



City of La Vernia
CITY COUNCIL MEETING
102 E. Chihuahua St., La Vernia, Texas 78121
May 14, 2026
6:30 PM

AGENDA

1. **Call to Order**
2. **Invocation & Pledge of Allegiance**
3. **Citizens to Be Heard**
(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to Be Heard section, no council action may take place, and no council discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion.)
4. **Consent Agenda**
(All consent agenda items are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)
 - A. Minutes from the 04/09/2026 City Council Meeting
 - B. Financials for the month of March
5. **Proclamations**
 - A. National Public Works Week Proclamation
 - B. National Economic Development Week Proclamation
6. **Discussion/Action**
 - A. Discuss and consider action on appointing an ADA Coordinator
 - B. Discuss and consider action on a Sign Variance
7. **Discussion Only**
 - A. Discussion regarding the monthly meter replacement report
 - B. Discussion regarding lighting and glare standards
8. **Ordinances**
 - A. Discuss and consider action on Ordinance No. 051426-01 Amending La Vernia code of Ordinances chapter 36 regarding meters and delinquent water bills
9. **Resolutions**
 - A. Discuss and consider action on Resolution No. R051426-01 regarding a reimbursement for prior lawful expenditures
10. **Elections**

- A. Certificate of Election issued to newly elected officials Dianell Recker and Gary Gilbert
- B. Statement of Officer is completed by newly elected and appointed officials
- C. Newly elected and appointed officers take the oath of office
- D. Newly sworn-in officers may assume the duties of their office
- E. Discuss and consider the appointment of a Mayor Pro-Tem
- F. Discuss and consider recommending someone to fill the vacancy on City Council

11. Presentations

- A. Presentation regarding recognition of outgoing Mayor Poore

12. Executive Session

The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Government Code 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberation about Security Devices), and 551.087 (Economic Development), and any other provision under Texas law that permits a governmental body to discuss a matter in a closed executive session.

- A. Pursuant to Local Government Code section §551.074 of the Open Meeting Act. Tex. Gov't Code, the City Council will meet in executive session to deliberate personnel matters.

13. Items Specific to Future Line Items on the Agenda

14. Adjourn

DECORUM REQUIRED

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development), and any other provisions under Texas law that permit a governmental body to discuss a matter in closed executive session.

The City of La Vernia Council meetings are available to all persons regardless of disability. The facility is wheelchair accessible and parking spaces are available. Request for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email mfarrow@lavernia-tx.gov

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia City Council is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **May 08, 2026 at 5:00 PM** and remained so posted continuously for at least 3 business days preceding the scheduled time of said meeting.

Madison Farrow, City Secretary



CITY COUNCIL MEETING

102 E. Chihuahua St., La Vernia, Texas 78121

April 09, 2026

6:30 PM

MINUTES

1. Call to Order

The meeting was called to order at 6:30PM

Mayor Poore, and Council members Recker, Gilbert, Rabel, Evans, and Oates were present.

2. Invocation & Pledge of Allegiance

Pastor Bobby Nixon lead the prayer and Mayor Poore lead the pledges.

3. Citizens to Be Heard

(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to Be Heard section, no council action may take place, and no council discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion.)

Carlos De La Cruz spoke, he stated he is running for congress and has the endorsement of President Trump. He wants to fight for the forgotten men and women in the community. He believes the community needs someone who will tell the truth and not back down.

Darla and Karen from the Immanuel Lutheran Church spoke, they hold the Christmas market for the Church. They stated that last year when we closed the road for the Christmas downtown event people could not get to the market. They would like us not to close the road until 2pm next year until the market is over so the customers can drive on the street to get to the market.

Sargent Johnson introduced new police officer Anthony Jaeger to Council.

4. Consent Agenda

(All consent agenda items are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)

A. Minutes from the 03/12/2026 City Council Meeting

B. Financials for the month of February

C. First-quarter 2026 investment report

Motion made by Oates, seconded by Evans to approve as listed, all in favor.

5. Presentations

- A. Recognition of Cub Scouts Arrow of Light Award recipients
- B. Recognition and Letter of Recommendation for Mabry Henry: U.S. Naval Academy Candidate
Mayor Poore gave Mabry a letter of recommendation, and spoke on her accomplishments. Mabry spoke on her accomplishments as well.

6. Proclamations

- A. Dark Sky Proclamation
Mayor Poore read the Dark Sky Proclamation.
- B. Child Abuse Prevention Awareness Proclamation
Mayor Poore read the Child Abuse Prevention Awareness Proclamation, a representative from CASTCAC was present to accept the Proclamation.
- C. Child Abuse Prevention Proclamation
Mayor Poore read the Child Abuse Prevention Proclamation, a representative from CASA was present to accept the Proclamation.
- D. Sexual Assault Proclamation
Mayor Poore read the Sexual Assault Proclamation, a representative from Thriving Hearts Crisis Center was present to accept the Proclamation.

7. Public Hearing

- A. The La Vernia City Council will host a public hearing to discuss and consider action on Ordinance No. 040926-01, a re-zone application for the property described as **119 SAN ANTONIO RD LA VERNIA, TX 78121,CITY OF LA VERNIA, LOT 426-427-428-431, ACRES 2.19**, requesting to change from the current zoning C-1 Retail District to C-2 General Commercial District.
 - A.1 Open Public Hearing
 - A.2 Requestor Presentation
 - A.3 Staff Presentation
 - A.4 Receive Public Comments
 - A.5 Close Public Hearing
 - A.6 Discuss and consider action on Ordinance No. 040926-01, a re-zone application for the property described as **119 SAN ANTONIO RD LA VERNIA, TX 78121,CITY OF LA VERNIA, LOT 426-427-428-431, ACRES 2.19**, requesting to change from the current zoning C-1 Retail District to C-2 General Commercial District.

The Public hearing was opened at 7:00PM.

A.2 Requestor Presentation

There was no requestor presentation.

A.3 Staff Presentation

Interim City Administrator Xavier Millan stated the planning and zoning commission recommended denying the rezone.

City Secretary Madison Farrow read the 200ft notices she received back. 3 were opposed, and one was in favor.

A.4 Receive Public Comments

There were no public comments.

A.5 Close Public Hearing

The Public Hearing was closed 7:01PM.

A.6 Discuss and consider action on Ordinance No. 040926-01, a re-zone application for the property described as 119 SAN ANTONIO RD LA VERNIA, TX 78121, CITY OF LA VERNIA, LOT 426-427-428-431, ACRES 2.19, requesting to change from the current zoning C-1 Retail District to C-2 General Commercial District.

Motion made by Recker to follow the recommendation of the planning and zoning commission and not accept the rezone, seconded by Gilbert to deny Ordinance No. 040926-01, a re-zone application for the property described as 119 SAN ANTONIO RD LA VERNIA, TX 78121, CITY OF LA VERNIA, LOT 426-427-428-431, ACRES 2.19, requesting to change from the current zoning C-1 Retail District to C-2 General Commercial District.

B. The La Vernia City Council will host a public hearing to discuss and consider action on Ordinance No. 040926-02, a Special Use Permit (SUP) to allow for a drive-thru in the C-1 zoning district regarding the space specifically known as **13378 US HWY 87 W LA VERNIA, TX 78121,CITY OF LA VERNIA, LOT 274 (LOT 1 BLK 13), ACRES 1.07**, which will occupy only a portion of this parcel as described in the attachment.

A.1 Open Public Hearing

A.2 Requestor Presentation

A.3 Staff Presentation

A.4 Receive Public Comments

A.5 Close Public Hearing

A.6 Discuss and consider action on Ordinance No. 040926-02, a Special Use Permit (SUP) to allow for a drive-thru in the C-1 zoning district regarding the space specifically known as **13378 US HWY 87 W LA VERNIA, TX 78121,CITY OF LA VERNIA, LOT 274 (LOT 1 BLK 13), ACRES 1.07**

A.1 Open Public Hearing

The Public hearing was opened at 7:02PM.

A.2 Requestor Presentation

Michael Garrott representing On The Grind spoke, he states at February's council meeting he heard the public and the members. He wants to be sure the concerns were heard. He showed images of of how the building would look like.

On The Grinds engineer Tyler Meals spoke on the site plan. They plan to widen Nicolson to complete the 30ft road, as well as put in a ADA sidewalk.

Michael spoke on the stacking, they have now made the staking for 24 cars. He stated even though they expanded for stacking you will never see many cars on their site because they have cameras all over. The video from the cameras are shown inside the building as well

as to the owner, they know where the cars are at all times. The runners come out through the back door and take the orders on a tablet, by the time the customer gets to the window the order is ready. This process takes around 30 seconds. He spoke about the lighting and all the lighting will be pointed down and meet the dark sky requirements. He then read the story of the owner and how On The Grind was created, as well as a list of donations they have given to the communities they are in. Oates asked when the estimated opening day? Michael stated the goal is six months.

A.3 Staff Presentation

Interim City Administrator Xavier Millan states the planning and zoning commission recommended to approve.

City Secretary Madison Farrow read the 200ft notices she received back, 3 were opposed.

A.4 Receive Public Comments

There were no public comments.

A.5 Close Public Hearing

The Public Hearing was closed 7:35PM.

A.6 Discuss and consider action on Ordinance No. 040926-02, a Special Use Permit (SUP) to allow for a drive-thru in the C-1 zoning district regarding the space specifically known as **13378 US HWY 87 W LA VERNIA, TX 78121, CITY OF LA VERNIA, LOT 274 (LOT 1 BLK 13), ACRES 1.07**

Motion made by Oates To follow the recommendation of the planning and zoning commission and accept the SUP, seconded by Recker to approve Ordinance No. 040926-02, a Special Use Permit (SUP) to allow for a drive-thru in the C-1 zoning district regarding the space specifically known as **13378 US HWY 87 W LA VERNIA, TX 78121, CITY OF**

**LA VERNIA, LOT 274 (LOT 1 BLK 13),
ACRES 1.07, all in favor.**

8. Discussion/Action

- A. Discuss and consider action on the street selection for this year's street maintenance project
Interim City Administrator Xavier Millan stated staff examined the streets to create a list of recommendation. The list consisted of Bear Gardens, CR 342 intersection of Chihuahua and CR 342, River, Hackberry, and DL Vest.
Council request something be added to Bear Gardens so people can not make U-turns.
Motion made by Recker, seconded by Rabel to approve the street selection for this year's street maintenance project, all in favor
- B. Discuss and consider action on the FELPS Summer Youth program
Executive Director Felicia Carvajal stated each year FELPS sponsors a summer youth program by contributing \$2.00 per connected electric meter in the city. FELPS will be contributing \$848, with the city's match the amount will equal to \$1,696.
She stated the MDD will be hosting the summer youth programs. The will be hosting two sciences night and are currently looking into other events.
Motion made by Recker, seconded by Gilbert to match the \$848, and give the MDD the authority, all in favor.

9. Discussion Only

- A. Discussion regarding the potential development of 215.787 acres of land, located along US HWY 87 W inside the city limits, currently owned by FLP Development LLC and legally described as A0015 F HERRERA SUR, TRACT 38, 38A, 39, (A-290 TRACT 4 & A-33 TRACT 6)
Shad Schmid and Jeff Czar from KingFish introduced themselves, they are currently under contract to purchase the property. They handed council a print out of their site plan, the site plan had 653 lots. They believe the completion would take around 8-10 years. They stated around 60 acers of the property are currently not in the city limits, they would like to annex those 60 acers inside of the city limits. Also around 120 acers of the property are currently inside of SS Water's CCN, they would like to move those 120 acers into the city's CCN. They would like to work out a development agreement with the city, possibly a PID.
Council states they would like to have a PID workshop with legal.
- B. Discussion regarding the 2025 Water audit report
Public Works Director Josh De La Zerda spoke on the 2025 Water audit report. He stated we have identified ways to minimize the number and will be executing, as our goal is to minimize the water loss.
- C. Discussion regarding the monthly meter replacement report
Public Works Director Josh De La Zerda stated there has not been much change since the last council meeting. He has received approval to purchase the larger meters and will be doing so.

10. Ordinances

- A. Discuss and Consider action on Ordinance No. 040926-03 regarding the Water Conservation Plan
 City Engineer Morgen Gore stated we have not had a water conservation plan in the past. She has made the plan and believes this will help with the water loss.
 Motion made by Gilbert, seconded by Rabel to approve Ordinance No. 040926-03 regarding the Water Conservation Plan, all in favor.
- B. Discuss and consider action on Ordinance No. 040926-04 regarding FY 25-26 budget amendment
 Interim City Administrator Xavier Millan spoke on the amendments to the FY 25-26 budget.
 Motion made by Oates, seconded by Recker to approve Ordinance No. 040926-04 regarding FY 25-26 budget amendment, all in favor.

11. Resolutions

- A. Discuss and consider action on Resolution No. R040926-01 appointing Martin Poore to the CRWA Board of Trustees
 Motion made by Recker, seconded by Rabel to approve Resolution No. R040926-01 appointing Martin Poore to the CRWA Board of Trustees, all in favor.
- B. Discuss and consider action on Resolution No. R040926-02 Agreement with US Bank for City Credit cards
 Finance Administrator Jennifer Mair stated US Bank are now our new city credit cards per the state.
 Motion made by Recker, seconded by Evans to approve Resolution No. R040926-02 Agreement with US Bank for City Credit cards, all in favor.
- C. Discuss and consider action on Resolution No. R040926-03 An Agreement for Occupational Medicine Services with the Floresville Elite Care Clinic
 Interim City Administrator Xavier Millan states this is for regarding staff drug screening.
 Motion made by Oates, seconded by Rabel to approve Resolution No. R040926-03 An Agreement for Occupational Medicine Services with the Floresville Elite Care Clinic, all in favor.

12. Items Specific to Future Line Items on the Agenda

- PID educational workshop

13. Adjourn

Motion made by Oates to adjourn at 8:48PM, seconded by Recker, all in favor.

DECORUM REQUIRED

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

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Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development), and any other provisions under Texas law that permit a governmental body to discuss a matter in closed executive session.

