



JOINT MEETING - BUILDING & STANDARDS COMMISSION AND EVERMAN CITY COUNCIL

Tuesday, May 21, 2024 at 6:00 PM
213 North Race Street Everman, TX 76140

AGENDA

1. CITY COUNCIL MEETING CALLED TO ORDER
2. BUILDING & STANDARDS COMMISSION MEETING CALLED TO ORDER
3. INVOCATION
4. PLEDGE OF ALLEGIANCE
5. PRESENTATIONS
 - A. Proclamation Declaring May 16 - 22, 2024 as Search and Rescue Week
6. CITY COUNCIL MEETING RECESSED
7. DELIBERATION AND DETERMINATION ON CASES
 - A. Case # 1394, Continuation/Deferred Decision

Continued hearing to receive sworn testimony concerning whether the following structures complies with the standards set for in the City of Everman Code of Ordinances, Chapter 4, Article IV and the 2018 International Property Maintenance Code as adopted in Article XVIII of the Code; the Building Code, Chapter 4, Article III; Electrical Code, Chapter 4 Article V; Residential Code, Chapter 4 Article VI; Mechanical Code, Chapter 4, Article VII; and the Plumbing Code, Chapter 4 Article VIII .

(1) The Paradise Apartments, 929 Coury Road Everman, Texas 76140, with the legal description being Tract A, Block 21, Everman Park, Sixth Filing, An Addition to the City of Everman, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-38, Page 30, Map Records, Tarrant County, Texas

(2) The Paradise Apartments, 928 Coury Road Everman, Texas 76140, with the legal description being Tract A, Block 21, Everman Park, Sixth Filing, An Addition to the City of Everman, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-38, Page 30, Map Records, Tarrant County, Texas

(3) The Paradise Apartments, 917 Coury Road Everman, Texas 76140, with the legal description being Tract A, Block 21, Everman Park, Sixth Filing, An Addition to the City of Everman, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-38, Page 30, Map Records, Tarrant County, Texas

(4) The Paradise Apartments, 901 Coury Road Everman, Texas 76140, with the legal description being Tract A, Block 21, Everman Park, Sixth Filing, An Addition to the City

of Everman, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-38, Page 30, Map Records, Tarrant County, Texas

(5) The Paradise Apartments, 900 Coury Road Everman, Texas 76140, with the legal description being Tract A, Block 21, Everman Park, Sixth Filing, An Addition to the City of Everman, Tarrant County, Texas, according to the plat thereof recorded in Volume 388-38, Page 30, Map Records, Tarrant County, Texas

After hearing testimony, the Building Standards Commission will discuss and consider action on whether the building(s) the subject of the public hearing comply with the standards set for in the City of Everman Code of Ordinances, Chapter 4, Article IV and the 2018 International Property Maintenance Code as adopted in Article XVIII of the Code; the Building Code, Chapter 4, Article III; Electrical Code, Chapter 4 Article V; Residential Code, Chapter 4 Article VI; Mechanical Code, Chapter 4, Article VII; and the Plumbing Code, Chapter 4 Article VIII, (the "Code").

Should the building(s) be found in violation of the standards set forth in the Code, the Building Standards Commission will take any action, which may include an order that the building(s) be demolished by the owner, mortgagee, lien holder, or other person with an interest in the property within thirty (30) days from the date of the order. The owner of record is Paradise Apartments, LLC, CEO Hermann Vorhand, 14 Bourbon Court Lakewood, NJ 08701-3784.

