exceed six months in any calendar year, that operates from a stand or building which does not permit access to customers inside of the stand, and that limits its menu to snow cones, flavored shaved ice, prepackaged ice cream, non-alcoholic beverages or other such similar products.~~

~~SERVICES. The performance of labor for the benefit of another or at another's command.~~

~~SOLICITOR. Any person who engages in a temporary business within the city limits and who solicits or attempts to solicit the sale or conveyance of any order for services, commercial goods, wares, merchandise, subscriptions, publications, food or products to be delivered at a future date or time, whether such activity is conducted at one or more fixed locations or by soliciting from house to house, business to business, street to street, or upon public property; a person shall be considered temporarily in business unless it is the intention of such person to establish a permanent business.~~

~~TEMPORARY FOOD ESTABLISHMENT. A food establishment operating for a temporary period in connection with a fair, carnival, circus, public exhibition, or other similar gathering.~~

('88 Code, Ch. 4, § 3.01; Ord. 338, passed 3-24-92; Am. Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Sec. 112.02 PERMIT REQUIRED.

It is unlawful for any peddler or solicitor to engage in business within the City without first obtaining a permit from the City Manager or his designee.

~~It shall be unlawful for any peddler, solicitor, mobile food establishment, temporary food establishment or seasonal food establishment to engage in business within the city without first obtaining a peddler's permit from the Chief of Police as provided in this chapter. It shall be unlawful for any special event to occur upon public property within the city without first obtaining a special event permit from the Chief of Police as provided in this chapter. There may be up to a 72-hour turnaround on all permits issued.~~

('88 Code, Ch. 4, § 3.02; Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.03 PROHIBITIONS.

This section prohibits the following activities on business and public properties:

(A) Fruit and vegetable stands, vendors, and the like;

(B) The sale and/or giving of live animals, other than adoption events held by a Humane Society contracted to the city for said purpose;

(C) The sale and/or giving of botanicals;

(D) The sale and/or giving of seafood and/or shellfish.

(E) The sale and/or giving of meat or poultry.

Nothing in this chapter shall be construed as prohibiting the city from sponsoring a farmers market or market of any kind on property selected by the city and having final say in what types of peddlers, solicitors or itinerant merchants can participate.

~~This section prohibits the following activities on business and public properties:~~

~~(A)—Fruit and vegetable stands, vendors, and the like;~~

~~(B)—The sale and/or giving of live animals, other than adoption events held by a Humane Society contracted to the city for said purpose;~~

~~(C)—The sale and/or giving of botanicals;~~

~~(D)—The sale and/or giving of seafood and/or shellfish.~~

~~(E)—Nothing in this chapter shall be construed as prohibiting the city from sponsoring a farmers market on property selected by the city. The activities in (A) and (C) above will be allowed during a city-sponsored farmers market by vendors who apply for and receive a "farmers market permit" from the City Municipal Health District for a specific farmers market date(s). Farmers market permits are valid only for the applicant named on the farmers market permit application and may not be transferred to another party after issuance.~~

('88 Code, Ch. 4, § 3.13; Ord. 338, passed 3-24-92; Am. Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05; Am. Ord. O-2011-006, passed 4-12-11; Am. Ord. O-2019-012, passed 3-26-19)

Sec. 112.04 USE OF PUBLIC PLACES.

It shall be unlawful for any ~~peddler, solicitor, or itinerant merchant~~~~peddler, solicitor, mobile food establishment, temporary food establishment or seasonal food establishment,~~ to sell or solicit or take orders for or offer to sell or take orders for or display any goods, wares, merchandise, photographs, newspapers, magazines, food, drink or confection on any public square, park, street, road, highway, alley or other public property within the limits of the city without having first obtained a permit authorizing the activity at such location as provided for in this chapter. Noncommercial purposes or causes shall be exempt from permit requirements provided no goods are sold upon and the activities do not interfere with traffic or require a permit as provided in § 112.08(A).

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.05 REFUSING TO LEAVE.

It shall be unlawful for any peddler, solicitor, or itinerant merchant who enters upon premises owned, occupied, or leased by another person to willfully refuse to leave such premises after having been notified to leave such premises by the owner or possessor of such premises or his agent.

~~Any peddler, solicitor, mobile food establishment, temporary food establishment operator or seasonal food establishment operator who enters upon any premises and refuses to leave such premises, after having been notified or requested to leave by the owner, occupant or person in charge or control of such premises, shall be deemed guilty of a misdemeanor.~~

('88 Code, Ch. 4, § 3.07; Ord. 338, passed 3-24-92; Am. Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.06 ENTRANCE TO PREMISES RESTRICTED.

It shall be unlawful for any peddler, solicitor, or itinerant merchant to enter upon any private premises when the same is posted with a sign stating "no peddlers allowed", "no trespassing" or "no solicitation allowed" or other words to such effect.

- (A) ~~It shall be unlawful for any peddler, solicitor, mobile food establishment, temporary food establishment operator or seasonal food establishment operator to enter on any private premises or to ring the doorbell or rap or knock in anyway in a manner calculated to attract the attention of the occupant when such premises are posted with a sign stating "no peddlers allowed" or "no solicitations allowed" or other words to such effect.~~
- (B) ~~A person desiring that no merchant or other person engage in home solicitation at his or her residence or business shall exhibit in a conspicuous place upon or near the main entrance to the building, a weatherproof card, not less than three inches by four inches in size, containing the words "no peddlers allowed" or "no solicitations allowed" or other words to such effect. The letters shall not be less than 2/3 of an inch in height. Every peddler, vendor, or solicitor permitted under this article, upon going onto any premises upon which a building is located, shall first examine the main entrance to the building to determine if any notice prohibiting soliciting is exhibited upon or about the main entrance of the building. If a notice complying with this section is exhibited, the permittee shall immediately depart from the premises without disturbing the occupant, unless the visit is the result of a request by the occupant.~~
- (C) ~~No person shall go upon any residential premises and ring the doorbell, or rap or knock upon the door or create any sound in a manner calculated to attract the attention of the occupant of the residence or for the purpose of securing an audience with the occupant or engaging in or attempting to engage in a home solicitation transaction if a card, as described in division (B) of this section, is exhibited in a conspicuous place upon or near the main entrance to the building, unless the visit is the result of a request made by the occupant.~~
- (D) ~~No person, other than the occupant of the building, shall remove, deface or render illegible, a card placed by the occupant pursuant to division (B) of this section.~~
- (E) ~~Any person required to be permitted under this chapter who has gained entrance to a residence, business or other such premises, for audience with the occupant, whether invited or not, shall immediately depart from the premises without disturbing the occupant further when requested to leave by an occupant.~~

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.07 HOURS OF OPERATION.