The City of La Vernia Council meetings are available to all persons regardless of disability. The facility is wheelchair accessible and parking spaces are available. Request for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email mfarrow@lavernia-tx.gov

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named La Vernia City Council is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards of the City Hall of said La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **April 02, 2026 at 5:00 PM** and remained so posted continuously for at least 72 Hours preceding the scheduled time of said meeting.

Madison Farrow, City Secretary



A Proclamation by the Mayor

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of The City of La Vernia, Texas and,

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment, and solid waste systems, public buildings, and other structures and facilities essential for our citizens and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of La Vernia, Texas to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities,

NOW, THEREFORE, I, MARTIN POORE, MAYOR, AND THE CITY COUNCIL OF LA VERNIA, do hereby designate the week May 17–23, 2026 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of La Vernia to be affixed this 14th day of May 2026.

Mayor

City Secretary



A Proclamation by the Mayor

WHEREAS, economic development is a key driver in growing and sustaining vibrant communities, creating high-quality jobs, and improving the quality of life for all residents; and

WHEREAS, the City of La Vernia is committed to supporting a strong local economy through business retention, workforce development, entrepreneurship, and strategic growth; and

WHEREAS, economic developers and organizations like the La Vernia Municipal Development District work tirelessly to attract investment, promote innovation, and support local businesses; and

WHEREAS, the City of La Vernia joins communities across the nation in celebrating Economic Development Week to raise awareness of the work that builds resilient economies and stronger neighborhoods;

NOW, THEREFORE, I, Martin Poore, Mayor of the City of La Vernia, do hereby proclaim the week of May 4–8, 2026, as Economic Development Week in La Vernia, Texas, and encourage all citizens, businesses, and community leaders to recognize and support the efforts that are essential to fostering local economic growth and success.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of La Vernia to be affixed this 14th of May, 2026.

Mayor

City Secretary



Sign Variance Application

Sign & Billboard Ordinance No. 091406-01

City of La Vernia

Date Received: Section 6, Item B.

Permit/Receipt No.: _____

Fee Paid: _____

Subdivision Name & Project Name : La Vernia Car Wash

Survey Name: Yocham Services, INC. **Abstract #:** S3000

of Lots: 308A **# of Total Acres (rounded to the nearest tenth):** 1

Type of Sign: Paintiing by La Vernia High School Art teacher and students

*The applicant is encouraged to schedule a meeting with the City Secretary/Code Enforcement staff to discuss the variance request prior to submitting an application for a sign variance.

Applicant Name: Whitney Yocham

Company: La Vernia Car Wash

Address: 12983 US HWY 87 W

City, State, Zip: La Vernia, TX 78121

Phone #: 806-319-1432 **Alternate #:** _____

Email Address: whitney@homesteadandranch.com

- Please Check is information is same as above

Current Property Owner: Riley & Whitney Yocham

Address: 109 Chuckwagon Dr.

City, State, Zip: La Vernia, TX 78121

Phone #: 806-319-1432 **Alternate #:** _____

Email Address: whitney@homesteadandranch.com

Owners Signature: Authentisign Whitney Yocham 02/26/26

I (we) the undersigned, having an interest in the installation of a sign that is non-conforming to the regulations established in La Vernia City Ordinance No. 091406-01 Signs and Billboards, request a variance for the following: A painting that depicts our town of La Vernia and its history. The p the La Vernia High School Art Teacher and Students.

Items Required at Time of Submittal:



Sign Variance Application

Sign & Billboard Ordinance No. 091406-01

City of La Vernia

Date Received Section 6, Item B.

Permit/Receipt No.: _____

Fee Paid: _____

(seven copies provided ten days prior to the city council meeting)

- A site plan indicating the position, height and size of the proposed sign and other existing advertising structures on the property in relation to nearby buildings or structures, north arrow and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts and setback clearance zone;
- Specifications for the construction and display of the sign;
- Copy of stress diagrams or plans, when needed, containing information as to safety and structural integrity of the sign. *NOTE: The City of La Vernia assumes no liability for safety and structural integrity;*
- Copy of permit approved by the Texas Department of Transportation, Texas Transportation Commission, Wilson County, Texas or successor agencies, if state law requires a state permit;

All attachments included with application are to be 8 1/2" by 11" in size.

Authentisign
Whitney Yocham 02/26/26

Signature of Petitioner

Whitney Yocham

Printed Name of Petitioner

Property Owner(s) of Record or Authorized Agent

Printed Name of Property Owner(s) of Record or Authorized Agent

Please check one:


- I will represent this variance request at the Council Meeting
- I will not be able to represent this variance at the Council Meeting. My authorized representative who will represent this variance before the La Vernia City Council is:

_____.

Note to Applicant:

WY (initials) A notice of meeting will be sent only to the applicant, or to the authorized representative, if one is designated. The decision of the City Council shall be final on all sign cases.



 **La Vernia
Car Wash**



Circle K

3D
17





CITY OF *YourCommunity*
ORDINANCE No. _____

TEXAS MODEL OUTDOOR LIGHTING ORDINANCE

AN ORDINANCE AMENDING ARTICLE **XX.X** OF *YourCommunity* CODE OF ORDINANCES; MODIFYING REGULATIONS FOR LIGHTING; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES INCLUDING CRIMINAL FINES NOT TO EXCEED \$ 500.00 PER VIOLATION AND CIVIL FINES OF UP TO \$500.00 PER VIOLATION; REPEALER; SEVERABILITY; AND, AN EFFECTIVE DATE.

- WHEREAS,** the City Council of *YourCommunity* (“City Council”) seeks to provide for the regulation of lighting within the corporate limits of *YourCommunity* (“City”); and
- WHEREAS,** the City Council seeks to maintain the value of *YourCommunity*’s scenic beauty and charm, which are the keystones of the City’s quality of life, through a comprehensive regulatory program that includes restrictions on signs and lighting; and
- WHEREAS,** the City Council finds that unnecessary and improperly designed light fixtures cause glare, light pollution, light trespass, and wasted resources; and
- WHEREAS,** glare and light pollution can result in: hazardous circulation conditions for all modes of transportation; reduction in safety; the diminishing ability to view the night sky; and, unattractive townscape; and
- WHEREAS,** light trespass can eliminate the full use, and enjoyment of property, causing substantial interference; and
- WHEREAS,** wasted resources can add to any strain that might be placed on the electric grid; and
- WHEREAS,** the people who live in and near *YourCommunity* value the natural environment, including the beauty and high quality of the night sky; and
- WHEREAS,** *YourCommunity* desires to protect the health, safety and welfare of the general public, and to protect the night sky that adds to the quality of life and economic wellbeing of the City; and
- WHEREAS,** these lighting regulations will not sacrifice the safety of our citizens or visitors, or the security of property, but instead will result in safer, efficient and more cost-effective lighting; and
- WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and
- WHEREAS,** proposed lighting ordinance is designed to benefit residents and businesses in *YourCommunity* by constituting better nighttime visibility, public safety, energy efficiency, and preservation of the natural night environment to promote tourism; and
- WHEREAS,** the City Council finds that it is necessary and proper for the good government, peace or order of *YourCommunity* to adopt an ordinance regulating lighting.

NOW, THEREFORE, BE IT ORDAINED by *YourCommunity* City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter XX, Article XX.XX of *YourCommunity* Code of Ordinances is hereby established and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, 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.

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.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication of caption.

7. PROPER NOTICE & 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 the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the ___ day of _____ 20xx, by a vote of ___ (ayes) to ___ (nays) to ___ (abstentions) of the City Council of *YourCommunity*, Texas.

CITY OF *YourCommunity*:

by: _____
Mayor _____

ATTEST:

_____, City Secretary

APPROVED AS TO FORM:
_____, City Attorney

ARTICLE XX.XX OUTDOOR LIGHTING

Sec. XX.XX.001 - Title, purpose and scope.

- (a) This article shall be known and cited as the "Outdoor Lighting Ordinance."
- (b) The purpose of this article is:
 - (1) To reduce glare and improve nighttime visibility which contributes to safer, more secure, and attractive outdoor living spaces;
 - (2) To encourage efficient, controlled lighting that conserves energy;
 - (3) To make our community a better place to live and work and a more inviting place for tourist to visit;
 - (4) To protect properties from light trespass;
 - (5) To restore and preserve our heritage of a clear, dark night sky; and
 - (6) To position the City to apply for the designation of International Dark Sky Community.
 - (7) To have lights at night that are directed where light is wanted, are a warm color, and the appropriate amount of light.
 - (8) To prevent light at night from being wasted offsite, off property, or into the night sky.
- (c) Scope
 - (1) This article shall apply within the City limits, hereinafter referred to as "City".
 - (2) Nothing herein shall be construed as preventing or limiting the City from applying this article within the surrounding areas where the City asserts powers of extraterritorial jurisdiction through agreements with property owners, or as a term affixed to a conditional approval (such as a variance) or if authorized by the State of Texas.

Sec. XX.XX.002. - Definitions.

- (a) The following definitions are hereby adopted for the purposes of this article:

Adaptive controls mean mechanical or electronic devices, when used in the context of outdoor lighting systems, intended to actively regulate the switching, duration, and/or intensity of light emitted by the outdoor lighting system. Examples of adaptive controls include timers, dimmers and motion-sensing switches.

Beam of a light fixture means the spatial distribution of the emitted light.

Correlated Color Temperature (CCT) means a measure of the color properties of light emitted by lamps, being equal to the temperature, expressed in Kelvins (K). CCT values are typically provided on lighting manufacturer packaging or data sheets.

Decorative holiday lighting means low-intensity string lights, whose luminous output does not exceed fifty (50) lumens per linear foot, and fully-shielded floodlights, whose luminous output does not exceed one thousand (1,000) lumens and which are aimed and oriented in such a way as to not create light trespass onto another property nor into the night sky, operated for a limited number of days per calendar year.

Electronic Message Display means any illuminated sign of an informative or advertising nature, whether on-or off-premise, and operable at night, whose content is made visible to the viewer by means of luminous elements under active electronic control and therefore subject to alteration in order to vary the content of the message. Electronic displays may be either static or dynamic in terms of light color and intensity.

Existing light fixtures means those outdoor light fixtures already installed at the time this article is adopted.

Floodlight means a light fixture having a wide beam.

Fully Shielded means an outdoor luminaire constructed so that in its installed position, all of the light emitted from the light fixture is projected below the horizontal plane passing through the lowest light-emitting part of the fixture.

Glare means visual discomfort or impairment caused by a bright source of light in a direction near one's line of sight.

Greenhouse means any building that is constructed of glass, plastic, or other transparent material in which plants are grown under climate-controlled conditions and includes hoop houses and other similar structures.

Illuminance means the intensity of light in a specified direction measured at a specific point.

Light source means a light emitting portion of the luminaire and any diffusing elements and surfaces intended to reflect or refract light emitted from the lamp individually or collectively, for example, a lamp, bulb, lens, highly reflective surface, or frosted glass.

Light pollution means the unintended, adverse and /or obtrusive effect of the use of outdoor light at night.

Light trespass means light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky. If the light appears star-like from another property or the public roadway, the light is creating light trespass. It is expected that the illumination produced by a light source may be viewed from other properties but the light source itself should not be visible from other properties. Exhibit 3 of Section XX.XX.020 is a sample educational illustration about light trespass.

Lumen means the unit of measurement used to quantify the amount of light produced by a bulb or emitted from a light source. Lumen values are typically provided on lighting manufacturer packaging or data sheets. For the purposes of this article, unless otherwise stated, the lumen output values shall be the initial lumen output ratings as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95% shall be used for all solid-state lamps and 80% for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer.

Lumens per Net Acre means the total outdoor light output, as defined in this article, divided by the number of acres, or part of an acre with outdoor illumination. Undeveloped, non-illuminated portions of the property may not be included in the net acreage calculation.

Luminaire means a complete lighting assembly or lighting fixture, consisting of a lamp, housing, optic(s), and other structural elements, but not including any mounting pole or surface.

Luminance is a measure of light emitted by or from a surface.

Nit is the standard unit of measure of luminance used for internally illuminated signs, digital signs, or electronic message displays.

Outdoor Lighting means temporary or permanent lighting that is installed, located, or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light rays to shine outside are considered outdoor lighting for the intent of this article. See Exhibit 1 of Section XX.XX.020 for an illustration of this type of situation. Residential fixtures installed indoors generating more than 3,800 lumens (approximately equal to a 300-watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this article. All of the lighting that illuminates the translucent portion of a greenhouse or solarium, including roofing material, is considered outdoor lighting for the intent of this article.

Pedestrian Activity Levels means the classification of pedestrian usage of an area based on specific criteria.

1. **High pedestrian activity areas:** More than 100 pedestrians during the highest nightly average one-hour volume period. For example, this would include downtown areas with dense urban development (typically over 3,000 pedestrians per square kilometer), areas around major arenas.
2. **Medium pedestrian activity areas:** Between 11 and 99 pedestrians during the highest nightly average one-hour volume period.

3. **Low pedestrian activity areas:** 10 or fewer pedestrians during the highest nightly average one-hour volume period.

Private lighting means outdoor light fixtures that are owned or leased or operated or maintained or controlled by individual persons, including but not limited to families, partnerships, corporations, and other entities engaged in the conduct of business or other non-governmental activities.

Public lighting means outdoor light fixtures that are owned or leased or operated or maintained or controlled by the City or other governmental entity or entities completely or partly funded by grants obtained by the City or its agents from federal, state or private sources. The light fixtures are normally located on, but are not limited to, streets, highways, alleys, easements, parking lots, parks, playing fields, schools, institutions of higher learning, and meeting places.

Road Classifications means the type of street or roadway based on usage and the traffic it serves.

1. **Major (arterial) street:** That part of the roadway system that serves as the principal network for through traffic flow. These routes connect areas of principal traffic generation and important roadways entering and leaving the city. They are sometimes subdivided into primary and secondary classifications; however, such distinctions are not necessary for the purpose of street lighting. These routes primarily serve through-traffic and secondarily provide access to abutting property.
2. **Collector street:** A road servicing traffic between major and local streets. These are streets used mainly for traffic movements within residential, commercial, and industrial areas. Collector streets may be used for truck or bus movements and give direct service to abutting properties.
3. **Local street:** Local streets are used primarily for direct access to residential, commercial, industrial, or other abutting property. They make up a large percentage of the total street system but carry a small proportion of vehicular traffic.