8. ADJOURNMENT OF THE BUILDING AND STANDARDS COMMISSION MEETING

9. THE EVERMAN CITY COUNCIL MEETING IS RECONVENED

10. CONSENT AGENDA

11. CITIZEN'S COMMENTS

12. DISCUSSION ITEMS

13. CONSIDERATION AND POSSIBLE ACTION

- A.** RESOLUTION # 2024-05-06 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AMENDMENTS TO THE CITY'S PERSONNEL MANUAL TO MAKE NECESSARY ADJUSTMENTS TO ACCOMMODATE A FOUR DAY WORK PERIOD FOR CERTAIN MUNICIPAL DEPARTMENTS; AND PROVIDING AN EFFECTIVE DATE.
- B.** ORDINANCE # 815 - AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING THE CODE OF ORDINANCES BY REVISING THE WATER RATES, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE AND HEARING.
- C.** ORDINANCE # 816 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EVERMAN, TEXAS, CHAPTER 4 "BUILDINGS AND BUILDING REGULATIONS" BY ADDING A NEW ARTICLE XXI "MURALS"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE .

14. CITY MANAGERS REPORT

15. MAYOR'S REPORT

16. ADJOURN

I hereby certify that this agenda was posted on the City of Everman bulletin board at or before 5:00 p.m. on Friday May 17, 2024.

/s/ Mindi Parks
City Secretary

Citizens may watch city council meetings live on YouTube. A link to the City of Everman YouTube channel is provided on the city website at: www.evermantx.us/government/citycouncil/

Pursuant to Texas Government Code Sec. 551.127, on a regular, non-emergency basis, members may attend and participate in the meeting remotely by video conference. Should that occur, a quorum of the members, including the presiding officer, will be physically present at the location noted above on this Agenda.

Pursuant to Section 551.071, Chapter 551 of the Texas Government Code, Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting, to receive advice from its attorney on any posted agenda item, as permitted by Law. Additionally, Council may convene into Executive Session to discuss the following:

- A. Section 551.071 - Pending or Contemplated Litigation or to Seek Advice of the City Attorney.
- B. Section 551.072 - Purchase, Sale, Exchange, Lease, or Value of Real Property.
- C. Section 551.073 - Deliberation Regarding Prospective Gift.
- D. Section 551.074 - Personnel Matters.
- E. Section 551.087- Deliberation Regarding Economic Development Negotiations.
- F. Section 551.089 - Deliberations Regarding Security Devices or Security Audits.

Citizens wishing to submit written comments should e-mail the City Secretary at mparks@evermantx.net. Comments that are received at least one-hour prior to the start of the meeting will be provided to all council members.

According to the City of Everman Policy on Governance Process, individual citizen comments will be restricted to three (3) minutes unless otherwise determined by a majority vote of the Council. The mayor is responsible to enforce the time limit. Citizens may address City Council either during the Citizen Comments portion of the meeting or during deliberation of a listed agenda item. City Council is only permitted by Law to discuss items that are listed on the agenda. Citizens wishing to make comments should notify the City Secretary as soon as possible.

City Hall is wheelchair accessible. Parking spaces for disabled citizens are available. Requests for sign interpretative services must be made 48 hours prior to the meeting. To make arrangements, call 817.293.0525 or TDD 1.800.RELAY TX, 1.800.735.2989.

**CITY OF EVERMAN, TEXAS
RESOLUTION NO. 2024-05-06**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, APPROVING AMENDMENTS TO THE CITY'S PERSONNEL MANUAL TO MAKE NECESSARY ADJUSTMENTS TO ACCOMMODATE A FOUR DAY WORK PERIOD FOR CERTAIN MUNICIPAL DEPARTMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has established and has put into effect a City Personnel Manual dated February 2022 governing employment with the City of Everman; and

WHEREAS, pursuant to section 1.05 of that Personnel Manual, the Personnel Manual may be amended from time to time by action of the City Council; and

WHEREAS, City management has made recommendations to adjust operating hours to Monday through Thursday from 7:00am to 6:00pm for certain municipal departments to include City Administration, City Hall, Public Works, Utility Billing, City Services, Permitting, and Municipal Court; and

WHEREAS, City Management believes that these actions would result in providing additional services to citizens as well as an increased work-life balance, morale, recruitment, and retention for employees; and

WHEREAS, the City Council of the City of Everman finds it to be in the best interest of the City and of service to the general welfare to approve the recommended amendments;

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

SECTION 1. The City of Everman Personnel Manual, dated February 2022 is hereby amended at the specified sections thereof, each such amended section to read in its entirety as follows:

"Article IV. COMPENSATION.