It shall be unlawful for any peddler, solicitor, or itinerant merchant to engage in the business of peddling door to door at any time between 8pm and 10am and all day Sunday, except when the peddler, itinerant vendor, or solicitor has specific invitation and an appointment with the customer.

It shall be unlawful for any peddler or solicitor to engage in the business of peddling or soliciting within the city 30 minutes before sunset and 30 minutes after sunrise, or at any time on Sundays; provided that the following exceptions shall apply to this section only: (a) the business is conducted pursuant to a specific appointment with, or invitation from, the prospective customer, or with a customer attending an advertised or invitational meeting held by such solicitor or peddler; or (b) the business is conducted at a location situated on property zoned for a commercial or retail use and the customer travel to such location for the purpose of conducting such business.

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.08 SOLICITING AT INTERSECTIONS.

It shall be unlawful for any peddler, solicitor, or itinerant merchant to solicit funds or contributions, to advertise, or to distribute any item, either on foot or in automobiles, for any cause whatsoever, in or within 20 feet of any roadway or crossing of streets within the city limits. **NO EXCEPTIONS**

(A)—Prohibited generally. It shall be unlawful for any person to solicit funds, to advertise, or to distribute any item, either on foot or in automobiles, for any cause whatsoever, at any intersection or crossing of streets within the city limits, where, in the opinion of the Chief of Police, such solicitation or distribution would cause the blocking of traffic so as to create a traffic hazard.

(B)—Exceptions. If, in the opinion of the Chief of Police, it would not create a traffic hazard for solicitation of funds and advertising at an intersection of streets or crossing of streets within the city, the person desiring to solicit funds or to advertise, or to distribute any item at such intersections, shall first make an application for permission to do so by making the application at the City Hall. The application shall set forth the name of the organization, the location of the intersection or crossing of streets where such solicitation shall transpire and the length of time the proposed solicitation shall take place. If the solicitation is to be done by a person under the age of 17, no such permit shall be issued unless such person shall have proper adult supervision as to be determined by the police chief. Any permit for the solicitation of funds shall be acquired prior to any actual solicitation, and any such permit shall be good for one such solicitation period only. Any further solicitation shall require an additional permit. Such permit should be signed by the Chief of Police.

(C)—Discontinuance. If, at any time it is determined by a peace officer that the intersection has become hazardous, the peddler, vendor, or solicitor will cease operation upon direction of the peace officer.

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.09 MISREPRESENTATION.

It shall be unlawful for any peddler, solicitor, or itinerant merchant to make false or fraudulent statements concerning the quality or nature of any goods, wares, merchandise or services for the purpose of inducing another to purchase the same, shall be guilty of a misdemeanor pursuant to § 112.99.

~~It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of any goods, wares, merchandise or services for the purpose of inducing another to purchase the same, shall be guilty of a misdemeanor pursuant to § 112.99.~~

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.10 APPLICATION FOR A PERMIT

Permits will not be issued until all paperwork and documentation are complete. There may be up to a 72-hour turnaround on permits issued. It shall be unlawful to engage in business as a peddler, solicitor, or itinerant merchant within this city without first obtaining a permit. Such a permit shall be obtained by registering with the City and proving the information called out on the permit. Permit applications along with a list of supplemental documents needed are available at City Hall.

~~INFORMATION REQUIRED FOR PERMIT.~~

~~There may be up to a 72-hour turnaround on permits issued. It shall be unlawful to engage in business as a peddler or solicitor, including a mobile food establishment, temporary food establishment, or as a seasonal food establishment within this city without first obtaining a peddler's permit. Such permit shall be obtained by registering with the Chief of Police and providing information under oath. Prior to the issuance of the permit, the Chief of Police shall obtain all of the following information and any other information deemed pertinent and necessary for all participants involved:~~

- ~~(A) — Date of registration;~~
- ~~(B) — Name of registrant and all participants;~~
- ~~(C) — Driver's license number;~~
- ~~(D) — Date of birth;~~
- ~~(E) — Home address;~~
- ~~(F) — Local address (if any);~~
- ~~(G) — Nature of items or services to be sold or solicited;~~
- ~~(H) — Has registrant ever been convicted of a felony of any nature or any other crime of moral turpitude and, if so, the place, date, and crime of which convicted; and~~
- ~~(I) — If registrant is engaged in interstate commerce, some form of proof or documentation must be presented from the corporate office or headquarters.~~

('88 Code, Ch. 4, § 3.03; Ord. 338, passed 3-24-92; Am. Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.11 APPLICATION CONTENTS.

~~Applications need to be filled out Friday before noon. No applications will be accepted after noon on Friday.~~
Permits will not be issued until all paperwork and documentation is complete. The application for a permit required by the chapter shall, in addition to the information required pursuant to § 112.10, state or contain the following:

- (A) A statement as to whether or not the applicant has been convicted of any crime or violation of any state or federal law or municipal ordinance or code; the nature of the offense; the punishment or penalty assessed therefore if previously convicted; and the place of conviction.

~~(B) All food vendors shall provide documentation to establish compliance with all city, state and county food handlers regulations. Such documentation shall include the food handler permits and other permits required to be obtained from the Gun Barrel City Municipal Health District (GBCMHD).~~

~~(C)~~ (B) The period of time the applicant wishes to engage in business within this city.

~~(D)~~ (C) The local and permanent address and the name of the person, if any, that the applicant represents; the applicant's tax identification number, if any.