Sag-lens or drop-lens fixture means a fixture, typically seen on older streetlights or parking lot lights, where the lens extends below the lowest opaque part of the fixture such that light is scattered above the horizontal plane.

Searchlight means a light fixture having a narrow beam intended to be seen in the sky.

Spotlight means a light fixture having a narrow beam.

Temporary lighting means non-permanent lighting installations installed and operated for a duration not to exceed thirty (30) days.

Total outdoor light output means the total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the lumen value as defined in this article. To compute the total, add the lumen outputs attributed to each light fixture together.

Sec. XX.XX.003. – Nonconforming existing outdoor light fixtures.

- (a) All existing outdoor lighting that was legally installed before the enactment of this article, that does not conform with the standards specified by this article shall be considered nonconforming. Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this article.
- (b) If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county’s appraisal district), has been destroyed, the nonconforming status expires and the structure’s previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (c) Nonconforming outdoor lighting shall be brought into conformance with this article as follows:
 - (1) Nonresidential Application. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the City, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.
 - (2) Residential addition or remodel. Nothing herein shall be construed to terminate a residential property’s nonconforming status as a result of an addition or remodel. However, all outdoor residential lighting that is affixed to a construction project requiring a building permit is required to conform the standards established by this ordinance.
 - (3) Abandonment of nonconforming. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the nonconforming status expires and the structure’s previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.

- (e) Outdoor lighting on any property that is not in conformance with this article shall be brought into conformance with this article within five (5) years from the date of adoption of this article. All new construction and/or new luminaires installed (including replacements for existing fixtures) shall comply after the adoption of this article.
- (f) Amortization Extension. Residential property owners may request from the City an amortization extension of up to a maximum of ten (10) years from the date a nonconforming fixture was installed provided that the fixture was compliant with existing City ordinances at the time it was installed, and that date of installation can be substantiated via documents, date stamped photographs, etc. or, at the prerogative of the City Administrator, corroborative written statements.
 - (1) Amortization extensions to the date at which outdoor lighting shall conform with this article shall be on a per fixture basis with the following requirements:
 - (i) The light fixture must be documented to cost at least \$100 when originally purchased;
 - (ii) The fixture cannot be brought into compliance by changing the bulb or lighting element or installing shielding;
 - (iii) If the bulbs or other lighting elements of the fixture require replacement during the amortization period, the replacement bulbs or lighting elements shall not be rated in excess of 2700 Kelvin.

Sec. XX.XX.004. - General Provisions

- (a) Shielding and Light Output.
 - (1) Unless exempted elsewhere in this article, all outdoor lighting shall be fully shielded so that the light source shall not be visible from any other property.
 - (2) Luminaire mounting height or topography or proximity to other properties may cause public or private outdoor light fixtures to require three hundred sixty degree shielding to hide the source of the light to prevent glare, light trespass, or an unsafe condition on properties other than the one on which it is installed.
 - (3) Public or private outdoor street or area lights shall utilize a minimum output consistent with the safety of vehicular traffic and/or pedestrians by following the lighting level recommendations of the Illuminating Engineering Society. **Communities without access to the IES documents may choose to use the following code instead:**
Public or private outdoor street or area lights shall utilize a minimum output consistent with the safety of vehicular traffic and/or pedestrians as defined by the Illuminating Engineering Society by following the pavement illuminance criteria below for roadways and intersections of major, collector or local roads:

- (i) For roadways with a cement or a light-colored surface, maximum average illuminance is limited to 0.6 footcandles (fc) with a uniformity ratio of 3.0 on major roads, 0.4 fc with a uniformity ratio of 4.0 on collector roads, and 0.3 fc with a uniformity ratio of 6.0 on local roads.
 - (ii) For roadways with an asphalt or dark colored surface, maximum average illuminance is limited to 0.8 fc with a uniformity ratio of 3.0 on major roads, 0.6 fc with a uniformity ratio of 4.0 on collector roads, and 0.4 fc with a uniformity ratio of 6.0 on local roads.
 - (iii) For intersections of major, collector or local roads, the maximum average illuminance is set by a combination of the types of roads that intersect and the pedestrian activity at that intersection as reflected in Exhibit 6.
- (4) All of the lighting that illuminates the translucent portion of a greenhouse or solarium must be shielded so that no direct light shines outside of the structure and no more than 4% of the reflected or refracted illumination is allowed to escape outside the structure.
 - (5) Outdoor light fixtures with a maximum output of 200 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the fixture conforms to all other stipulations of this article. The output from these fixtures shall not exceed 10% of the lumens per net acre allowed by this article. (Your community may choose to increase the 200 lumen per fixture limit to as much as 1000 lumens which would be an appropriate level for the downtown business area of a large city.)
- (b) Light Trespass.
- (1) Light trespass is prohibited. No luminaire installed within the City limits, except streetlights that are governmental owned or governmental approved to be installed in the right-of-way, shall create conditions of light trespass. Governmental owned or approved streetlights may only create light trespass up to ten (10) feet beyond the roadway.
- (c) Outdoor Sports Facilities.
- (1) Lighting at public and private outdoor sports facilities, including but not limited to playing fields, arenas, tracks, and swimming pools, will be shielded to the greatest practical extent to reduce glare, safety hazards, light trespass, and light pollution;
 - (2) Will provide levels of illuminance that are adjustable according to task, allowing for illuminating levels not to exceed nationally recognized Illuminating Engineering Society of North America (IESNA) standards according to the appropriate class of play, as well as for lower output during other times, such as when field maintenance is being actively performed; and
 - (3) Shall be provided exclusively for illumination of the surface of play and adjacent viewing stands, and not for any other application, such as lighting a parking lot; and

- (4) Must be extinguished by 11:00 p.m. or within one (1) hour of the end of active play. The outdoor sports facility lighting shall be fitted with mechanical or electronic timers to prevent lights from being left on accidentally overnight.
- (5) Outdoor sports facility lighting will be exempted from the other regulations of this article if its design and installation, as certified by a professional engineer (PE) licensed in the state of Texas, adheres to the version of the International Dark-Sky Association's Criteria for Community-Friendly Outdoor Sports Lighting operative at the time when the construction permit is submitted to the City for review.
- (d) Towers. No lighting of towers and associated facilities is allowed, except by permit, and except as required by the Federal Aviation Administration or other federal or state agency. In coordination with the applicable federal or state agency, the applicant shall determine the maximum height of the tower that would not require lighting. If a proposed tower would require lighting, the applicant shall demonstrate that a tower height that requires lighting is necessary. Such justification shall include documentation showing:
- (1) Coverage limitations;
 - (2) Type of system (e.g. cellular, radio, television);
 - (3) Technical and engineering details of the lighting to be installed; and
 - (4) Requirements of federal, state, and local agencies.
- If a tower height that requires lighting is justified, slowly blinking red lights must be used at night. White strobe lights at night are prohibited.
- (e) Color Temperature.
- (1) The correlated color temperature (CCT) of street and/or area lights may not exceed 2700 Kelvins.
 - (2) The correlated color temperature (CCT) of all other outdoor luminaires shall not exceed 3000 Kelvins except that luminaires directed down onto a fuel pump or luminaires approved through the International Dark-Sky Association's Community-Friendly Outdoor Sports Lighting program may be rated up to 4000 Kelvin.
- (2) Luminaires rated below 2500 Kelvin are encouraged for better nighttime visibility.
- (f) Service Station Canopies and other building overhangs. All luminaires mounted on or recessed into the lower surface of service station canopies or other overhangs shall be fully shielded and utilize only flat lenses or windows. Shielding must be provided by the luminaire itself, and not by surrounding structures such as canopy edges. Light directed on service station pumps may be angled to illuminate the pump to the level of federal standards and to shield the light from normal view.

- (g) General curfew.
- (1) In all nonresidential zones,
 - (i) All privately owned exterior lighting not adaptively controlled shall be extinguished by 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later.
 - (ii) Exterior lighting with adaptive controls shall reduce lighting to 25% or less of the total outdoor light output allowed by 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever occurs later. Adaptive controls may be used to activate lights and resume normal light output when motion is detected and be reduced back to 25% or less of total outdoor light output allowed within 5 minutes after activation has ceased, and the light shall not be triggered by activity off property.
 - (iii) Businesses whose normal operating hours are (24) twenty-four hours per day are exempt from this provision.
 - (2) All publicly owned lighting not adaptively controlled must be fully extinguished by 11:00 p.m., or within one (1) hour of the end of occupancy of the structure or area to be lit, whichever is later.
 - (3) All outdoor lighting is encouraged to be turned off when no one is present to use the light.
- (h) Lumen Caps. The lumen per net acre values are an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task. Lumen per net acre values exclude governmental owned street lights used for illumination of public rights-of-way and outdoor recreation facilities.
- (1) Nonresidential Property. Total outdoor light output installed on any nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area;
 - (2) Residential Property. Total outdoor light output installed on any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.
 - (3) The lumen output of a fixture directed onto a highly reflective surface such as water, polished metal, or any surface with a high gloss finish is encouraged to be the lowest level of light required to accommodate the purpose. The lumen output attributed to a fixture so directed onto a highly reflective surface shall be double the amount defined in this article for the purpose of calculating the lumens per net acre.
- (i) Adaptive Controls. All new publicly owned lights, including streetlights, will incorporate adaptive controls (*e.g.*, timers, motion-sensors, and light-sensitive switches) to actively

regulate the emission of light from light fixtures such that the lighting of areas is restricted to times, places and amounts required for safe occupancy.

- (j) Flagpoles. Property owners are encouraged to not illuminate flagpoles at night, but rather to hoist flags after dawn and lower flags before sunset. If flags are illuminated at night, lighting of up to a total of two (2) flags per property is permitted with the following conditions:
 - (1) Flagpoles with a height greater than 20 feet above ground level shall be illuminated only from above. This may be achieved by utilizing a luminaire attached to the top of the flagpole or a luminaire mounted above the top of the flagpole on a structure within fifteen (15) feet of the flagpole and must comply with all sections of this article. The total light output from any luminaire mounted on top of or above a flagpole shall not exceed 800 lumens.
 - (2) Flagpoles with a height equal to or less than twenty (20) feet above ground level may be illuminated from below. If ground-level illumination is used, flagpoles may be illuminated with up to two (2) spotlight type luminaires, utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 75 lumens per linear foot of pole height, measured from the level of the luminaire above grade to the top of the flagpole. Luminaires are to be mounted so that their lenses are perpendicular to the flagpole and the light output points directly toward the flag(s).
- (k) Prohibitions. The use of the follow types of outdoor lighting are prohibited, except as specifically exempted here or elsewhere in this article.
 - (1) Sag-lens or drop lens fixtures.
 - (2) Any luminaire that uses mercury vapor lamps.
 - (3) Searchlights, skybeams, and similar lighting, except as required by response personnel during emergency conditions.
 - (4) Any light that dynamically varies its output by intermittently fading, flashing, blinking, or rotating. This type of lighting includes strobe lighting.
- (l) Warranting. New installations of outdoor lighting will only be installed on public properties and right-of-way upon determination by the City Administrator that a public safety hazard exists in the area to be lit, and that the hazard can only be effectively mitigated through the use of outdoor lighting and not through some other passive means, such as reflectorized roadway paint or markers.

Sec. XX.XX.005. - Sign illumination.

- (a) All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. All illuminated signs shall be extinguished at 11:00 p.m. or within one (1) hour of the end of normal business hours,

whichever occurs later. All sign illumination must comply with the correlated color temperature (CCT) requirements of this article.

- (b) Top-down lighting. Externally illuminated signs shall be lit only from the top of the sign, with fully shielded luminaires designed and installed to prevent light from spilling beyond the physical edges of the sign.
- (c) Outdoor internally illuminated signs (whether free standing or building mounted) shall be subject to all the following requirements:
 - (1) The sign must be constructed with an opaque background and translucent letters and symbols or with a dark colored background and lighter letters and symbols. (See Exhibit 5 of Section XX.XX.020 for examples).
 - (2) The internally illuminated portion of the sign cannot be white, cream, off-white, light tan, yellow or any light color unless it is part of a registered logo that does not have an alternate version with dark tones. Light tone colors such as white, cream, off-white, light tan, yellow or any light color are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted.
 - (3) The internal illumination, between sunset and sunrise, is to be the lowest intensity needed to allow the sign to be visible for up to 1/2 mile from its installation and shall not exceed 100 nits.
 - (4) Size limit. The luminous surface area of an individual sign shall not exceed 200 square feet.
 - (5) Permitted location. Off-premise signs shall not be placed within one thousand (1,000) feet of another off-premise sign on the same side of an arterial street or highway, regardless of face orientation, or within one thousand (1,000) feet of a residential area.
- (d) Electronic Message Displays.
 - 1. Electronic Message Center displays are prohibited within or adjacent to sensitive areas. These may include, but are not limited to: natural areas, beaches, wetlands, state and national parks, wildlife refuges, residential areas, observatories, and military training grounds. (Setbacks in excess of 1 mile (1600 meters) from sensitive areas may be warranted. Distance setbacks shall be assessed on a case-by-case basis, considering the cumulative effect of multiple EMCs. City staff should document setback requirements for each sensitive area within the jurisdiction and include reference to those setbacks in the ordinance.)
 - 2. The total number of EMCs on any given mile of roadway is limited to two and the total square footage within any given mile is limited to 800 square feet.