Sec. 4.06. Overtime on Holidays

A non-exempt employee who is required to work on an official paid holiday will be paid at the rate of two times the employee's regular hourly rate of pay for the first ten hours worked. Hours worked in excess of ten (10) are paid at the overtime rate.

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Sec. 4.10. On-Call Status

- (a) **Requirement for on-call status.** An employee who provides essential services to the public is expected to respond to a reasonable assignment by the employee’s supervisor to be in “on-call status” periodically. The employee is free to pursue personal activities, but must respond to a call back within designated guidelines by the appropriate departmental director. On-call status is not considered time worked and will not be counted in the total number of hours the employee works during the work period. An employee who is called and reports to work will be compensated for the actual number of hours work at the applicable rate based on the total number of hours the employee works during the work period.

- (b) An employee will be considered to be officially scheduled and designated as “on-call” when:
 - 1) An on-call need has been identified by the department head, instructions have been communicated by the supervisor to the employee concerned and the employee has acknowledged the on-call status and availability instructions; and
 - 2) The employee indicates to the supervisor how the employee can be contacted by phone.
 - 3) Eligible public works employees are to be assigned as “on-call” on a weekly rotational basis (Wednesday to Wednesday) at the sole discretion of the Director of Public Works. Employees will receive stipend compensation in the amount of \$100 per week for each week that they are assigned as “on-call”. This stipend will be compensated on the employee’s regular payroll following approval by the Director of Public Works.

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Article V. LEAVE POLICIES

Sec. 5.01. Holidays.

- (a) **Eligibility.** All employees are eligible for paid holidays. When an official paid holiday occurs on a scheduled workday of an employee who works

the day or shift before and following the holiday, the employee is entitled to holiday pay and shall receive pay for the number of hours the employee normally would have worked, up to 10 hours.

- (b) **Part-time and temporary employees.** Part-time and temporary employees who would have normally worked on a day of the week observed as a holiday shall be entitled to a paid holiday for the number of hours they would have worked on that day if the holiday had not occurred.
- (c) **Worked holiday.** As many employees as possible shall be given each holiday off without loss of pay. Full-time regular employees who are required to work on a holiday which is a workday, shall be paid at the rate of two times the employee's regular hourly rate of pay for the first ten (10) hours worked. Hours worked in excess of ten are paid at the overtime rate. [See Sec. 4.06]
- (d) **Loss of holiday pay.** An employee will not receive pay for a holiday if the employee is:

 - (1) terminating employment with the city, and the last day as a paid employee is the workday before a paid holiday;
 - (2) on leave of absence without pay the workday before the paid holiday;
 - (3) absent on the workday before or following a paid holiday, without leave or without notifying the employee's supervisor in advance; or
 - (4) absent without leave on a holiday when the employee is scheduled to work.
- (e) **Holidays designated.** The following days are the official paid holidays for the city:

 - (1) New Year's Day (January 1);
 - (2) Martin Luther King Day (January 18th)
 - (3) Memorial Day;
 - (4) Independence Day;
 - (5) Labor Day;
 - (6) Thanksgiving Day;
 - (7) Day after Thanksgiving Day;
 - (8) Christmas Eve;

- (9) Christmas Day;
- (10) One floating holiday; and
- (11) Any other holiday declared by the city manager or city council.

- (f) **Religious holidays.** An employee wishing to observe a religious holiday not designated in Subsection (e), shall at the employee's option be given leave without pay or have the time charged to other appropriate leave.
- (g) **Substitute holidays for Monday-Thursday Operations.** If a designated holiday falls on a Friday, Saturday, or Sunday, the City Manager will make the determination on whether to observe the holiday either the day immediately prior or following. This is only applicable to positions that normally operate on a Monday- Thursday basis.
- (h) **Unusual schedules.** Department heads shall ensure that eligible employees working unusual schedules or on shifts, receive benefits for the full number of holidays.