~~(E)~~ (D) The last five-three cities or towns wherein the applicant worked before coming to this city.

~~(F)~~ (E) Statement of the area/location subdivision in which activities will be carried out.

('88 Code, Ch. 4, § 3.03; Ord. 338, passed 3-24-92; Am. Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

RENUMBER REMAINING SECTIONS

Sec. 112.12 FALSE INFORMATION.

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit or a license required pursuant to this chapter. Applicant may not sell merchandise or solicit services not disclosed in the permit application.

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.13 FINGERPRINTS AND PHOTOGRAPHS.

~~At the time of making application for a permit, the applicant for a peddler or solicitor permit shall submit to fingerprinting and photographing by the city.~~

~~(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)~~

DO NOT REQUIRE

Sec. 112.14 BOND REQUIRED. Need to confirm this with the attorney.

(A) The application for a peddler permit to sell tangible goods or merchandise shall include with the application a bond in the penal sum of \$5,000, signed by the applicant and by some surety company authorized to do business in this state, conditioned for the final delivery of goods, wares, merchandise or services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of such bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery. Such bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on such bond, or to an agent or employee of such principal.

~~(B) Peddlers or solicitors selling food products or soliciting services solely shall not be required to have a bond.~~

~~(C) Mobile food establishments shall present sufficient evidence of vehicle insurance on any vehicle which will travel upon a public roadway.~~

('88 Code, Ch. 4, § 3.06; Ord. 338, passed 3-24-92; Am. Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Sec. 112.15 FEES.

Before any permit shall be issued under the provisions of this chapter:

- (A) The applicant for a peddler permit ~~or seasonal food permit~~ shall pay a fee as provided for in § 9.00 of the Fee Schedule found in Appendix 1 of this Code. **FEES REFUNDABLE IF PERMIT NOT APPROVED?**
- (B) ~~The applicant shall also obtain all inspections and permits required under and in accordance with state law and provide copies to the City.~~
- (C) ~~Only by direction/approval of the City Manager or designee, can fees be waived in this chapter.~~
~~The applicant shall also obtain all inspections and permits required under any ordinance or regulation of the city or the Gun Barrel City Municipal Health District (GBCMHD).~~
- (C) ~~Notwithstanding section (A) above, if an individual shall establish that he or she is engaged in interstate commerce, such individual shall not be required to pay any fee established by this section. Some form of proof or documentation must be presented from the corporate office or headquarters.~~
- (D) ~~Only by direction/approval of the City Manager, can fees be waived in this chapter.~~

('88 Code, Ch. 4, § 3.05; '88 Code, App. A, § 11.00; Ord. 338, passed 3-24-92; Am. Ord. 98-023, passed 8-11-98; Am. Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05; Am. Ord. O-2009-006, passed 2-24-09)

Cross reference(s)—Peddlers/vendors/solicitors permit fee, App. 1 § 9.00

Sec. 112.16 SPECIAL EVENT PERMIT. **Covered in 111**

- (A) ~~Special event defined. Special event means an organized activity which makes a significant contribution to the cultural, economic, or social welfare of the city which is to occur upon private property. Events occurring upon private property not under the control of the city may occur without application for the special event permit provided none of the event flows onto or into public property under the jurisdiction of the city and is consented to by the public entity in charge of the property.~~
- (B) ~~Sale or distribution of services or goods on public property. Notwithstanding other provisions of this chapter, the Chief of Police may issue a special event permit to enable the holder to sell or distribute services or goods on public property during special events.~~
- (C) ~~Issued for particular time and location. A special event permit shall be required for each event. The time and location for which the permit is valid shall be shown on the permit.~~
- (D) ~~Application. An applicant for a special event permit shall file with the Chief of Police a written application upon a form provided for that purpose.~~
- (E) ~~Fee. An applicant for, or the holder of, a special event permit shall pay a fee as provided for in § 9.00 of the Fee Schedule found in Appendix 1 of this Code for the permit, which fee shall be a rental for the use of public property.~~
- (F) ~~Investigation. After inspection or investigation, the Chief of Police shall approve or deny an application for a special event permit. If such application is approved, the Chief of Police shall issue a special event permit which shall state on its face the name of the person to whom it is granted and the expiration date. The Chief of Police shall designate on such permit the location at which the special event is permitted.~~

~~(G) Revocation. The holder of a special event permit who fails to comply with the ordinances of the city or who violates any laws, ordinances, or regulations of the city that directly relate to the duties and responsibilities of the permitted sales or solicitations shall have the special event permit immediately revoked and such holder shall immediately return said special event permit to the Chief of Police.~~

~~(H) Compliance with chapter. Except for the permitting requirements, the applicant for a special event permit and/or the holder of a special event permit shall comply with all of the sections of this chapter and ordinances of the city.~~

~~(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05; Am. Ord. O-2009-006, passed 2-24-09)~~

Sec. 112.17 ISSUANCE.

No permit shall be issued under the provisions of this chapter until the applicant shall have complied with all the provisions and requirements of this chapter applicable to such permit.

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.18 ISSUANCE OF PERMIT.

(A) No permit or license shall be issued to a corporation, partnership or other impersonal legal entity, but each individual person engaging in the business of peddling or soliciting within the city shall be required to have a permit or license, whether acting for himself or as an agent or representative of another.

~~(B) Seasonal food establishments that are:~~

~~(1) Situated on property zoned for commercial or retail use;~~

~~(2) In compliance with the requirements of the Gun Barrel City Municipal Health District (GBCMHD);~~

~~(3) Regularly inspected by the Gun Barrel City Municipal Health District (GBCMHD);~~

~~(4) Collect and pay sales tax in compliance with state law; and~~

~~(5) Seasonal in nature and in a fixed location for the duration of no more than six months of the year, may be issued a permit under this chapter for operation at the specific location designated by the applicant and may be issued in the name of the entity or manager in charge of the establishment.~~

~~(C) Special event permits shall be issued in the name of the local coordinator as deemed proper by the Chief of Police. If temporary booths, temporary food establishment, mobile food establishments, hawkers, peddlers or other similar peddlers or solicitors are to be part of the special event the Chief of Police shall require an individual permit issued in the name of the individual in charge of the booth; mobile food establishment or other similar sales establishment being part of the event as deemed proper by the Chief of Police. If the Chief finds that individual peddlers are not substantially part of the larger organization and requires individual permits, the fees shall be as required in § 112.15.~~

~~(D) Temporary food establishments may be issued in the name of the entity or manager in charge of the establishment if more than two persons work at the establishment.~~

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Cross reference(s)—Penalty, see § 112.99

Sec. 112.19 CONTENTS.