3. Messages appearing on electronic message center displays shall not be displayed for less than (30) seconds and shall require no longer than 0.25 seconds to transition from one message to another. Moving and/or flashing text or images are prohibited.
4. Electronic message displays are to be gradually dimmed between day and night mode from sunset to one hour after sunset to provide the proper contrast ratio with the ambient illumination level, and similarly before sunrise. Within one hour after sunset luminance levels shall not exceed the following:
 - a. In areas with low ambient lighting where lighting might adversely affect flora and fauna or disturb the character of the area, such as rural and low density residential areas, the nighttime maximum luminance is not to exceed 20 candelas per square meter of signage.
 - b. In areas with moderate ambient lighting where the vision of human residents and users is adapted to moderate light levels such as light commercial business areas and high-density or mixed-use residential areas, the nighttime maximum luminance is not to exceed 40 candelas per square meter of signage.
 - c. In areas with moderately high ambient lighting where the vision of human residents and users is adapted to moderately high light levels, the nighttime maximum luminance is not to exceed 80 candelas per square meter of signage.
5. On-premises electronic message displays are to be switched off completely after 2300 hours or 30 minutes after the close of business, whichever is later, and remain off until one hour before sunrise.
6. Electronic Message Centers intended for traffic and safety information may operate without curfew but must follow all other requirements.

Sec. XX.XX.006. - Plan Submission and Compliance Review.

- (a) Any individual applying for a compliance review or building permit under this article intending to install new outdoor lighting or update existing outdoor lighting shall file a lighting plan with the City. A lighting plan shall be filed at the same time as any other plans required by the City. The individual may obtain from City staff a document that lists all of the items that comprise a proper and complete outdoor lighting submittal. The submittal shall contain, but shall not necessarily be limited to the following:
 - (1) Plans indicating the number and location on the premises of proposed and existing light fixtures, the type of light fixture (the manufacturer's order number), the lamp type, Kelvin rating, initial lumens produced, the mounting height for each fixture, adaptive controls, building elevations for any structure whose interior lighting is defined as outdoor lighting per this article and the manufacturer's specification sheet for each light fixture.
 - (2) The number of acres or part of an acre that is to be illuminated contiguously, the square footage of the footprint for each structure within the area to be illuminated; and

- (3) Any other evidence that the proposed installation will comply with this ordinance.
- (b) The lighting plan shall be reviewed by the City building official to determine compliance with this article, taking into account all factors, including but not limited to, levels of illuminance, luminance, glare, safety hazards, light trespass, and light pollution. The building official may seek input from community members knowledgeable about outdoor lighting during the review process. The building official shall approve or reject the plan within 30 days of submission, returning it to the applicant with an explanation. The applicant shall not move forward with the outdoor lighting project until the lighting plan is approved. After the lighting plan is approved, no substitutions may be made for approved light fixtures without re-submitting the plan for review with the substitutions.

Sec. XX.XX.007. - Exemptions, temporary permitting, amendments, enforcement, civil remedies and public nuisance.

- (a) This article shall not apply to the following:
- (1) Decorative holiday lighting energized for no more than 60 days per calendar year, with illumination only during the hours of 6:00 a.m. to 11:00 p.m. each day, and with the provision that flashing holiday lights are prohibited on nonresidential properties;
 - (2) String, festoon, bistro, and similar lighting, provided that the emission of no individual lamp exceeds fifty (50) lumens, and no installation of such lighting exceeds, in the aggregate, six thousand (6,000) lumens on any one property, and the lights must be rated at or below 2700 Kelvin;
 - (3) Underwater lighting of swimming pools and similar water features;
 - (4) Lighting required by law to be installed on surface vehicles and aircraft;
 - (5) Airport lighting required by law;
 - (6) Lighting required by federal or state laws or regulations;
 - (7) Temporary emergency lighting needed by law enforcement, fire and other emergency services as well as temporary building egress lighting whose electric power is provided by either battery or generator;
 - (8) Lighting employed during emergency repairs of roads and utilities provided such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or highway or residence;

- (9) Temporary lighting at construction projects provided such lighting is deployed, positioned and aimed such that the resulting glare is not directed toward any roadway or highway or residence;
 - (10) Temporary lighting, permitted in this article, for theatrical, television, performance areas, or events provided the lights are positioned safely and do not create issues of light trespass.
- (b) Temporary Permitting
- (1) Lighting such as that needed for theatrical, television, performance areas, or events may be allowed by temporary exemption. Temporary lighting that does not conform to the provisions of this article may be approved at the discretion City Council or the City Administrator subject to submission of an acceptable Temporary Outdoor Lighting Permit.
 - (2) Permit term and renewal. Permits issued shall be valid for no more than seven (7) calendar days and subject to no more than one renewal, at the discretion of City Council or the City Administrator, for an additional seven (7) calendar days.
 - (3) Conversion to a permanent status. Any lighting allowed by Temporary Outdoor Lighting Permit that remains installed after fourteen (14) calendar days from the issue date of the permit is declared permanent and is immediately subject to all of the provisions of this article.
 - (4) Permit contents. A request for a Temporary Outdoor Lighting Permit for a temporary exemption to any provision of this article must list the specific exemption requested and the start and end date of the exemption. Search lights, skybeams and similar lighting will not be allowed. The City may ask for any additional information which would enable a reasonable evaluation of the request for temporary exemption.
- (c) Amendment. This article may be amended from time to time as local conditions change, and as changes occur in the recommendations of nationally recognized organizations such as the Illuminating Engineering Society of North America and the International Dark-Sky Association, if the council wishes to do so.
- (d) Enforcement.
- (1) It will be the responsibility of the City to publish this article in the newspaper of record and to disseminate the ordinance by other appropriate means; to publish information about the ordinance on the City website; and, as time permits, to inform owners of noncompliant lighting of these provisions.
 - (2) The City Administrator is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive

documents, with examples such as Exhibits 2, 3 and 4 of Section XX.XX.020, shall be educational only and shall not constitute regulations, amendments, or exceptions.

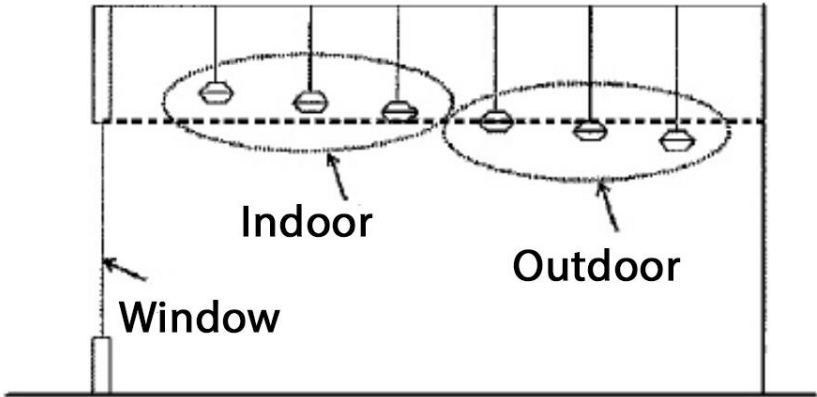
(3) Violations.

1. The City shall have the power to administer and enforce the provisions of this Article as may be required by governing law. Any person violating any provision of this Article is subject to suit for injunctive relief as well as prosecution for criminal violations.
 2. It shall be unlawful to install or operate any outdoor lighting luminaire in violation of any provision of this Article. Any person violating any provision of this article shall be guilty of a class A misdemeanor and may also be subject to suit for injunctive relief, monetary damages, and other relief as directed by a court with jurisdiction over the matter.
 3. Each and every day during which the illegal erection, maintenance and use of such nonconforming lighting continues shall be considered to constitute a separate offense.
 4. Any owner who fails to comply with these provisions may be issued a warning notice. The owner of the noncompliant lighting must, within 30 days from the issuance of such warning notice, submit a lighting plan as defined in Sec. XX.XX.005 to come into compliance with this article.
 5. Any owner who further fails to comply after 60 days from the issuance of such warning notice may be subject to criminal and civil penalties including a fine of at least \$50.00 for each day of noncompliance, unless the City council grants a waiver of the fine.
 6. A civil penalty up to five hundred dollars (\$500.00) a day when it is shown that the defendant was actually notified of the provisions of the Article and after receiving notice committed acts in violation of the Article.
 7. In the event work is not being performed in accordance with this Article, the City shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.
- (e) Civil remedies. Nothing in this article shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including the doctrine of light trespass.
- (f) Public nuisance. Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of any other property is hereby declared to be a public nuisance.

Sec. XX.XX.008. - Notification. All building permit applicants will be notified of the City outdoor lighting ordinance.

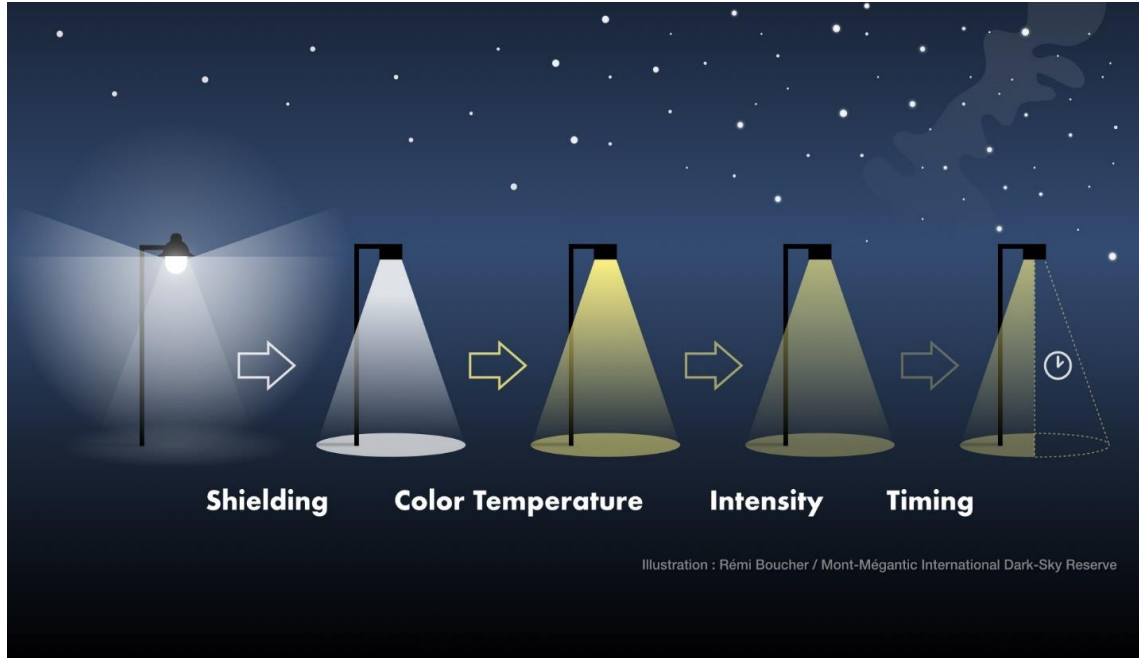
Sec. XX.XX.020 - Exhibits.

Exhibit 1. Indoor/outdoor lighting.



Elevation view showing an example of a nonresidential application of indoor lighting, labeled “Outdoor”, which is will be subject to this article. The example presumes the structure in question is not elevated such that any of the luminaires labeled “Indoor” may be seen from any other property. If the structure is elevated such that the luminaires labeled “Indoor” are visible from another property then, they are actually “outdoor lighting” and subject to this article. All luminaires under skylights or other translucent roofing materials are subject to this article just as the fixtures behind the window are in this example.

Exhibit 2. An illustration of best outdoor lighting practices.



- (1) Use shielding to reclaim wasted light and direct it to the area to be lit.
- (2) Lower the correlated color temperature (CCT) from “cool” white light to “warm” white.
- (3) Lower the intensity to provide as much light as needed for the application, but no more.
- (4) Use adaptive controls, e.g., timers, half-night photocells, motion sensors, etc., to limit the hours the light is in use.

Exhibit 3. Light Trespass



Exhibit 4. Unacceptable Fixtures and Acceptable Fixtures.

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass

Unshielded Floodlights or Poorly-shielded Floodlights

Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures

Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens

Unshielded Streetlight

Unshielded Bollards

Unshielded Barn Light

Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

Drop-Lens Canopy Fixtures

Unshielded PAR Floodlights

Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

Full Cutoff Fixtures

Fully Shielded Wallpack & Wall Mount Fixtures

Fully Shielded Fixtures

Full Cutoff Streetlight

Fully Shielded Barn Light

Fully Shielded Walkway Bollards

Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures

Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

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Exhibit 5. Internally Illuminated Signs.

Light Background <input checked="" type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

Exhibit 6. Pavement Illuminance Criteria for Full Intersection Lighting in Footcandles (fc).

Type of Roadway	Pedestrian Activity Level			Uniformity Ratio
	High	Medium	Low	
Major / Major	3.2	2.4	1.7	3.0
Major / Collector	2.7	2.0	1.4	3.0
Major / Local	2.4	1.9	1.2	3.0
Collector/Collector	2.2	1.7	1.1	4.0
Collector/Local	2.0	1.5	0.9	4.0
Local/Local	1.7	1.3	0.7	6.0

Sec. 38-408. Lighting and glare standards.

- (a) *Purpose and intent.* The purpose of this section is to regulate outdoor lighting in order to reduce or prevent light pollution in the city. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Light trespass reduces privacy, degrades the enjoyment of the night sky, and results in higher energy use and increased costs for everyone. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents, and will help preserve the historic and rural character of the city. It is further the intent of this section to protect the quality of La Vernia's night sky, to reduce light pollution caused by excessive, misdirected or unnecessary outdoor illumination, to conserve energy, and to position the city to pursue recognition as an international Dark Sky Community pursuant to the standards of the International Dark-Sky Association (IDA)
- (b) *Applicability.*
- (1) All outdoor lighting fixtures installed on private and public property within a new development or redevelopment within the city limits shall be required to comply with this section. This section does not apply to interior lighting; however, overly bright light emitted from a structure will be subject to this section if it is determined by the administrative official that it creates a nuisance or a potential safety hazard.
 - (2) All outdoor lighting fixtures existing and legally installed and operating before the effective date of the ordinance from which this chapter is derived shall be exempt from this section unless they are determined to create a safety hazard. When existing lighting fixtures become inoperable, their replacements are subject to the provisions of this section.
 - (3) Modifications to nonconforming lighting fixtures shall also comply with this section.
 - (4) In the event of a conflict between this section and any other section of this chapter or any other regulation of the city, the more stringent requirements shall apply.
- (c) *Exemptions.* The following are exempt from the provisions of this section:
- (1) Publicly maintained traffic control devices.
 - (2) Streetlights installed prior to the effective date of the ordinance from which this chapter is derived.
 - (3) Temporary emergency lighting (fire, police, repair crews).
 - (4) Lighting fixtures and illumination requirements imposed by the state department of transportation within state department of transportation right-of-way.
 - (5) Moving vehicle lights.
 - (6) Navigation lights (aircraft warning beacons on water towers and wireless transmission facilities) required by state or federal law.
 - (7) Signs and associated lighting that conform to the city's sign regulations. Subject to the sign illumination standards set fourth in subsection (g) of this section.
 - (8) Seasonal decorations with lights in place no longer than 60 days.
 - (9) Sports field lighting ~~subject to the sports lighting standards set forth in subsection (f)(4) of this section.~~
 - (10) Other temporary uses approved by the city council (festivals, carnivals, fairs, nighttime construction).
 - (11) Covered porch lighting on residences provided that each external light fixture does not exceed 150 watts (2,220 lumens).