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Sec. 5.12. Personal Day

- (a) Full-time employees will receive one full-day of leave a year to be taken at any time the employee chooses, with the approval of a supervisor. The employee shall be compensated for their normally assigned shift or normally assigned hours. Below is a guideline of hours to be applied:
 - (1) Administrative of office employee: 10 hours
 - (2) Police Officer or Dispatcher: 12 hours
 - (3) Shift based Firefighter: 24 hours

SECTION 2. Within seven (7) working days of adoption of this resolution, the Human Resources Director is directed to disseminate the amended policy, section 9.01(e) set forth herein, to all City employees by one or more of the following means: (1) prominent posting in all City departments, (2) email transmission, (3) distribution by department heads to all department employee, and/or (4) such other means as will apprise employees of the amendment.

SECTION 3. This resolution shall become effective _____.

PASSED AND APPROVED this the _____ day of May, 2024.

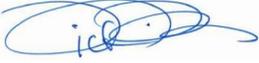
City of Everman, Texas

Ray Richardson, Mayor

Attest:

Mindi Parks, City Secretary

Approved as to Form:



Victoria Thomas, City Attorney

ORDINANCE NO . 815

AN ORDINANCE OF THE CITY OF EVERMAN, TEXAS AMENDING THE CODE OF ORDINANCES BY REVISING THE WATER RATES, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; PUBLICATION; EFFECTIVE DATE; PROPER NOTICE AND HEARING.

WHEREAS, the City of Everman, Texas is a Home Rule municipality located in Tarrant County, Texas created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Everman has authority to adopt an ordinance that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality, and is necessary or proper for the carrying out of a power granted to the City by law; and

WHEREAS, the City Council has previously adopted Ordinance No. 758 of the Code of Ordinances of the City of Everman, Texas, setting forth the water rates of the City where required by ordinance, resolution or order; and

WHEREAS, pursuant to Section 10.06 A of the City Charter, the City Council has power to fix and regulate the rates and charges of all utilities and public services; and

WHEREAS, the City Council has received a recommendation to change the rates charged for water services, and a public hearing has been held for consideration of those charges as required by Section 10.06B of the City Charter; and

WHEREAS, the City Council hereby finds and determines that the necessity for the recommended changes has been demonstrated, and that the rate schedule being adopted by this Ordinance is reasonable, necessary, and proper.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS THAT:

SECTION 1. FINDINGS OF FACT

The statements made in the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT

The Water and Sewer Services and Rates Schedule attached hereto as **Attachment A** and incorporated into this Ordinance for all intents and purposes, is hereby adopted.

SECTION 3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein. The provisions in Chapter 20 (“Utilities”), at Article III (“Water”), Section 20-187 (“Rates; Tapping Charges”) of the Everman Code, and the provisions in any other section of the Code affected by this Ordinance, are hereby modified to reflect the services and rates schedule provided for in **Attachment A** hereto.

SECTION 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 5. PUBLICATION

Following its adoption, the City Secretary is hereby directed to publish a caption of this ordinance that summarized its purpose, as provided in Section 52.013 of the Texas Local Government Code. The City Secretary is further directed to cause the relevant language of Chapter 20 (“Utilities”) and of any other section of the Everman Code affected and amended by this Ordinance, to be published in the appropriate location is said Code.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective for the first billing cycle following the adoption of this ordinance, as provided in Section 3.10 D of the City Charter.

SECTION 7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED & APPROVED this, the 21st day of May 2024, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of the City of Everman, Texas.