Each permit issued under the provisions of this chapter shall be signed by the ~~Chief of Police~~City Manager or designee; dated as of the date of its issuance; and shall state the duration or term of such permit on the face thereof. Any permit not dated and signed as provided in this section shall be void.

('88 Code, Ch. 4, § 3.04; Ord. 338, passed 3-24-92; Am. Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Sec. 112.20 DISPLAY.

Every permit holder having a permit issued under this chapter or required to have a permit and doing business within the city shall display his or her permit to the public. ~~upon the request of any person, and failure to do so shall be deemed a violation of this chapter.~~

('88 Code, Ch. 4, § 3.08; Ord. 338, passed 3-24-92; Am. Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Sec. 112.21 DURATION.

Every permit issued under the provisions of this chapter shall be valid for the period of time stated therein. ~~Every permit issued under the provisions of this chapter shall be valid for the period of time stated therein, but in no event shall any such permit or license be issued for a period of time in excess of 12 months, or any lesser period of time provided for in this chapter.~~

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

Sec. 112.22 REVOCATION; **APPEAL.**

The City Manager or his designee may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this chapter.

Peddlers and solicitors whose licenses have been suspended may appeal the suspension to the City Council within ten days. Appeal must be submitted in writing to the City Secretary. If no request for appeal is received within the allocated timeframe, the suspension shall be upheld and the permit revoked.

~~Any permit issued under the provisions of this chapter may be revoked for the violation by the permittee any provision of this chapter, state law or ordinance that directly relates to the duties and responsibilities of the permittee or licensed occupation authorized in the permit. Upon such revocation, such permit shall immediately be surrendered to the Chief of Police, and failure to do so shall be deemed a misdemeanor. Any person aggrieved by the revocation may appeal the Chief of Police's revocation within five days of surrender of the permit by written appeal tendered to the City Secretary. A timely filed appeal shall suspend the revocation pending administrative reconsideration by the City Manager. The City Manager may uphold, revise or overturn the Chief of Police's revocation. If the City Manager upholds the revocation, the revocation shall be effective immediately upon revocation. A previous revocation may constitute grounds for not authorizing subsequent permit applications from the same individual.~~

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

~~Sec. 112.23 RIGHT TO APPEAL.~~

~~Under the regulations of this chapter, if the Chief of Police denies or disapproves a vendor, peddler, or solicitor application, the applicant can appeal the decision to the City Manager. A request for an appeal must be made in writing. The City Manager will have up to 24 hours to investigate and make a decision. The City Manager's decision will be final.~~

(Ord. O-2005-007, passed 10-25-05)

Sec. 112.99 PENALTY.

Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed \$500.

(Ord. 04-007, passed 5-11-04; Am. Ord. O-2005-007, passed 10-25-05)

CHAPTER 113: SALES, FLEA MARKETS AND AUCTIONS

GENERAL PROVISIONS

Sec. 113.01 DEFINITIONS.

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

FLEA MARKET. Any kind of structure or area where sales of merchandise are conducted from temporary stalls, stands or vehicles or where space is rented out regularly from time to time to various individuals to engage in sales of various and sundry items.

WAREHOUSES. Any kind of building or structure designed primarily for storage purposes and/or permitted under city zoning ordinances for such purposes.

(Ord. 117, passed 5-13-80; '88 Code, Ch. 4, § 6.03)

Sec. 113.02 PROHIBITED ACTS.

It shall be unlawful within the city limits for any person, firm or association of persons to:

- (A) Conduct wholesale or retail sales operations out of warehouses or storage spaces.
- (B) Conduct any kind of business from any building that is unauthorized by the building permit issued for such building.
- (C) Maintain or rent space for "flea market" operations or public auctions except as provided for herein.
- (D) The conduct of any kind of business from any building or land that is not authorized by a Certificate of Occupancy for which it was issued.
- (E) Conduct any outdoor retail sales or outdoor commercial promotion, except for retail sales or commercial promotions conducted in connection with regularly established businesses located in a

building at the site of the sale or promotion and limited to products or services normally offered for sale by such businesses.

(Ord. 117, passed 5-13-80; '88 Code, Ch. 4, § 6.01; Am. Ord. 369, passed 6-8-93; Am. Ord. 97-022, passed 9-23-97)

Cross reference(s)—Penalty, see § 10.99

Sec. 113.03 EXCEPTIONS.

The following activities will not be governed by this chapter:

- (A) Public auctions permitted by the city.
- (B) Garage or yard sales from garages or yards connected with a permanent residence except that there shall be no more than two such sales a year for a consecutive 48 hour period held from any one residence.
- (C) "Flea markets" where authorized by the city planning and zoning authorities within city zoning ordinances.

(Ord. 117, passed 5-13-80; '88 Code, Ch. 4, § 6.02)

Sec. 113.04 OUTDOOR RETAIL SALES AND COMMERCIAL PROMOTIONS.