- (12) Security lights of any output that are controlled by a motion sensor switch provided they do not exceed 0.25 footcandle at the property line and do not remain illuminated for a duration not to exceed ten to 12 minutes after activation.
- (d) *Submittals.* Applications for all building permits for new construction or redevelopment, including the installation of outdoor lighting fixtures, shall provide proof of compliance with this section. The following information shall be submitted as part of the site plan:
- (1) Plans indicating the location, type, and height of lighting fixtures including both building-mounted and ground-mounted fixtures;
 - (2) A description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalog illustrations from the manufacturer;
 - (3) Photometric data, which may be furnished by the manufacturer, showing the angle of light emission;
 - (4) Detailed site lighting plan illustrating the footcandle power measured throughout the site; ~~and~~
 - (5) The correlated color temperature (CCT) rating, in Kelvins, for each proposed fixture; the total initial lumen output per fixture; and the calculated lumens per net acre for the illuminated area of the property; and
 - (56) Additional information as may be required by the administrative official in order to determine compliance with this section.
- (e) *General standards.* The following standards shall apply to all outdoor lighting installed after the effective date of the ordinance from which this chapter is derived:
- (1) Outdoor lighting shall be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street rights-of-way.
 - (2) Outdoor lighting must be hooded, shielded, and/or aimed downward.
 - (3) The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed so as to ensure that the illumination is only pointing downward onto the ground surface.
 - (4) Any bright light shining onto an adjacent property or streets that would result in a safety hazard is not permitted. Light trespass beyond property boundaries or above the horizontal plane shall be considered noncompliant.
 - (5) Existing fixtures may be adapted to comply with this section by adding a properly designed hood or shield, or by redirecting any upward mounted fixture downward onto the ground surface, sign, or illuminated structure.
 - (6) All outdoor lighting fixtures shall be designed, located, and maintained to minimize light trespass and all direct illumination shall be kept within the boundaries of the property upon which the light fixture is positioned.
 - (7) When approved, accent lighting shall be directed downward onto the structure or object and not toward the sky or adjacent properties. Direct light emissions shall not be visible above the roofline or beyond the building edge.
 - (8) Spotlights on landscaping and foliage shall be limited to 150 watts output. The light shall be shielded and so as not to create a nuisance or safety hazard.
 - (9) correlated color temperture (cct). The following CCT limits shall apply to all outdoor luminaries subject to this section:

a. streetlights and area lights located within or adjacent to public rights-of-way shall not exceed 2,700 Kelvins (k)

b. all other outdoor luminaries shall not exceed 3,000 Kelvins, except that luminaries directed downward on a fuel pump canopy or luminaires specifically approved through the International Dark Sky.

c. Luminaires rated below 2,500 Kelvins are encouraged to achieve optimal preservation of night sky quality and minimize disruption to wildlife.

(10) total outdoor light output limits. The lumen per net acre values below are upper limits and not design goals; fixtures shall be designed to provide the lowest light level that meets the functional requirement of the use.

a. Nonresidential property: total outdoor light output installed on any nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area.

b. Residential property: Total outdoor light output installed on any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

c. Undeveloped, nonilluminated portions on a property shall not be included in the net acreage calculation. Streetlights owned and maintained by the city or a governmental entity that illuminate public rights-of-way are excluded from the lumen per net acre calculation.

(f) *Specific nonresidential lighting requirements.*

(1) The maximum allowable intensity of lighting for any nonresidential use shall be 0.25 footcandles measured at the property line adjacent to any residentially zoned area or at the street right-of-way line when the residentially zoned area is separated by a public street right-of-way.

(2) Light poles shall be placed on the site at a setback equal to their height from all adjacent residential property or street rights-of-way.

(3) Light poles shall have a maximum height equal to the maximum height allowed for the main building in each zoning district or shall be equal in height to the tallest building located on the property in which the light is placed, whichever is less.

(4) Sports field and outdoor recreational facility lighting. Notwithstanding the exemption in subsection (c)(9) lighting at public and private outdoor sports facilities, including but not limited to playing fields, tracks, tennis courts, and aquatic facilities, shall comply with the following requirements:

a. Fixtures shall be shielded to the greatest practical extent to reduce glare, light trespass, and sky glow beyond the facility boundaries.

b. Illumination levels shall not exceed nationally recognized Illuminating Engineering Society of North America (IESNA) standards for the applicable class of play.

c. Sports field lighting shall be extinguished no later than 11:00 p.m. or within one (1) hour of the end of active play or a scheduled event, whichever is later. All sports field lighting shall be fitted with mechanical or electronic timers to prevent lights from remaining on after the applicable curfew.

d. Lighting shall be provided exclusively for illumination of the playing surface and adjacent spectator areas. Parking lots adjacent to sports facilities shall be illuminated only by separate fixtures that comply with all applicable standards of this section.

(5) Lighting curfew — nonresidential uses. All exterior lighting on nonresidential properties shall comply with the following curfew requirements:

a. All privately owned exterior lighting not equipped with adaptive controls shall be extinguished by 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever is later.

- b. Exterior lighting equipped with adaptive controls (timers, dimmers, or motion-sensing switches) shall reduce total outdoor light output to twenty-five percent (25%) or less of maximum permitted output by 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever is later. Adaptive controls may activate lights to resume normal permitted output upon detection of motion on the property, provided that output is reduced back to twenty-five percent (25%) or less within five (5) minutes after motion ceases. Adaptive controls shall not be triggered by activity occurring off the property.
- c. Businesses operating on a twenty-four (24) hour basis are exempt from the curfew requirements of this subsection.
- d. All new publicly owned outdoor lighting fixtures, including streetlights, shall incorporate adaptive controls to actively regulate light output such that illumination of areas is restricted to times, places, and amounts required for safe occupancy.
- (g) Sign illumination standards.

The following standards apply to all illuminated signs within the city limits, notwithstanding any exemption provided in subsection (c)(7). These standards supplement, and do not replace, any sign regulations applicable under Chapter 26 of this Code. In the event of a conflict, the more stringent standard shall apply.

- (1) General. All permanent illuminated signs shall be extinguished by 11:00 p.m. or within one (1) hour of the end of normal business hours, whichever is later. All sign illumination shall comply with the CCT requirements of subsection (e)(9) of this section.
- (2) Externally illuminated signs. Signs illuminated by external light sources shall be lit only from above the sign face, with fully shielded luminaires designed to prevent light from spilling beyond the physical edges of the sign.
- (3) Internally illuminated signs. Internally illuminated freestanding and building-mounted signs shall comply with the following:
- a. Signs shall be constructed with an opaque or dark-colored background with translucent letters and symbols, such that the illuminated area is the letters or graphic rather than the sign face as a whole.
- b. Internal illumination between sunset and sunrise shall be the lowest intensity needed to allow the sign to be visible and shall not exceed 100 nits.
- (4) Electronic message center (EMC) displays. EMC displays shall comply with the following:
- a. EMC displays are prohibited within or immediately adjacent to residential zoning districts, parks, natural areas, and the Old Town Overlay District.
- b. Messages shall display for no less than thirty (30) seconds. Transitions between messages shall not exceed 0.25 seconds. Moving, scrolling, or flashing text and images are prohibited.
- c. EMC nighttime luminance (within one hour after sunset) shall not exceed forty (40) candelas per square meter in commercial areas and twenty (20) candelas per square meter in rural and low-density residential areas.
- d. On-premises EMC displays shall be switched off completely by 11:00 p.m. or within thirty (30) minutes of the close of business, whichever is later, and shall remain off until one hour before sunrise. EMC displays used exclusively for traffic and public safety information are exempt from this curfew.
- (h) Nonconforming outdoor lighting — compliance timeline.

Existing outdoor lighting lawfully installed before the effective date of this amendment that does not conform to the standards added by this amendment shall be considered nonconforming. Nonconforming outdoor lighting is subject to the following compliance requirements:

- (1) Universal deadline. All nonconforming outdoor lighting shall be brought into compliance with this section within X years of the effective date of this amendment.
- (2) Permit-triggered compliance. The following permit or approval actions shall require the subject property's existing outdoor lighting to be brought into compliance with this section prior to final inspection, issuance of a certificate of occupancy, or the effective date of the permit or approval, as applicable:
 - a. Rezoning, specific use permit, or conditional use permit application;
 - b. Application for a building permit for new construction, a major addition, or a substantial improvement;
 - c. Site development permit or sign permit for an externally or internally illuminated sign; and
 - d. Initial issuance of a food establishment permit or alcoholic beverage permit.
- (3) For permit-triggered compliance, the applicant shall have a maximum of ninety (90) days from the date of permit issuance to bring the affected lighting into conformance, provided such time frame does not exceed the five-year universal deadline.

(i) Enforcement and penalties.

Violations of this section shall be subject to the enforcement and penalty provisions of Article V of this chapter (Sections 38-501 through 38-503). The administrative official is authorized to issue a written notice of noncompliance to the owner of any outdoor lighting fixture determined to be in violation of this section. Upon receipt of such notice, the owner shall have thirty (30) days to submit a corrective lighting plan for review and approval by the administrative official.

Any violation of this section that results in light trespass onto adjacent property or an unreasonable interference with the common use of any property is hereby declared a public nuisance subject to abatement under applicable state law and city ordinance.

(Ord. No. 120910-01, § 1(ch. 5, § 8), 12-9-2010)

ARTICLE II. WATER

DIVISION 1. GENERALLY

Sec. 36-201. Drought contingency plan adopted.

The city's drought contingency plan, on file in the office of the city secretary-treasurer, is made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the city.

(Ord. No. 109-08-00, § 1, 8-10-2000; Ord. No. 102419-04, § 2(Exh. A), 10-24-2019)

Secs. 36-202—36-205. Reserved.

DIVISION 2. WATER SERVICE

Subdivision I. In General

Sec. 36-206. Definitions.

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

Backflow preventer means an anti-siphon device to prevent backflow of water from customer's system to the city water system.

Corporation stop means a device or valve placed by the city on the city's side of its meter for exclusive use of the city.

Cross connection means a physical connection or other arrangement through which a potable water system may be contaminated by back siphonage or backflow.

Customer in line stop means a valve placed on the customer side of meter for use by the customer.

Meter means the instrument installed to measure the volume of water delivered.

Potable water means water which is satisfactory for drinking, culinary and domestic purposes, and meets the requirements of the health authority having jurisdiction.

Pressure regulator means a device to regulate the pressure of water from the city's water system to the customer's system.

Rate means every compensation, tariff, charge, fare, toll, rental, and classification or any of those items demanded, observed, charged, or collected whether directly or indirectly by any retail public utility for any service, product and any rules, regulations, practices, or contracts affecting that compensation, tariff, charge, fare, toll, rental, or classification.

Water main means a water supply pipe for public or community use.

Water service pipe means the pipe from the water main or other water supply source to the property served.

(Ord. No. 111308-04, § I, 11-13-2008)

Sec. 36-207. Penalties.

- (a) *Civil and criminal penalties.* The city shall have the power to administer and enforce the provisions of this division as may be required by governing law. Any person, firm, or corporation violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations.
- (b) *Criminal prosecution.* Any person, firm, or corporation violating any provision of this division shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this division is violated shall constitute a separate offense. An offense under this division is a class C misdemeanor.
- (c) *Civil remedies.* Nothing in this division shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this division and to seek remedies as allowed by law, including but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates the division or to require specific conduct that is necessary for compliance with the division;
 - (2) A civil penalty up \$1,000.00 a day, when it is shown that the defendant was actually notified of the provisions of the division and, after receiving notice, committed acts in violation of the division or failed to take action necessary for compliance with the division; and
 - (3) Any and all other available relief allowed by law.

(Ord. No. 111308-04, § VII, 11-13-2008)

Sec. 36-208. Establishment and regulation of fees.

All fees herein described will be established by the city council by resolution and referred hereinafter as the water fee schedule.

(Ord. No. 111308-04, § II, 11-13-2008)

Sec. 36-209. Rates.

Monthly rates shall hereafter be in effect for all connections within or without the corporate limits of the city. All bills shall be subject to a ten percent penalty if not paid on or before the ~~tenth~~ fifteenth day of the month following the month for which water service was provided. Temporary metered water service will follow the same billing rates, billing and payment cycles as permanent water meters. The rates and charges for the consumption of water by users of the city water system shall be as provide for in the water fee schedule.

(Ord. No. 111308-04, § III(1), 11-13-2008)

Sec. 36-210. Effective date.

- (a) The city council may change the rates and charges at any time. Following the approval by city council of the amended rates and charges and the effective date, the city shall post the changes in rates and charges at city hall, and publish the rates and charges in the local newspaper.

- (b) As provided in 30 Tex. Admin. Code part 1, chapter 291, subchapter B, water customers receiving water service outside the boundaries of the city shall receive by mail or hand delivery an individual written notice that each affected ratepayer is eligible to appeal the rate change within 30 days after the date of the final approval of the rate change. The notice must include, at a minimum, the effective date of the new rates, the new rates, and the location where additional information on rates can be obtained. If ten percent of the customers outside the city limits protest rate changes, the Texas Commission on Environmental Quality (TCEQ) shall have appellate jurisdiction.

(Ord. No. 111308-04, § III(2), 11-13-2008)

Sec. 36-211. Water deposit; confirmation of ownership or lease.