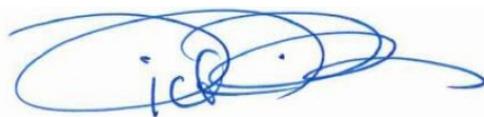
CITY OF EVERMAN

By: _____
Mayor Ray Richardson

ATTEST:

Mindi Parks, City Secretary

APPROVED AS TO FORM:



Victoria Thomas, City Attorney

Attachment A

City of Everman Services and Rate Schedule

Service	Service Code	Account Type	Rate Code	Inside/ Outside City	Base Rate by Meter Size (Includes First 1000 Gal)								Step Rate per 1000 Gallons Consumption			
					3/4"	1"	1.5"	2"	3"	4"	6"	8"	2000 - 5000	6000- 10000	11000- 25000	25000+
WATER	WT	Residential	1	Inside	\$ 28.12	\$ 41.64	\$ 69.67	\$ 111.86	\$ 230.40	\$ 384.30	-	-	\$ 4.26	\$ 4.59	\$ 4.98	\$ 5.20
			1	Outside	\$ 44.10	\$ 57.62	-	-	-	-	-	-	-	\$ 4.88	\$ 5.26	\$ 5.70
		Commercial	2	Inside	\$ 38.57	\$ 53.80	\$ 88.33	\$ 128.18	\$ 225.24	\$ 435.97	\$ 776.29	\$ 1506.37	\$ 4.26	\$ 4.59	\$ 4.98	\$ 5.20
			2	Outside	\$ 52.50	\$ 67.74	\$ 102.26	\$ 142.12	\$ 239.17	\$ 449.90	\$ 790.22	\$ 1520.31	\$ 4.88	\$ 5.26	\$ 5.70	\$ 5.96
		Senior	3	Inside	\$ 19.14	\$ 23.66	\$ 37.20	-	-	-	-	-	\$ 4.26	\$ 4.59	\$ 4.98	\$ 5.20
		Citizen	3	Outside	\$ 20.72	\$ 25.23	\$ 38.78	-	-	-	-	-	\$ 4.88	\$ 5.26	\$ 5.70	\$ 5.96
		Multi-Unit	9	Inside	\$ 28.12	\$ 41.64	\$ 69.67	\$ 111.86	\$ 230.40	\$ 384.30	-	-	\$ 4.26	\$ 4.59	\$ 4.98	\$ 5.20
			9	Outside	\$ 44.10	\$ 57.62	-	-	-	-	-	-	\$ 4.88	\$ 5.26	\$ 5.70	\$ 5.96

Service	Service Code	Account Type	Rate Code	Base Rate	Step Rate per 1000	Consumption Basis
SEWER	SW	Residential	1	\$ 30.68	\$ 2.28	Actual Water Use
		Commercial	2	\$ 53.65	\$ 3.85	Actual Water Use
		Senior Cit	3	\$ 21.77	\$ 2.28	Actual Water Use

Service	Service Code	Account Type	Rate Code	Base Rate
Refuse	RF	Residential	1	\$ 11.90
		Commercial	2	NONE
		Senior Cit	3	\$ 10.36

Sales TAX	TX	All	8.25% of RF
Recycle	RCY	All	\$4.49
Penalty	PN	All	10.00% of Past Due Balances
Service Charge	SC	All	\$50 Involuntary Cutoff
NSF Check Fee	NSF	All	\$34 each Insufficient Funds Check or Draft
Transfer Fee	TF	All	\$15 transfer service to new address
Water Dep	WTD	All	Based on the amount of the new Water Deposit
Any other charge	OT	All	Variable amounts

CITY OF EVERMAN, TEXAS

ORDINANCE NO. 816

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EVERMAN, TEXAS, CHAPTER 4 “BUILDINGS AND BUILDING REGULATIONS” BY ADDING A NEW ARTICLE XXI “MURALS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE .

WHEREAS, the City Council finds that allowing for the installation of murals in the City is consistent with the values and aesthetics of the city; and

WHEREAS, the City Council desires to optimize the communication and quality of murals while protecting the public and the aesthetic character of the City; and

WHEREAS, THE City Council finds that these regulations aim to enhance the community by minimizing visual clutter along public rights-of-way that are potentially harmful to the aesthetics of the community, traffic and pedestrian safety, property values, business opportunities and community appearance;

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

SECTION 1: That the Code of Ordinances of the City of Everman, Texas is hereby amended at Chapter 4 “Buildings and Building Regulations” by adding a new Article XXI “Murals” which shall read in its entirety as follows:

“CHAPTER 4 BUILDINGS AND BUILDING REGULATIONS

...