- (A) It shall be unlawful for any person to conduct or operate an outdoor retail sale or commercial promotion without first having obtained a permit from the City ~~Manager~~.
- (B) The applicant for such a permit shall file a letter containing the following information with the ~~City Manager~~City Manager or designee:
 - (1) The location of the outdoor retail sale or promotion on the premises.
 - (2) The hours of operation of the outdoor retail sale or promotion.
 - (3) Location and size of any proposed temporary advertising or signs for the outdoor retail sale or promotion.
 - (4) Proximity of residential areas to the location of the sale.
 - (5) The number of parking spaces, if any, to be encumbered by the proposed outdoor retail sale or promotion.
- (C) Outdoor retail sales or outdoor commercial promotions shall:
 - (1) Not utilize or encumber more than 10% of any parking lot.
 - (2) Not obstruct or interfere with any fire lane, fire hydrant, access easement or any area necessary for proper traffic circulation within a parking lot.
 - (3) Not be located closer than 40 feet from any dedicated street right-of-way.
 - (4) Not be located closer than 300 feet from any residential district.
 - (5) Be limited to regularly established businesses located in a building at the site of the sale or promotion and to those products or services normally offered for sale by such business.
- (D) Any outdoor retail sale or outdoor commercial promotions shall be required to obtain all necessary building permits for any structures or electrical devices in addition to the permit required by this subchapter.

('88 Code, Ch. 4, § 6.04; Ord. 97-022, passed 9-23-97)

Cross reference(s)—Penalty, see § 10.99

PERMIT PROCEDURES FOR PUBLIC AUCTIONS

Sec. 113.15 PERMIT REQUIRED.

It shall be unlawful for any person, firm or association of persons to conduct, sponsor or participate in any public auction within the city limits of the city without first obtaining a permit to do so as provided for herein.

(Ord. 118, passed 5-13-80; '88 Code, Ch. 4, § 5.01)

Cross reference(s)—Penalty, see § 10.99

Sec. 113.16 APPLICATION.

- (A) Application for permits to conduct public auctions must be made at least 15 days prior to the commencement of an auction.
- (B) Application must contain an address of the sponsor, name and address of the auctioneer, location of auction, general description of items to be sold and whether or not auction is for profit or non-profit purposes.

(Ord. 118, passed 5-13-80; '88 Code, Ch. 4, § 5.02)

Sec. 113.17 ISSUING AND WITHHOLDING PERMITS; FEE.

- (A) Permits hereunder shall be issued by the ~~Building Inspector~~ City Manager or designee and signed by the ~~Building Inspector~~ City Manager or designee, ~~or in the absence of such officer, by his appointee.~~ A permit fee as provided for in § 11.00 of the Fee Schedule found in Appendix 1 of this Code shall be paid for the permit to conduct, sponsor or participate in a public auction.
- (B) Permits may be withheld by the issuing authority when, in the judgment of such authority, the auction may pose a nuisance, traffic hazard or otherwise threaten the health, safety and welfare of the citizens of the city.
- (C) In cases where permits are withheld by the issuing authority, the applicant may appeal such decision to the City Council and the Council may either uphold or overturn the decision of the issuing authority and order the permit to be granted.

(Ord. 118, passed 5-13-80; '88 Code, Ch. 4, § 5.03 and App. A, § 13.00; Am. Ord. 98-023, passed 8-11-98)

CHAPTER 114: SEXUALLY ORIENTED BUSINESSES³

³State law reference(s)—Authority to regulate location of sexually oriented businesses and to require a permit, see Tex. Local Gov't Code §§ 243.001 et seq.

Sec. 114.01 DEFINITION.

For the purpose of this chapter, SEXUALLY ORIENTED BUSINESS shall mean a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel or other similar commercial enterprise, the primary business of which is the offering of a service or the selling, renting or exhibiting devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.

('88 Code, Ch. 4, § 4.01; Ord. 260, passed 1-10-89)

State law reference(s)—Tex. Local Gov't Code § 243.002

Sec. 114.02 **SPECIAL USE PERMIT REQUIRED; FEE.**

It shall be unlawful for any person to operate any "sexually oriented business" in the city without first having obtained a business special use permit ~~therefor from the City Council. The annual fee for such permit shall be as provided for in § 10.00 of the Fee Schedule found in Appendix 1 of this Code.~~

('88 Code, Ch. 4, § 4.02 and App. A, § 12.00; Ord. 260, passed 1-10-89; Am. Ord. 98-023, passed 8-11-98)

Cross reference(s)—Penalty, see § 10.99

Sec. 114.03 LOCATION OF OPERATION RESTRICTED.

- (A) Operation in residential areas prohibited. It shall be unlawful to operate any "sexually oriented business" in any area of the city which is zoned for residential use.
- (B) Operation within 1,500 feet of church, school or residential neighborhood prohibited. It shall be unlawful to operate any "sexually oriented business" within 1,500 feet of any public or private church, school or residential neighborhood. The measurements from a church shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance from any public schools or other educational institution shall be in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections. The measurement from a residential neighborhood shall be from the nearest property line of a residential lot to the nearest entrance by which the public may enter the place of the "sexually oriented business," and in a direct line across intersections.

('88 Code, Ch. 4, § 4.03; '88 Code, Ch. 4, § 4.04; Ord. 260, passed 1-10-89; Ord. 419, passed 11-8-94)

Cross reference(s)—Penalty, see § 10.99

CHAPTER 115: JUNKYARDS⁴

Sec. 115.01 DEFINITIONS.

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

⁴State law reference(s)—Secondhand metal dealers, crafted precious metal dealers and secondhand business machine dealers, see Tex. Rev. Civ. Stat. Arts. 9009, 9009a and 9024

JUNK. All worn-out, worthless, discarded or second-hand material or equipment, in general, including any scrap metal, bottles, glass, paper, cordage, junked vehicles, machinery and equipment and/or parts thereof.

JUNKYARD. A yard, lot or place, covered or uncovered, containing junk upon which occurs one or more acts of buying, storing or keeping, dismantling, processing, selling or offering for sale any such junk, in whole or by parts for a business or commercial purpose, regardless whether or not the proceeds from such act or acts are to be used for charitable purposes or such location is a primary or incidental use of such property.

('88 Code, Ch. 4, § 11.01; Ord. 260, passed 1-10-89)

Sec. 115.02 PERMIT AND COMPLIANCE WITH REGULATIONS REQUIRED.