- (a) A utility deposit shall be deposited with the city before water service will be furnished to the customer. The deposit shall not accrue interest. The deposit is required to secure the full and faithful performance by the customer to the provisions of this division. The deposit shall not constitute an advance payment of the final bill. The deposit fees shall be as provided for in the water fee schedule.
- (b) The utility billing office will require account holders to provide proof of identity through a state-issued driver's license, state-issued identification card, or other identification with a photograph to verify the identity of the applicant for service. Residential utility accounts shall be established in the names of the individuals owning or leasing the residence. The utility billing office may require applicants to provide proof of ownership or a lease of the premises for which service is requested. The utility billing office may take action to confirm the ownership or lease of the premises, and will terminate service with 14 days' prior written notice to any customer who establishes service and who is not the owner or lessee of the residence.

(Ord. No. 111308-04, § III(3), 11-13-2008)

Sec. 36-212. Due date and payment location.

All payments for water service shall be due and payable at city hall, on or before the ~~tenth day~~ fifteenth day (15) of the month following the month in which water was furnished.

(Ord. No. 111308-04, § III(4), 11-13-2008)

Sec. 36-213. Permit/customer service agreement.

It shall be unlawful for any person or property owner to connect to the city water system or to reconnect after service has been discontinued without first obtaining a permit from the city secretary-treasurer. Each customer must sign the customer service agreement before the city water system will begin service. The service agreement is to notify each customer of the restrictions which are in place to provide protection to the water supply to ensure the safety of the public health and welfare.

(Ord. No. 111308-04, § III(5), 11-13-2008)

Sec. 36-214. Refusal of service.

The city water system may decline to serve an applicant until the applicant has complied with the regulations of the city and the state agencies regulating water utilities. In the event an applicant is refused services, the city water system will inform the applicant in writing the basis of the refusal. The applicant has the right to file a complaint with the Texas Commission on Environmental Quality (TCEQ).

(Ord. No. 111308-04, § III(6), 11-13-2008)

Sec. 36-215. New service charge.

- (a) There will be no charge for the installation of a five-eighths-inch by three-fourths-inch meter where service already exists. There will be a charge for the cost of meters that are one inch and above where service already exists. The fees shall be as provided for in the water fee schedule on file in the office of the city secretary-treasurer. Where no service exists and taps must be made for five-eighths inches up to and including two-inch meters the fees will be as listed in the water fee schedule on file in the office of the city secretary-treasurer.
- (b) All meters in excess of two inches will be installed by a private utility contractor or a licensed plumber under the supervision of the city licensed water and wastewater operator and will be subject to the material installation inspection fee referenced in water fee schedule on file in the office of the city secretary-treasurer. All meters are property of the city upon installation and acceptance.

(Ord. No. 111308-04, § III(7), 11-13-2008)

Sec. 36-216. Discontinuance of service; notice.

- (a) The city may terminate water service and disconnect a customer from the water system when the customer:
 - (1) Fails to pay the monthly bill for water when due.
 - (2) Discharges acids or chemicals which may damage the sewer lines or treatment process.
 - (3) Discharges any wastewater which is not of a quality sufficient to be treated by the city's wastewater treatment plant.
 - (4) Discharges waste or wastewater that is in violation of the permit issued by the city.
 - (5) Discharges wastewater at an uncontrolled or variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system.
- (b) The city shall serve persons discharging in violation of this section with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.
- (c) Accounts not paid in full by the due date shall be considered delinquent on the next business day following the due date.

(Ord. No. 111308-04, § III(8), 11-13-2008)

Sec. 36-217. Delinquent water bills and meter removal fee.

- (a) If a customer fails to pay a monthly bill when due, the city shall give written notice to the customer of such failure including a disconnect notice with date of disconnect. If the customer does not make payment in full including penalties prior to the disconnect deadline, the water service will be disconnected. If the public works employee travels to the service location with the intent to disconnect service, even if water is not turned off, the reconnect fee will apply.
- (b) Water service by the city shall not be provided to a location where water has previously been provided, whether such service was voluntarily or involuntarily terminated, until the person requesting such service has paid a fee for reconnection to the system in the amount as provided for in the water fee schedule on file in the office of the city secretary-treasurer.

(c) In the event that the water meter is removed by the authority of the city for unauthorized use of the water meter, an additional penalty fee as provided for in the water fee schedule on file in the office of the city secretary-treasurer will be charged. This penalty shall not be charged to any customer who is temporarily absent from home and who notifies the water department in advance of such temporary absence.

(e) Any unpaid utility charges, penalties, fees, and other amounts due to the city may be collected by any lawful means, including but not limited to referral to a collection agency, filing of a lien where authorized by law, or other legal remedies available to the city.

(Ord. No. 111308-04, § III(9), 11-13-2008)

Sec. 36-218. Returned check charge.

(a) Customers paying water bills by check or bank draft that are returned to the city by the depository for any reason shall be subject to a handling fee as provided for in the water fee schedule on file in the office of the city secretary-treasurer. In addition to the fee specified herein, should any customer tendering payment of a water bill with a returned draft or check fail to cover said draft or check with a negotiable instrument or cash acceptable to the city within ten days of notification of such returned draft or check, such customer shall be subject to having the water meter removed and the additional fee for such removal as specified herein charged to the customer's account. Delinquent water bills may also be collected by suit in a court of competent jurisdiction.

(b) The city will permanently refuse acceptance of checks or bank drafts from customers who incur two check or bank drafts that are returned to the city for any reason.

(Ord. No. 111308-04, § III(10), 11-13-2008)

Sec. 36-219. Failure to receive a bill.

Failure of any customer to receive a bill for water does not excuse nonpayment and shall in no way extend the grace period provided for in this division. All penalties shall apply.

(Ord. No. 111308-04, § III(11), 11-13-2008)

Sec. 36-220. Customer complaints and disputes.

If a customer or applicant for service lodges a complaint, the city water system will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the city water system's response, the city must advise the complainant that they have recourse through the Texas Commission on Environmental Quality (TCEQ) complaint process. Pending resolution of a complaint, the Texas Commission on Environmental Quality (TCEQ) may require continuation or restoration of service.

(Ord. No. 111308-04, § III(12), 11-13-2008)

Sec. 36-221. Service within the city.

All water service pipes connected to existing water mains within the city limits shall be installed at the expense of the customer requesting such service. These water service pipes shall be of a type and size specified by the city. Upon completion of installation, these pipes shall become the property of the city. All water meters shall be installed on the property line adjacent to the city street.

(Ord. No. 111308-04, § III(13), 11-13-2008; Ord. No. 081309-03, § 1, 8-13-2009)

Sec. 36-222. Service outside the city.

There will be no extension of city-owned and -operated water or sewer utilities to any area outside the corporate city limits until said property is annexed into the city limits. Any extension to city owned and operated water and sewer utilities will be accomplished at the customer's expense. All water and sewer lines will be of a size and type specified by the city and will become city property after completed and approved by the city. Service shall commence after the utility deposit, new connection fee, and installation charge for all utility extensions are paid in full.

(Ord. No. 111308-04, § III(14), 11-13-2008)

Sec. 36-223. Bulk water sales.

Purchase of bulk water sales must include a completed request form providing accurate billing information. All bulk water sales will be invoiced and payment must be remitted within 30 days of invoice. All bulk water bills will be subject to a ten percent penalty if not paid within 30 days of invoice. All future bulk water sales will be suspended until the account and penalties are paid in full. Delinquent bulk water bills may also be collected by suit in a court of competent jurisdiction. The rate schedule for bulk water sales is provided in the water fee schedule on file in the office of the city secretary-treasurer.

(Ord. No. 111308-04, § III(15), 11-13-2008)

Sec. 36-224. Fire hydrant meters.

The city shall provide fire hydrant meters as temporary meters. Use of a hydrant meter requires completion of a use agreement stating that the meter will be returned to the city in the same condition as the time of installation and a deposit as provided in the water fee schedule on file in the office of the city secretary-treasurer. Fire hydrant meters will be installed by city water department personnel or under the supervision of city water department personnel. Loss or damage of the meter will result in a replacement fee as provided in the water fee schedule on file in the office of the city secretary-treasurer.

(Ord. No. 111308-04, § III(16), 11-13-2008)

Sec. 36-225. Nonliability of city for failure of water supply.

- (a) If for any reason the city may become unable to supply water to the customers of the city, within or without the city, or to the municipality for the prevention or suppression of fire, the city shall in no manner be liable for damage by reason of any failure of the water system to supply water to any customer of the water system, or to any person whose property may have been destroyed by fire, or otherwise damaged.
- (b) The city shall not be liable for any damages resulting from leakage, breakage or malfunction of pipes resulting from an act of God or from any other cause not resulting from the negligence of the utilities.

(Ord. No. 111308-04, § III(17), 11-13-2008)

Sec. 36-226. Meter charges estimated when access prohibited.

If a meter reader is, in the opinion of the city water department, unable to procure a reading of the meter due to restricted access of the building being locked, vacant, the occupant not permitting entrance, entrance to the premises is made precarious by a vicious dog or otherwise, or easy access to the meter is obstructed in any manner whatsoever, the charges may be estimated for the amount not to exceed double the normal charge. If the customer does not remedy the condition and should the customer further refuse to pay the estimated bill, the city shall have the right to disconnect the service in accordance with section 36-216.

(Ord. No. 111308-04, § III(18), 11-13-2008)

Sec. 36-227. Delivery of water.

Water from the city water system shall be delivered by the city through its water mains only to customers at whose premises water meters are installed.

(Ord. No. 111308-04, § III(19), 11-13-2008)

Sec. 36-228. Each meter constitutes separate service.

Each meter installed at any premises shall constitute a separate service and all deposits, installation fees, service charges, billing rates, and penalties shall apply.

(Ord. No. 111308-04, § III(20), 11-13-2008)

Sec. 36-229. Separate meter for each residence or building in new service.

- (a) For any service hereafter installed, each individual residence, dwelling or building making connection with the city water system shall have a separate meter, and no new connection shall be made by the city unless such individual residence or building is separately metered.
- (b) However, in lieu of separate meters as required in subsection (a) of this section, an apartment building, recreational vehicle (RV) park, office building, religious institutions, or shopping center may be permitted to receive water through one meter if approved by ~~the city council~~ the city administrator or their designee. In existing cases where more than one residence, dwelling, or building is served by a single meter, the entire amount of water consumed and registered through such meter shall be billed to the person, firm, or corporation owning or managing such building or apartment and shall include an additional minimum fee for each residence, dwelling, or unit in the apartment building, office building, or shopping center.

(Ord. No. 111308-04, § III(21), 11-13-2008)

Sec. 36-230. Right to entry of officer, right to shut off water for repair.

Every customer of the city water system agrees by requesting city water service that the city, or anyone acting under the direction of the city shall at reasonable times be permitted to enter the premises or building in which water is used. It is expressly agreed and must be understood that the city reserves the right at any time to shut off the water in the mains for the purpose of repairs, service, and making connections or extensions to the same, and for cleaning same, and in so doing the city shall not be liable in any manner for damages.

(Ord. No. 111308-04, § III(22), 11-13-2008)

Sec. 36-231. Incorporation of division.

All provisions of this division shall be deemed to be incorporated in every contract between the city and its customers, and each customer shall be charged with the knowledge of such provisions, and, by applying for and accepting water from city, to have assented to the provisions hereof.

(Ord. No. 111308-04, § VI, 11-13-2008)

Secs. 36-232—36-235. Reserved.*Subdivision II. Regulating the Use of Water Service***Sec. 36-236. Water service connection.**

No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with the Texas Commission on Environmental Quality Rules and Regulations for Public Water Systems (TCEQ) and this division. The city shall discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the Texas Commission on Environmental Quality (TCEQ) rules and this division.

(Ord. No. 111308-04, § IV(1), 11-13-2008)

Sec. 36-237. Backflow prevention assembly installation, testing and maintenance.

- (a) All backflow prevention assemblies shall be tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a recognized backflow assembly tester.
- (b) All backflow prevention assemblies shall be installed and tested in accordance with the manufacture's instructions, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross Connection (Manual M14) or The University of Southern California Manual of Cross-Connection Control.
- (c) Assemblies shall be repaired, overhauled, or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of such test, repairs, and overhaul shall be kept and submitted to the city within five working days of the test, repair or overhaul of each backflow prevention assembly.
- (d) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the city. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section, the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, University of Southern California Manual of Cross-Connection, current addition, or ordinances of the city, whichever is more stringent.
- (e) Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the American Water Works Association's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, or the University of Southern California's Manual of

Cross-Connection Control, current addition. The original calibration form must be submitted to the city within five working days after calibration.

- (f) A recognized backflow prevention assembly tester must hold a current endorsement from the Texas Commission on Environmental Quality (commission).

(Ord. No. 111308-04, § IV(2), 11-13-2008)

Sec. 36-238. Stop valves.

- (a) The city water department shall require a corporation stop valve to be placed in each service line before the meter for the exclusive use of the city.
- (b) The city water department shall require a customer in line stop valve for the use of the customer on the customer's side of the meter. This valve shall be installed and maintained by the customer at the customer's expense.

(Ord. No. 111308-04, § IV(3), 11-13-2008)

Sec. 36-239. Pressure regulators.

In certain service areas the city water department may also require customers to install a pressure regulator on the customer's side of the service line after the meter to regulate pressure received from the city's water system to the customer's system. If there are changes to the water supply system made by the city that requires the need for a pressure regulator on the customer's service line, the city will one time install the regulator at no cost to the customer. Thereafter the pressure regulator becomes the property of the customer and maintained by the customer at the customer's expense.

(Ord. No. 111308-04, § IV(4), 11-13-2008)

Sec. 36-240. Tap in water main or water service pipe.

- (a) A connection fee as provided for in the fee schedule provided in the water fee schedule on file in the office of the city secretary-treasurer is hereby set and established to be paid by any person, firm, or corporation making application to the city, for water service, when such service has not previously been provided or made available to the tract or parcel of land, building or structure, prior to the making of such application. The fee herein established shall be paid by the applicant at the time of the making of the application, and when paid by the applicant and when the application has been approved by the city such payment and approval shall authorize the applicant to tap into the water system of the city for the purposes of setting a meter to gauge the rate of consumption from said system at the property designated and specified in said application.
- (b) All water taps and connections to the main or any service pipe shall be made by the city or by a private utility contractor or licensed plumber approved by the city and will be subject to the material installation inspection fee referenced in water fee schedule on file in the office of the city secretary-treasurer.