ARTICLE XXI MURALS

Sec. 21-01. – Definitions.

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

Alter shall mean to change in any way or to any extent the appearance, size, shape, colors, subject, designs, figures, elements, or pictures of a mural.

Dilapidated or deteriorated condition shall mean: (i) where any part of the mural is chipped, flaked, faded, broken, damaged, defective, missing, bent, cracked, splintered, or twisted; or (ii) where any part of the mural or the exterior wall on which the mural is located is not in compliance with the requirements of the Everman Building Code, as amended.

Director shall mean the director of development services or the city director or employee designated by the city manager to administer and enforce this article.

Mural shall mean painted graphics registered with the city in accordance with this article that are murals, mosaics, or any type of graphic arts that are painted on an exterior wall of a non-residential building and do not contain a logo, advertising symbols, lettering, trademarks, service marks, branded product names, brand names, or other written references to any business, commercial or retail service or product, except that (i) a mural may contain an unlimited amount of subject matter consistent with the theme of the business and (ii) the business name and/or references to goods and services offered by the business on the premises where the mural is located provided that these matters shall not cover more than **twenty (20%)** percent of the mural surface area.

Primary facade of a building shall mean elevation of a building that faces the adjacent street right-of-way and contains the door or other entrance that serves as the primary customer entrance to the building.

Registration shall mean the registration of a mural as set forth in this article.

Restore shall mean to return a mural to its original appearance and quality from a dilapidated or deteriorated condition.

Sec. 21-02. – Registration.

- (a) A mural must be registered with the city pursuant to this article prior to installation to be exempt from regulation as a sign pursuant to Article 9 of the City’s Zoning Ordinance.
- (b) A mural may be registered pursuant to this article by the building owner and the artist by submitting a registration application form provided by the city accompanied by a nonrefundable registration fee of \$10.00 or such fee as may be set forth in Appendix A fee schedule of this Code for each mural, which application shall contain and include the following:
 - (1) Name and address of the building on which the mural will be installed;
 - (2) Name, address, and contact information of the building owner providing the written consent to the artist for the installation of the mural;

- (3) Name, address, and contact information of the artist who will be creating the mural;
 - (4) Notarized written consent of the building owner that the named artist has the consent of the building owner to create and install the mural on the owner's building;
 - (5) Notarized written statement of the artist acknowledging that the mural is such person's work, that the mural may be registered with the city and that the mural may be removed by the city following notice thereof, if the mural is in violation of this article;
 - (6) Site plan showing the lot on which the mural is to be located and the building dimensions;
 - (7) Photos of the building elevations on which the mural is to be located;
 - (8) A scale drawing and color photo of the building elevation showing the proposed size and placement of the mural; and
 - (9) A description of the proposed maintenance schedule for the mural that includes the timeframe for the useful life for the mural and method for removal.
- (c) The director shall administer and enforce this article.
 - (d) The director shall issue the registration for a mural for which a completed application meeting the requirements of this article has been submitted, accompanied by the nonrefundable registration fee. The registration should be accepted not later than ten business days after submittal of a completed application and fee. An incomplete application for registration may be denied.
 - (f) Murals existing as of the date of enactment of this ordinance shall be exempt from this article.

Sec. 21-03. – Prohibited Murals.