Any place being used or maintained by any person, partnership or corporation or a junkyard is hereby declared to be a public and common nuisance and is hereby prohibited within the city limits unless its operation and maintenance is conducted in accordance with these regulations and a permit to operate or maintain such junkyard has been issued by the City Council.

('88 Code, Ch. 4, § 11.02; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

Sec. 115.03 APPLICATION FOR SPECIAL USE PERMIT.

- (A) Any person desiring to use or maintain any property within the city for the purpose of a junkyard shall make written application to the ~~Building Inspector~~City Manager or designee for a permit. The application shall set forth the name and address of the applicant and legal description of the property or premises upon which the junkyard is proposed or conducted and any other information or evidence required or desired to consider the application. Upon receipt of such application, the City Council shall decide in its discretion whether to approve or reject the application at its next regularly scheduled meeting. In considering such application, the City Council shall take into account the nature and development of surrounding property, the proximity of churches, schools, hospitals, public buildings and other places of public gatherings, the health, safety and general welfare of the public and the suitability of the applicant to operate and/or establish and maintain such a yard or business. If the City Council approves the application, the ~~Building Inspector~~City Manager or designee shall issue a permit to the applicant upon the payment of the permit fee.
- (B) All existing junkyards in operation or being maintained prior to the effective date of this chapter shall be required to make application for a Special Use permit within 60 days from the effective date of this chapter and to comply with all general regulations hereof.

('88 Code, Ch. 4, § 11.03; Ord. 260, passed 1-10-89)

Sec. 115.04 PERMIT FEE; TERM; RENEWAL; REVOCATION.

- (A) Before any permit is issued to operate or maintain a junkyard, the applicant shall pay an annual fee as provided for in § 15.00 of the Fee Schedule found in Appendix 1 of this Code. Any permit issued shall be valid for one year from the date of its issuance but ~~may~~shall be renewed from year to year in a like manner as is provided for in the original permit. With the annual fee both Code Enforcement and the Fire Department will conduct annual inspections for compliance with this Ordinance and State Law.
- (B) The City Council shall have the power to revoke any permit for a junkyard granted by them at any time for violation of any provisions of this chapter, but only after notice has been given to the owner(s) and a hearing held not less than ten days after the service of such notice.

('88 Code, Ch. 4, § 11.04 and App. A, § 17.00; Ord. 260, passed 1-10-89; Am. Ord. 98-023, passed 8-11-98)

Sec. 115.05 LOCATION RESTRICTED TO INDUSTRIAL AREAS.

All junkyards hereafter permitted, after the adoption of this chapter, shall be restricted to industrially-zoned properties or districts of the city, except for those junkyards presently in operation on the effective date of this chapter shall be allowed to continue to operate even if located in another zoning district; provided, a permit has been secured in accordance with § 115.02 hereof.

('88 Code, Ch. 4, § 11.05; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

Sec. 115.06 RULES AND REGULATIONS.

The following requirements shall be met by all owner(s) of any junkyard within the city:

- (A) Contents ~~to must~~ be kept in orderly condition. The junk or rubbish or salvage to be placed within the premises of a junkyard shall be kept in an orderly condition allowing sufficient space on each side so an individual may be able to walk among junk or rubbish or salvage and inspect the premises and to permit easy access to all junk for ~~fire fighting~~firefighting purposes.
- (B) Yards must be open to inspections. All junkyards must be open to inspection by law enforcement officials, Health Department representatives, Fire Department officials and ~~building~~ inspectors. Such inspections shall be for the purpose of ascertaining whether any health, safety or sanitary violations exist and to assist in locating stolen or lost property.
- (C) Vehicles and machinery ~~to must~~ be drained of all flammables. It shall be the duty of the owner(s) of the junkyard to see that the automobiles, trucks, tractors or machinery of any kind which is kept within the premises are drained of all flammable liquids and oils.
- (D) Junkyards to be screened.
 - (1) The property and premises of such junkyards shall be enclosed by a fence at least six feet in height, measured from ground level, and of material which obscures the view. The fence shall be kept in good repair at all times and no junk of any character, or parts or machinery of any kind shall be allowed to remain outside of such fence. Materials shall not be permitted to protrude above the fence. However, any person operating such junkyard in the city shall be allowed 90 days from the effective date of their permit within which to construct a fence of the kind and character required.
 - (2) Such fence enclosing the junkyard shall not be used to post bills or for other advertising purposes, except a space not larger than 50 square feet which may be used for the advertisement of the junkyard and if not in violation of the city's zoning ordinance or sign regulations.
- (E) Contents not to collect water. It shall be the duty of the owner(s) of the junkyard to see that the contents of such junkyard will not be placed in a position whereby they will collect water, thus becoming a breeding place for mosquitoes.
- (F) Standing water prohibited in junkyards. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
- (G) Tall weeds prohibited in junkyards. Weeds and other uncultivated growth on the premises, other than trees, shrubs and bushes, shall be kept at a height of not more than 12 inches.

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- (H) Garbage and waste prohibited in junkyard⁵. No garbage or other waste shall be kept on the premise; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and in use on the permitted premises.
 - (I) Open fires shall not be permitted. The burning of rubbish, trash, automobiles or any parts thereof, or other junk shall not be permitted.
 - (J) Junk not to protrude. No junk shall be allowed to rest upon or protrude over any public street, walkway or curb or become scattered or blown off the premises of such junkyard. Also, the owner(s) shall not allow or permit junk to be stored at a height exceeding the height of the fence enclosing the premises.
 - (K) Appliances to be stored in manner to prevent entrapment. All junk, including but not limited to, refrigerators, stoves, washing machines and dryers, shall be rendered in such a manner to prevent entrapment. All refrigerators and freezers not stored in a lockable structure shall have the doors removed. All junk stored or accumulated on such premises shall be dismantled in such a manner so that they do not constitute a public safety hazard.
 - (L) Combustible material prohibited in junkyards. No combustible material of any kind, not necessary or beneficial to the permitted business, shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.