(Ord. No. 111308-04, § IV(5), 11-13-2008)

Sec. 36-241. Customer service inspections.

- (a) A customer service inspection shall be completed prior to providing continuous water service to all new construction, on any existing service when the water purveyor has reason to believe that cross-connections

or other contaminant hazards exist, or after any material improvement, correction, or addition to the private water distribution facilities.

- (b) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:
- (1) Plumbing inspectors and water supply protection specialists that have been licensed by the state board of plumbing examiners.
 - (2) Certified waterworks operators and members of other water related professional groups who have completed a training course, passed an examination administered by the commission or its designated agent, and hold a current endorsement issued by the commission.
- (c) The customer service inspection must certify that:
- (1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly.
 - (2) No cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
 - (3) No connection exists which allows water to be returned to the public drinking water supply.
 - (4) No pipe or pipe fitting which contains more than eight percent lead be used for the installation or repair of plumbing at any connection that provides water for human use.
 - (5) No solder or flux which contains more than 0.2 percent lead be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.
- (d) A customer service inspection must occur in the following situations:
- (1) New construction.
 - (2) Material improvement, correction, or addition to the private water distribution system (defined as plumbing work that requires a permit and involves a major modification to the private water distribution system). The private water system refers to the facilities on the owner's side of the meter.
 - (3) When the water supplier believes that a cross connection or other potential contamination hazards exist. In this case, the city must provide written justification to the customer for requiring an inspection by specifically identifying the threat that is believed to exist.
 - (4) Residential lawn irrigation systems unless installed by a licensed irrigator or plumber.
- (e) Customer service inspections not required:
- (1) Existing connections (unless a situation in subsection (d) of this section applies).
 - (2) Temporary connections and those involving construction.
 - (3) Transfer of service.
 - (4) Mobile and manufactured homes and recreational vehicles (for exceptions See Texas Commission on Environmental Quality (TCEQ) Regulatory Guide Water Supply Division RG-206, December 2001).
 - (5) Swimming pools (unless a situation in subsection (d) of this section applies).

(Ord. No. 111308-04, § IV(6), 11-13-2008)

Sec. 36-242. Private fire hydrants and maintenance.

- (a) Where required by the fire department, or insurance companies for adequate fire protection on private premises, property owners shall be permitted to install and maintain private fire hydrants. All hydrants shall conform to current city standards and shall be approved by the city prior to installation. The owners shall grant the city permission to inspect, flow and paint the hydrant. If the need for fire hydrant repairs is discovered during a periodic inspection by city, the property owner will be notified of the necessary repairs and instructed to complete the repairs at the owner's expense, within 30 calendar days. At the end of the 30-day period, a follow-up inspection of the fire hydrant will be performed by the city. If the indicated repairs have not been completed, the city may undertake the necessary repairs, including the installation of a new fire hydrant, and bill the property owner for all costs incurred plus an additional \$250.00 penalty for failure of the property owner to make the repairs.
- (b) Failure to reimburse the city for all expenses incurred and penalties levied may result in discontinuation of both domestic and fire protection water service.
- (c) Hydrants that are dedicated to the city will become property of the city and will be maintained by the city.

(Ord. No. 111308-04, § IV(7), 11-13-2008)

Sec. 36-243. Tampering with or injury to water system.

- (a) It shall be unlawful for any person, firm or corporation to tamper with, injure or deface any hydrants, stop cocks, standpipes, or other city water system fixtures, or use or take from the city water system any water except in accordance with the rules and regulations governing such system, or use or injure water pipes, or any other property whatsoever, belonging to the city water system, except as permitted by the regulations of the city council and of this article.
- (b) No person, firm, or corporation shall tamper with any water meter connected to the water system of the city for the purpose of preventing the meter to register water flowing from the water main to the service line or to cause damage to such meter. The presence of any damaged or destroyed meter resulting in the diversion of water or prevention of its free passage and registration by the meter shall constitute prima facie evidence of knowledge on the part of the person owning or having custody and control of the premises where such meter is located that he or she tampered with such meter and is guilty of a misdemeanor.

(Ord. No. 111308-04, § IV(8), 11-13-2008)

Secs. 36-244—36-249. Reserved.

Subdivision III. Water wells

Sec. 36-250. Compliance with rules and regulations; authority to restrict use.

Water wells in the city limits and in the extraterritorial jurisdiction of the city are under the authority of the Evergreen Underground Water Conservation District and must comply with the rules and regulations established by the state water code and the Evergreen Underground Water Conservation District. The city as a municipality has authority to restrict pumping, extraction, or use of groundwater as provided in the V.T.C.A., Local Government Code §401.005 by persons other than retail public utilities, as defined by V.T.C.A., Water Code § 13.002.

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(Supp. No. 6, Add.)

(Ord. No. 111308-04, § V(1), 11-13-2008)

Sec. 36-251. Restriction on pumping, extraction, or use of groundwater.

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

Exempt purposes means water to be used by an individual, a family, or household for:

- (1) Drinking water and cooking;
 - (2) Washing;
 - (3) Irrigating a garden or orchard, if the produce of the garden or orchard is to be consumed by the individual, family, or household;
 - (4) Watering animals used in operating a farm or animals being raised as food for the individual, household or family; and
 - (5) Wells drilled, completed, equipped and used in accordance with V.T.C.A., Water Code § 36.117, shall be exempt from the spacing, drilling and production permit requirements.
- (b) The drilling of water wells used to produce water for exempted purposes as defined by the Evergreen Underground Water Conservation District as an exempted well is allowed with the issuance of a permit from the city and remittance of the permitting fees provided in the water fee schedule on file in the office of the city secretary-treasurer.
- (c) Wells with casing six inches or larger or wells not considered to be "exempted" by the Evergreen Underground Water Conservation District shall not be drilled in the city limits of the city.

(Ord. No. 111308-04, § V(2), 11-13-2008)

Sec. 36-252. Wells annexed into the city.

Owners of properties with water wells existing on properties annexed into the city may continue usage of the wells and shall not be required to connect to the city water system. All wells will remain the property of and responsibility of the property owner. The city assumes no liability for the quality and safety of the water produced by the private wells.

(Ord. No. 111308-04, § V(3), 11-13-2008)

Secs. 36-253—36-260. Reserved.

DIVISION 3. CUSTOMER SERVICE INSPECTIONS

Sec. 36-261. Customer services inspector—Contract for services.

The city may contract for the services of a customer service inspector for the conducting of customer service inspections as provided for herein.

(Ord. No. 072208-01, § 1, 7-22-2008)

Sec. 36-262. Same—Duties.

The customer service inspector must:

- (1) Certify that no direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by a properly installed air gap or an appropriate backflow prevention assembly;
- (2) Certify that no cross-connection between the public water supply and a private water source exists. Where an actual properly installed air gap of a minimum of one foot or more is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester;
- (3) Certify that no connection exists which allows water to be returned to the public drinking water supply is permitted;
- (4) Certify that no pipe or pipe fitting which contains more than eight percent lead may be used for the installation or repair of plumbing at any connection that provides water for human use;
- (5) Certify that no solder or flux which contains more than 0.2 percent lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection;
- (6) File with the city secretary-treasurer or the director of public works the original customer service inspection form provided by Texas Commission on Environmental Quality (TCEQ) within five working days of the completion of the inspection; and
- (7) In the event of a failed inspection, notify the director of public works as soon as possible if the noncompliance is an immediate threat to the public water supply.

(Ord. No. 072208-01, § 2, 7-22-2008)

Sec. 36-263. Required.

An inspection must occur in the following situations:

- (1) New construction.
- (2) Material improvement, correction, or addition to the private water distribution system (defined as plumbing work that requires a permit and involves a major modification to the private water distribution system). The private water system refers to the facilities on the owner's side of the meter.
- (3) When the water supplier believes that a cross connection or other potential contamination hazards exist. In this case, the city must provide written justification to the customer for requiring an inspection by specifically identifying the threat that is believed to exist.
- (4) Residential lawn irrigation systems unless installed by a licensed irrigator or plumber.

(Ord. No. 072208-01, § 3, 7-22-2008)

Sec. 36-264. Not required.

Customer service inspections are not required for the following:

- (1) Existing connections (unless a situation in the previous section applies).

(Supp. No. 6, Add.)

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- (2) Temporary connections and those involving construction.
- (3) Transfer of service.
- (4) Mobile and manufactured homes and recreational vehicles (for exceptions See Texas Commission on Environmental Quality (TCEQ) Regulatory Guide Water Supply Division RG-206, December 2001).
- (5) Swimming pools (unless a situation in section 36-263 applies).

(Ord. No. 072208-01, § 4, 7-22-2008)

Sec. 36-265. Determination if inspection needed; fees collection.

The city building official will determine at the time of application for a building permit if property requires a customer service inspection. Fees for the inspection will be collected prior to the issuance of the building permit. It shall be the responsibility of the property owner to coordinate with the customer service inspector to schedule an appointment for the inspection.

(Ord. No. 072208-01, § 5, 7-22-2008)

Sec. 36-266. Inspection, reinspection fees.

A fee schedule for inspection and reinspection fees shall be as currently established or as hereafter adopted by resolution of the city council from time to time.

(Ord. No. 072208-01, § 6, 7-22-2008)

Secs. 36-267—36-279. Reserved.

DIVISION 4. POLLUTION CONTROL NEAR CITY'S PUBLIC WATER SUPPLY WELLS

Sec. 36-280. Definitions.

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

Wells means the water wells owned and operated by the city, which are more specifically identified and described in exhibit A on file in the office of the city secretary-treasurer, and made a part hereof.

(Ord. No. 031209, § 2, 3-12-2009)

Sec. 36-281. Penalty.

Any person who shall violate any provision of this division shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$1,000.00. Each day of violation shall constitute a separate offense.

(Ord. No. 031209, § 5, 3-12-2009)

Sec. 36-282. Purpose.

- (a) This division sets forth uniform requirements for the users and the construction of facilities in or on land within 150 feet of the well in order to promote sanitary conditions in and around such well, to secure all such land from pollution hazards, and to enable the city to comply with all applicable state and local regulations.
- (b) The objective of this division is to prevent certain uses and the construction of facilities in or on land surrounding the well, which might create a danger of pollution to the water produced from such well.

(Ord. No. 031209, § 1, 3-12-2009)

Sec. 36-283. Prohibited activities.

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

Improperly constructed water wells means those wells that do not meet the surface and subsurface construction standards for a public water supply well.

- (b) The following activities are prohibited within the designated areas of land surrounding the well:
 - (1) a. Construction and/or operation of any underground petroleum and/or chemical storage tank;
 - b. Liquid transmission pipeline;
 - c. Stock pen;
 - d. Feedlot;
 - e. Dump grounds;
 - f. Privy;
 - g. Cesspool;
 - h. Septic tank;
 - i. Sewage treatment plant;
 - j. Sewage wet well;
 - k. Sewage pumping station;
 - l. Drainage ditch which contains industrial waste discharges or the wastes from sewage treatment systems;
 - m. Solid waste disposal site;
 - n. Land on which sewage plant or septic tank sludge is applied;
 - o. Land irrigated by sewage plant effluent;
 - p. Septic tank perforated drain field;
 - q. Absorption bed, evapotranspiration bed;
 - r. Area irrigated by low dosage;
 - s. Low angle spray on-site sewage facility;
 - t. Military facility;

- u. Industrial facility;
 - v. Wood treatment facility;
 - w. Liquid petroleum and petrochemical production, storage, and/or transmission facility;
 - x. Class 1, 2, 3, and/or 4 injection well;
 - y. Pesticide storage and/or mixing facility;
 - z. Abandoned well;
 - aa. Inoperative well;
 - bb. Improperly constructed water well of any depth; and
 - cc. All other construction or operation that could create an unsanitary condition is prohibited within, upon, or across all areas of land within a 150-foot radius of the well.
- (2) Construction and/or operation of tile or concrete sanitary sewers, sewer appurtenances, septic tanks, storm sewers, and cemeteries is specifically prohibited within, upon, or across any area of land within a 50-foot radius of the well.
- (3) Construction of homes or building upon any area of land within a 150-foot radius of the well is permitted, provided the restrictions described in items subsections (b)(1) and (2) of this section are met.
- (4) Normal farming and ranching operations are not prohibited by this division provided, however, livestock shall not be allowed within a 50-foot radius of the well.

(Ord. No. 031209, § 3, 3-12-2009)

Sec. 36-284. Right of entry.

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

(Ord. No. 031209, § 4, 3-12-2009)

Sec. 36-285. Required removal.