- (a) The following are prohibited:
 - (1) Murals or other representations which imitate or appear to imitate any official traffic sign or device, which appears to regulate or direct the movement of traffic, or which interferes with the proper operation of any traffic sign or signal, or which obstructs or physically interferes with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

- (2) Murals affixed, applied, or mounted above or upon or suspended from any part of the roof of a structure.
 - (3) Murals projecting from the wall surface, other than the minimum necessary protrusion to mount the mural to the wall or structure.
 - (4) Murals containing any gang affiliation symbols.
 - (5) Murals containing any commercial messages or advertising except as allowed in the definition of mural contained in this article.
 - (6) Murals containing any depiction of violence, pornography, profanity, tobacco, explosives, or drugs.
- (b) It shall be unlawful for any person to install, display, or maintain a mural prohibited by this section or which is otherwise not in compliance with this article. It is unlawful for any person to display, install or maintain a mural that has not been registered as provided in this article.

Sec. 21-04. – Mural Location.

- (a) Murals shall be permitted on any non-residential building in the city lawfully occupied by any non-residential use.
- (b) Murals shall not be permitted on any residential building except on a multi-family building and associated structures, such as a parking garage.
- (c) Murals are not permitted on the primary facade of a building.

Sec. 21-05. – Mural Maintenance.

- (a) The property owner of the property upon which the mural is located is responsible for mural maintenance, upkeep, repair and general compliance with the requirements of this article.
- (b) A mural shall be kept in good condition for the life of the mural and shall be maintained, at a minimum, in accordance with the maintenance schedule and responsibilities approved by the director.
- (c) The display surface of a mural shall be kept clean and neatly painted and free from corrosion.
- (c) Any mural that is not properly maintained or which is faded or in a state of disrepair, dilapidated or in a deteriorated condition, as determined by the director or the City building official, shall be

repaired, removed, restored, or covered with opaque paint, similar to the primary building materials/colors or other appropriate material approved by the city, by the building owner within ten business days after receipt of written notice thereof from the director.

Sec. 21-06 – Variance

A variance from one or more of the requirements of this Article may be granted by the Planning and Zoning Commission upon written application setting forth the following, which shall be factors to be considered by the Commission in determining whether to grant the variance:

- (a) The degree of the variance;
- (b) The reasons for the variance requested;
- (c) The location of the variance requested;
- (d) The duration of the variance requested;
- (e) The effect on public safety;
- (f) The effect on general public welfare;
- (g) The impact on neighboring properties; and
- (h) The degree of hardship involved if the variance is not granted.

Sec. 21-07 – Enforcement

- (a) If the director or the City’s building official determines a mural to be in a dilapidated or deteriorated condition, the mural shall be restored or removed by the owner and/or occupant of the structure to which it is applied within thirty (30) days of receipt of written notice requiring restoration or removal. Removal accomplished by painting over or covering must be by painting over the entire mural surface with opaque paint, similar to the primary building materials/colors or other appropriate material approved by the city

- (b) The director of the City’s building official may cause the removal or painting over/covering of any mural that is not maintained in accordance with the provisions of this article or which otherwise violate any provision of this article. A mural which is kept, maintained, or allowed to remain in a dilapidated or deteriorated condition or which otherwise violates a provision of this article is hereby declared to be a nuisance. Upon the failure of the owner and/or occupant of the premises on which the mural

is located to repair, restore, or restore the mural or otherwise correct the violation of this article, following thirty (30) days written notice thereof, the city may cause the removal or painting over of the mural. The owner and/or occupant shall pay all expenses incurred by the city incident to such removal. In the event of the failure of the owner and/or occupant to remit to the city the expenses incurred in the abatement of the nuisance, a lien may be placed on and against the property on which the mural was located. Such lien shall bear interest at the highest legal rate per annum and shall be a first priority lien, second only to liens for taxes.

Sec. 21-08 through 21.30 – Reserved.”

SECTION 2: All ordinances, orders, or resolutions heretofore pass and adopted by the City Council of the City of Everman, Tarrant County, Texas are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

SECTION 3: Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 5. This ordinance shall be effective from and after its passage.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Everman, Tarrant County, Texas this the 21st day of May, 2024.

APPROVED:

Ray Richardson, Mayor

ATTEST:

APPROVED AS TO FORM:

Mindi Parks, City Secretary

Victoria Thomas, City Attorney
4861-1354-5149, v. 2