('88 Code, Ch. 4, § 11.06; Ord. 260, passed 1-10-89)

Cross reference(s)—Penalty, see § 10.99

CHAPTER 116: OIL AND GAS WELLS; MINERAL EXPLORATION⁵

Sec. 116.01 DEFINITION. We cannot “ban or substantially hinder oil and gas operations including fracking.”

~~For the purpose of this chapter, PERSON shall mean a~~Any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator and fiduciary or representative of any kind.

(Ord. 137, passed 3-10-81; '88 Code, Ch. 4, § 7.01)

Sec. 116.02 SPECIAL USE PERMIT REQUIRED.

- (A) It shall be unlawful for any person to drill or commence operations to drill any well in search of oil or gas within the city limits, or to work upon or assist in any way in the prosecution of such operations for drilling of any such well without a permit for the drilling, completion and operation of such well having first been issued by authority of the City Council in accordance with the provisions hereof.
- (B) It shall be unlawful for any person to explore or engage in any operations of any kind for exploration for oil and gas or any other mineral within the city limits without a permit for exploration having first been issued by authority of the City Council in accordance with the provisions hereof.
- (C) It shall be unlawful for any person to excavate or commence excavation operations for the production of any kinds of minerals within the city limits without a permit for same having first been issued by authority of the City Council in accordance with the provisions hereof.

⁵State law reference(s)—Restricting the drilling of wells, see Tex. Local Gov't Code § 253.005(c)

(Ord. 137, passed 3-10-81; '88 Code, Ch. 4, § 7.02)

Cross reference(s)—Penalty, see § 10.99

Sec. 116.03 APPLICATION FOR SPECIAL USE PERMIT.

- (A) All applications for permits hereunder shall be filed with the City and submitted ~~by the City Secretary to the~~ the Planning and Zoning Commission ~~and City Council for consideration.~~ Chairman.
- (B) The Planning and Zoning Commission shall act on such applications as follows:
 - (1) A public hearing will be scheduled ~~by the Chairman of the Planning and Zoning Commission~~ giving at least ten days and no more than 20 days notice in a newspaper of local circulation.
 - (2) The ~~Planing~~Planning and Zoning Commission shall conduct a public hearing on the application giving all citizens present at such hearing and the applicant or applicant's representative a chance to testify or speak. Rules for the conduct of the hearing may be laid down at the outset of each hearing by the Chairman.
 - (3) The applicant or applicant's representatives shall attend the public hearing provided for herein to respond to questions relating to the application.
 - (4) ~~The Planning and Zoning Commission shall make a written report to be submitted to the City Council within the ten days of the hearing containing recommendations for Council.~~ The City Council should then approve or deny the Special Use Permit at the next regular meeting.

(Ord. 137, passed 3-10-81; '88 Code, Ch. 4, § 7.03)

Sec. 116.04 SPECIAL USE PERMIT ISSUANCE; FEE; BOND. Can we still do these things with new laws?

- (A) The ~~City Manager~~City Manager or designee shall be the permit issuing authority hereunder in accordance with the following requirements.
- (B) An application shall be made for a permit hereunder in writing giving specifications as follows:
 - (1) Proposed location or site of operations;
 - (2) Type of operations (drilling, excavation, proposed depth, and the like);
 - (3) Type of production sought; and
 - (4) A lay-out plat or map showing the proposed location of drilling or mine site along with equipment, holding tanks, lines, and the like, proposed to be used in connection with such operations.
- (C) Fees as provided for in § 12.00 of the Fee Schedule found in Appendix 1 of this Code shall be paid upon issuance of a permit for operations and for exploration for any oil or gas well or any other mineral within the city.
- (D) (1) A bond shall be filed upon issuance of a permit hereunder before the commencement of any operations in an amount to be determined by the issuing authority but not less than \$50,000. Such bond shall be executed by a reliable insurance company authorized to do business in the State of Texas, as surety, and with the permittee and successors or assigns of permittee as principal, running to the city, for the benefit of the city and all persons concerned.
 - (2) Such bond shall be conditioned that the permittee and successors or assigns of permittee will comply with the terms and conditions of this chapter in all operations. Such bond shall become effective on or

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before the date it is filed with the City Secretary and remain in force and effect for at least a period of six months subsequent to the expiration of the term of the permit issued. In addition the bond will be conditioned that the permittee and successors or assigns of permittee will promptly restore the streets and sidewalks and other public property of the city, which may be disturbed or damaged in the operations, to their former condition, and that the permittee and successors or assigns of permittee will promptly clear all premises of all litter, trash, waste and other substances used, allowed or occurring in the drilling, mining or producing operations, and will, after abandonment, grade level and restore the property to the same surface condition, as nearly as possible, as existed when operations for the drilling of the well or mining operations were first commenced, and that the permittee and successors or assigns of permittee will indemnify and hold the city harmless from any and all liability growing out of or attributable to the granting of the permit.

- (3) If at any time the ~~City Manager~~City Manager or designee shall deem any permittee's or successors or assigns of permittee's bond to be insufficient for any reason it may require the permittee to file a new bond.
- (E) Permits may be withheld by the issuing authority, subject to appellate procedures established herein, upon the following grounds:
- (1) Proximity of proposed site to residences, hospitals, churches or business establishments.
 - (2) If in judgment of issuing authority, operations of the type proposed in application for a permit would pose a general nuisance to the citizens of the city.
 - (3) Traffic or fire hazards that may result from operations for which permit is applied.
 - (4) The likelihood of irreparable damage being done by operations for which permit is applied to surrounding area.
 - (5) The failure of applicant to produce a sufficient bond hereunder.

(Ord. 137, passed 3-10-81; '88 Code, Ch. 4, § 7.04 and App. A, § 14.00; Am. Ord. 98-023, passed 8-11-98)

Sec. 116.05 APPEALS.

Any party aggrieved by action of the issuing authority herein in the issuance of a permit hereunder may file a written appeal to the City Council as follows:

- (A) Appeal must be filed within 20 days of the issuance or rejection of a permit hereunder.
- (B) Appeal must set forth specifically the objections of appellant to the action of the issuing authority.