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

(Ord. No. 031209, § 6, 3-12-2009)

RESOLUTION NO. R051426-01

A RESOLUTION ESTABLISHING THE CITY’S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FOR CAPITAL EXPENDITURES FROM THE PROCEEDS OF ONE OR MORE SERIES OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the *Governing Body*) of the City of La Vernia, Texas (the *Issuer*) has entered into or will enter into various contracts pertaining to the expenditure of lawfully available funds of the Issuer to finance the costs associated with (i) making permanent public improvements for public purposes (the *Construction Costs*), (ii) the payment of various engineering costs, including design testing, design engineering, and construction inspection related to the Construction Costs (the *Engineering Costs*), (iii) the payment of various architectural costs, including preparation of plans and specifications and various other plans and drawings related to the Construction Costs (the *Architectural Costs*), and (iv) the payment of various administrative costs, including the fees of bond counsel, financial advisor, project manager, project consultant, other professionals, and bond printer (the *Administrative Costs* and, together with the Construction Costs, the Engineering Costs, and the Architectural Costs, which (collectively) constitute the costs of the Issuer’s project[s] that are the subject of this Resolution, the *Project*); and

WHEREAS, the provisions of Section 1201.042, as amended, Texas Government Code (*Section 1201.042*) provide that the proceeds from the sale of obligations issued to finance the acquisition, construction, equipping, or furnishing of any project or facilities, such as the Project, may be used to reimburse the Issuer for costs attributable to such project or facilities paid or incurred before the date of issuance of such obligations; and

WHEREAS, the United States Department of Treasury (the *Department*) released Regulation Section 1.150-2 (the *Regulations*) which establishes when the proceeds of obligations are spent and therefore are no longer subject to various federal income tax restrictions contained in the Internal Revenue Code of 1986, as amended (the *Code*); and

WHEREAS, the Issuer intends to reimburse itself, within eighteen months from the later of the date of expenditure or the date the property financed is placed in service (but in no event more than three years after the original expenditures are paid), for the prior lawful capital expenditure of funds from the proceeds of one or more series of tax-exempt obligations (the *Obligations*) that the Issuer currently contemplates issuing in the principal amount not to exceed \$ _____ to finance a portion of the costs of the Project; and

WHEREAS, under the Regulations, to fund such reimbursement with proceeds of the Obligations, the Issuer must declare its expectation ultimately to make such reimbursement before making the expenditures; and

WHEREAS, the Issuer hereby finds and determines that the reimbursement for the prior expenditure of funds of the Issuer is not inconsistent with the Issuer’s budgetary and financial circumstances; and

WHEREAS, the Governing Body hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the Issuer; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS THAT:

SECTION 1: This Resolution is a declaration of intent to establish the Issuer’s reasonable, official intent under section 1.150-2 of the Regulations and Section 1201.042 to reimburse itself from certain of the proceeds of the Obligations for any capital expenditures previously incurred (not more than 60 days prior to the date hereof) or to be incurred with respect to the Project from the Issuer’s General Fund or other lawfully available funds of the Issuer.

SECTION 2: The Issuer intends to issue the Obligations and allocate within 30 days after the date of issuance of the Obligations the proceeds therefrom to reimburse the Issuer for prior lawful expenditures with respect to the Project in a manner to comply with the Regulations.

SECTION 3: The reimbursed expenditure will be a type properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles.

SECTION 4: The Issuer intends to otherwise comply, in addition to those matters addressed within this Resolution, with all the requirements contained in the Regulations.

SECTION 5: This Resolution may be relied upon by the appropriate officials at the Office of the Attorney General for the State of Texas and establishes compliance by the Issuer with the requirements of Texas law and the Regulations.

SECTION 6: With respect to the proceeds of the Obligations allocated to reimburse the Issuer for prior expenditures, the Issuer shall not employ an abusive device under Treasury Regulation Section 1.148-10, including using within one year of the reimbursement allocation, the funds corresponding to the proceeds of the Obligations in a manner that results in the creation of “replacement proceeds”, as defined in Treasury Regulation Section 1.148-1, of the Obligations or another issue of tax-exempt obligations.

SECTION 7: The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Governing Body.

SECTION 8: All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 9: This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10: If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the Governing Body hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 11: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12: This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

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PASSED, ADOPTED AND APPROVED on the 14th day of May, 2026.

CITY OF LA VERNIA, TEXAS

Mayor

ATTEST:

City Secretary

(CITY SEAL)



In the name and by the authority
of

The State of Texas

THIS IS TO CERTIFY, that the La Vernia general election, which would have been held on 02, May 2026, was canceled for unopposed candidacy per **ORDINANCE NO. 031226-01**, and has resulted in the election of

Dianell Recker,
duly elected as
City Council
Member

In testimony whereof, I have hereunto signed my name and caused the Seal of La Vernia, Texas to be affixed affixed at the City of La Vernia,

this 14th day of the
month of May 2026

**Signature of the Presiding
Officer of Canvassing
Authority**



In the name and by the authority
of

The State of Texas

THIS IS TO CERTIFY, that the La Vernia general election, which would have been held on 02, May 2026, was canceled for unopposed candidacy per **ORDINANCE NO. 031226-01**, and has resulted in the election of

Gary Gilbert,

duly elected as

Mayor

In testimony whereof, I have hereunto signed my name and caused the Seal of La Vernia, Texas to be affixed affixed at the City of L a V e r n i a ,

this 14th day of the
month of May 2026

**Signature of the Presiding Officer of
Canvassing Authority**

**Form 23-3 - Statement of Officer
(General Information)**

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

A Statement of Officer required to be filed with the Office of the Secretary of State is considered filed once it has been received by this office.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569.

Email: Scanned copies of the executed Statement may be sent to register@sos.texas.gov

NOTE: The Statement of Officer form, commonly referred to as the “Anti-Bribery Statement,” must be executed and filed with the Office of the Secretary of State before taking the Oath of Office (Form 2204).

Commentary

Article XVI, section 1 of the Texas Constitution requires all elected or appointed state and local officers to take the official oath of office found in section 1(a) and to subscribe to the anti-bribery statement found in section 1(b) before entering upon the duties of their offices.

Elected and appointed state-level officers required to file the anti-bribery statement with the Office of the Secretary of State include members of the Legislature, the Secretary of State, and all other officers whose jurisdiction is coextensive with the boundaries of the state or who immediately belong to one of the three branches of state government. Questions about whether a particular officer is a state-level officer may be resolved by consulting relevant statutes, constitutional provisions, judicial decisions, and attorney general opinions. For more information, see Op. Tex. Att’y Gen. No. JC-0575 (2002) (determining the meaning of “state officer” as it is used in Article XVI).

Effective September 1, 2017, Senate Bill 1329, which was enacted by the 85th Legislature, Regular Session, amended chapter 602 of the Government Code to require the following judicial officers and judicial appointees to file their oath and statement of officer with the secretary of state:

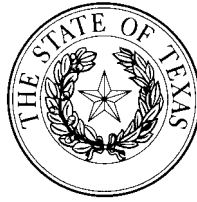
Officers appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas; and Associate judges appointed under Subchapter B or C, Chapter 201, Family Code.

Local officers must retain the signed anti-bribery statement with the official records of the office. *As a general rule, city and county officials do not file their oath of office with the Secretary of State— these officials file at the local level. The Legislature amended the Texas Constitution, Article 16, Section 1, in November 2001 to no longer require local level elected officials to file with our office. **The Office of the Secretary of State does NOT file Statements or Oaths from the following persons:*** Assistant District Attorneys; City Officials, including City Clerks, City Council Members, Municipal Judges, Justices of the Peace, and Police/Peace Officers; Zoning/Planning Commission Members; County Officials, including County Clerks, County Commissioners, County Judges, County Tax Assessors, and District Clerks; and Officials of Regional Entities, such as, Appraisal Review Districts, Emergency Service Districts, and School Districts (ISD’s).

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.texas.gov

Revised 09/2023

Form #23-3 Rev. 09/2023
Submit to:
SECRETARY OF STATE
Government Filings
Section P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Dianell Recker, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: City of La Vernia, Councilwoman

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: 05/14/2026

Signature of Officer

**Form 23-3 - Statement of Officer
(General Information)**

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

A Statement of Officer required to be filed with the Office of the Secretary of State is considered filed once it has been received by this office.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569.

Email: Scanned copies of the executed Statement may be sent to register@sos.texas.gov

NOTE: The Statement of Officer form, commonly referred to as the “Anti-Bribery Statement,” must be executed and filed with the Office of the Secretary of State before taking the Oath of Office (Form 2204).

Commentary

Article XVI, section 1 of the Texas Constitution requires all elected or appointed state and local officers to take the official oath of office found in section 1(a) and to subscribe to the anti-bribery statement found in section 1(b) before entering upon the duties of their offices.

Elected and appointed state-level officers required to file the anti-bribery statement with the Office of the Secretary of State include members of the Legislature, the Secretary of State, and all other officers whose jurisdiction is coextensive with the boundaries of the state or who immediately belong to one of the three branches of state government. Questions about whether a particular officer is a state-level officer may be resolved by consulting relevant statutes, constitutional provisions, judicial decisions, and attorney general opinions. For more information, see Op. Tex. Att’y Gen. No. JC-0575 (2002) (determining the meaning of “state officer” as it is used in Article XVI).

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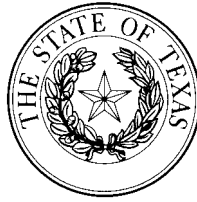
Officers appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas; and
Associate judges appointed under Subchapter B or C, Chapter 201, Family Code.

Local officers must retain the signed anti-bribery statement with the official records of the office. *As a general rule, city and county officials do not file their oath of office with the Secretary of State— these officials file at the local level. The Legislature amended the Texas Constitution, Article 16, Section 1, in November 2001 to no longer require local level elected officials to file with our office. **The Office of the Secretary of State does NOT file Statements or Oaths from the following persons:*** Assistant District Attorneys; City Officials, including City Clerks, City Council Members, Municipal Judges, Justices of the Peace, and Police/Peace Officers; Zoning/Planning Commission Members; County Officials, including County Clerks, County Commissioners, County Judges, County Tax Assessors, and District Clerks; and Officials of Regional Entities, such as, Appraisal Review Districts, Emergency Service Districts, and School Districts (ISD’s).

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Section P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None



STATEMENT OF OFFICER

Statement

I, Gary Gilbert, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Title of Position to Which Elected/Appointed: City of La Vernia, Mayor

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: 05/14/2026

Signature of Officer

**Form 23-2 - Oath of Office
(General Information)**

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

The Oath is considered filed once it has been received by this office.

Mail: P.O. Box 12887, Austin, Texas 78711-2887.

Overnight mail or hand deliveries: James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.

Fax: (512) 463-5569. If faxed, the original Oath should also be mailed to the appropriate address above.

Email: Scanned copies of the executed Oath may be sent to *register@sos.state.tx.us*. If emailed, the original Oath should also be mailed to the appropriate address above.

NOTE: Do not have the Oath of Office administered to you before executing and filing the Statement of Officer (Form 2201 – commonly referred to as the “Anti-Bribery Statement”) with the Office of the Secretary of State.

Commentary

All state or county officers, other than the governor, lieutenant governor, and members of the legislature, who qualify for office, are commissioned by the governor. Tex. Gov’t Code, Section 601.005. The Secretary of State performs ministerial duties to administer the commissions issued by the governor, including confirming that officers are qualified prior to being commissioned. Submission of this oath of office to the Office of the Secretary of State confirms an officer’s qualification so that the commission may be issued.

Pursuant to art. XVI, Section 1 of the Texas Constitution, the Oath of Office *may not* be taken until a Statement of Officer (see Form 2201) has been subscribed to and, as required, filed with the Office of the Secretary of State. Additionally, gubernatorial appointees who are appointed during a legislative session *may not* execute their Oath until after confirmation by the Senate. Tex. Const. art. IV, Section 12. A Statement of Officer form required to be filed with the Office of the Secretary of State is filed upon receipt by the Secretary of State. The Oath of Office may be administered by anyone authorized under the provisions of Chapter 602 of the Texas Government Code. Commonly used officials include notaries public and judges.

Officers Required to File Oath of Office with the Secretary of State:

- Gubernatorial appointees, appellate and district court judges, and district attorneys
- Directors of districts operating pursuant to chapter 36 or 49 of the Texas Water Code file a duplicate original of their Oath of Office within 10 days of its execution. Tex. Water Code Ann. Sections 36.055(d); 49.055(d)

Officers Not Required to File Oath of Office with the Secretary of State:

- Members of the Legislature elected to a *regular* term of office will have their Oath of Office administered in chambers on the opening day of the session and recorded in the appropriate Journal. Members elected to an *unexpired* term of office should file their Oath of Office with either the Chief Clerk of the House or the Secretary of the Senate, as appropriate.
- All other persons should file their Oaths locally. Please check with the county clerk, city secretary or board/commission secretary for the proper filing location.

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.state.tx.us.

Revised 9/2023

Form #23-2 Rev. 9/2023

This space reserved for office use

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334



OATH OF OFFICE

Filing Fee: None

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Dianell Recker, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of City of La Vernia, Texas, Councilwoman of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

Signature of Officer

State of Texas)
County of Wilson)

Sworn to and subscribed before me
this 14 day of May, 2026.

(seal)

Signature of Notary Public or Other Officer
Administering Oath

Printed or Typed Name

**Form 23-2 - Oath of Office
(General Information)**

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Revised 9/2023

Form #23-2 Rev. 9/2023

This space reserved for office use

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334



OATH OF OFFICE

Filing Fee: None

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, Gary Gilbert, do solemnly swear (or affirm), that I will faithfully
execute the duties of the office of City of La Vernia, Texas, Mayor of
the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws
of the United States and of this State, so help me God.

Signature of Officer

State of Texas)
County of Wilson)

Sworn to and subscribed before me
this

14 day of May, 2026.

(seal)

Signature of Notary Public or Other Officer
Administering Oath

Printed or Typed Name

RESOLUTION NO. R051426-02

A RESOLUTION OF THE CITY OF LA VERNIA, TEXAS APPOINTING A CITY ADMINISTRATOR.

WHEREAS, Texas Local Government Code Section 22.071 authorizes a General Law Type A City by ordinance to provide for the appointment of officers of the city; and

WHEREAS, the office of the City Administrator and the powers, duties, and authorities given to the City Administrator were established by Ordinance No. 020122-03 on the 1st day of February 2022; and

WHEREAS, the City Council of the City of La Vernia previously determined it was necessary to appoint a City Administrator to administer the City’s day-to-day activities; and

WHEREAS, the existing City Administrator has resigned from the City of La Vernia and left a vacancy; and

WHEREAS, the city council, by majority vote, has decided to appoint a person to fill the office of administrator.

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

SECTION 1. _____ will be appointed as City Administrator. This appointment will be in effect **immediately**. This individual shall serve at the will of the governing body, as set forth in this Article and as set forth in any employment contract, as applicable. In the absence of an employment contract, such term of office shall continue indefinitely, unless terminated as stated herein or by resignation, subject to state law.

SECTION 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

SECTION 3. All resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND APPROVED this 14TH day of May 2026.

CITY OF LA VERNIA, TEXAS

Gary Gilbert, Mayor

ATTEST:

Madison Farrow, City Secretary

APPROVED AS TO FORM:

City Attorney's Office