(Ord. 137, passed 3-10-81; '88 Code, Ch. 4, § 7.05)

Sec. 116.06 RIGHT OF ENTRY.

- (A) Representatives of the city (that is, inspector or law enforcement personnel) shall have the right to enter upon the premises of any operations regulated hereby at reasonable times, for the purpose of insuring that this chapter is being complied with by the permittee and the successors or assigns of permittee.
- (B) If such entry is refused, the inspector or law enforcement personnel shall have recourse to every remedy provided by law to secure entry.

(Ord. 137, passed 3-10-81; '88 Code, Ch. 4, § 7.06)

CHAPTER 117: ENVIRONMENTAL, HEALTH AND SAFETY INSPECTIONS

CHILD CARE FACILITIES

Attorney will need to review – this should be like Tattoo studios – have a special use permit and be in compliance with state law.

Sec. 117.01 PURPOSE.

The purpose of this subchapter is to provide minimum standards for the operation of childcare facilities in the City of Gun Barrel City, to protect the health, safety and welfare of the occupants and patrons.

(Ord. O-2009-011, passed 4-14-09)

Sec. 117.02 SPECIAL USE PERMIT AND STATE LICENSE REQUIRED.

No person, firm, business or corporation shall operate a childcare facility without first obtaining a Special Use Permit based on zoning district restrictions and at all times, a fire inspection permit annually and maintain full compliance with all requirements of Texas State Law relative to such uses. ~~permit from the City of Gun Barrel City Health Official. Permits are not transferable.~~

(Ord. O-2009-011, passed 4-14-09)

~~Sec. 117.03 MINIMUM STANDARDS ADOPTED.~~

~~The enforcement of this subchapter shall be regulated in accordance with the following, of which a copy will be on file at City Hall in the office of the City Secretary.~~

- ~~(A) It is hereby adopted the "Minimum Standards for Day Care Centers" as published in chapter 746, Department of Family Protective Services section of the Texas Administrative Code.~~
- ~~(B) Texas Department of Health, Division of Food and Drugs, Rules on Food Service Sanitation, Rules 229.161-171.~~
- ~~(C) Rules on Texas Food Establishments, Rules 229.231-239.~~
- ~~(D) Tex. Health and Safety Code, §§ 341 through 365 and any other pertinent state or local health and sanitation regulations.~~

~~(Ord. O-2009-011, passed 4-14-09)~~

~~Sec. 117.04 REGULATORY AUTHORITY.~~

~~The regulatory authority refers to the state or local sanitation or health official or designee of the Gun Barrel City Municipal Health District, hereafter referred to as the Health Official.~~

~~(Ord. O-2009-011, passed 4-14-09)~~

Sec. 117.05 PERMITTING; COMPLIANCE; ENFORCEMENT.

- (A) Inspections include any in-home, foster or childcare facility caring for more than seven children under the age of 14, for a period of less than 24 hours at a time, exclusive of persons who are related by blood, marriage or adoption.
- (B) An application for a permit to operate an in-home, foster or childcare facility shall be submitted by the owner/operator of such facility. An environmental, playground and food service inspection will be conducted by the Health Official, routinely and on a complaint basis to ensure that the facilities, grounds and equipment are maintained in a safe and sanitary condition for the welfare of the occupants and patrons. Any deficiencies must be corrected before a permit will be issued. Thereafter, an annual re-inspection and applicable permit fees will be required.
- (C) The permit application shall state the owner/operator's name, address and telephone number and the names and social security numbers of all employees and staff members of the childcare facility. A food service permit will be required and all employees will be required to obtain a food handlers card. The application shall indicate the name, street and mailing address, and times of operation of the childcare facility.
- (D) Upon change of ownership/operator, a new application will be required, and a new inspection will be completed.
- (E) The permit application will include a certificate of liability insurance of the minimum of \$300,000 in accordance with Tex. Human Res. Code, Ch. 42.
- (F) A certificate of occupancy, meeting all the requirements of the Building Official, shall be required before a childcare facility permit will be issued.
- (G) (1) The Health Official or designee is hereby authorized to suspend or revoke a child care facility permit for a violation of any provision of this subchapter. Suspension or revocation of a permit shall be issued by notice in writing, setting forth the reason therefor, and specifying any requirements or schedules of time for further action related to the suspension or revocation.
(2) The following actions shall constitute cause for suspension and/or revocation:
 - (a) Failure to respond within specified limits of time regarding violations observed during a Health Official inspection.
 - (b) Violation by the owner/operator or any employee or staff member of the requirements for permitting as contained in this subchapter.
 - (c) Any situation, which poses a safety or public health hazard to any child, entrusted to the care of the childcare facility.
 - (d) Failure to keep continually in force, the required insurance against liability for bodily injury or death.
 - (e) Failure to possess a valid childcare facility license or accreditation issued by the Texas Department of Family Protective Services.

(Ord. O-2009-011, passed 4-14-09)

Sec. 117.06 APPEAL.

Upon denial, suspension or revocation of a permit, the owner/operator may request a hearing before the Municipal Judge. Notice of appeal shall be filed in writing within ten days.

~~(Ord. O-2009-011, passed 4-14-09)~~

Sec. 117.07 INSPECTION REPORT.

An inspection report form is based upon the requirements of Texas Department of State Health Services report form for environmental and playground safety, and any relevant food service requirements shall be displayed at all times.

(Ord. O-2009-011, passed 4-14-09)

~~Sec. 117.08 RELEASE OF A CHILD.~~

~~The childcare facility shall maintain a register for the signature of persons to whom children are released. Daily signatures shall not be required for authorized persons to whom children are regularly released. However, the childcare facility may require such signatures of any person at its discretion.~~

~~(Ord. O-2009-011, passed 4-14-09)~~

Sec. 117.09 FIRE INSPECTION PERMIT FEES. Attorney to wordsmith.

Annually on the anniversary date of the approved Special Use Permit, Licensee must contact the City to renew the fire inspection permit. The fee shall be as provided for in the Fee Schedule found in § 32.00 of Appendix 1 of this Code.

(Ord. O-2009-011, passed 4-14-09)