
MEETING NOTICE

The Ordinance Review Committee of the City of Woodcreek, Texas will conduct a meeting at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas. The meeting will be held on Tuesday, November 07, 2023 at 10:30 AM.

The public may watch this meeting live at the following link:

<https://zoom.us/j/96020510801?pwd=YnlVZlNEMk1IREFRZVJyREpNV3J6QT09>

Meeting ID: 960 2051 0801; Passcode: 074425

A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request. This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).

The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

It is anticipated that members of other City Boards, Commissions, Panels and/or Committees may attend the meeting in numbers that may constitute a quorum of the other City Boards, Commissions, Panels and/or Committees. Notice is hereby given that this meeting, to the extent required by law, is also noticed as a meeting of the other City Boards, Commissions, Panels and/or Committees of the City, whose members may be in attendance. The members of the City Boards, Commissions, Panels and/or Committees may participate in discussions on the items listed on this agenda, which occur at this meeting, but no action will be taken by those in attendance unless such action item is specifically listed on an agenda during a regular or special meeting for the respective Board, Commission, Panel and/or Committee subject to the Texas Open Meetings Act.

The City Council may retire to Executive Session any time during this meeting, under Texas Government Code, Subchapter D. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Governing Body in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Governing Body's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific, factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042

Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda upon which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for **three (3) minutes** per person and shall be allowed more time at the Mayor or Chair's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names individuals present in the audience who wish to yield their three(3) minutes. Citizens may present materials regarding any agenda item to the City Secretary at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the City Secretary prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).

Submit written comments by email to woodcreek@woodcreektx.gov by **NOON**, the day prior to the meeting. Please include your full name, home or work address, and the agenda item number. Written comments will be part of the official written record only.

AGENDA

CALL TO ORDER

MOMENT OF SILENCE

PLEDGES

ROLL CALL and ESTABLISH QUORUM

PUBLIC COMMENTS

CONSENT CALENDAR

1. Approval of Regular Meeting Minutes From October 3, 2023.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS - None

REPORT OF SPECIAL (Select or Ad Hoc) Committees - None

SPECIAL ORDERS - None

UNFINISHED BUSINESS AND GENERAL ORDERS

2. Workshop to Discuss Report on Invisible and Electric Fences.
3. Discuss and Take Possible Action On the Report For Invisible and Electric Fences.
4. Workshop to Discuss Traffic Code, Chapter 70, Schedule IV-City Parking.
5. Discuss and Take Possible Action on Traffic Code, Chapter 70, Schedule IV-City Parking.

NEW BUSINESS – None

ANNOUNCEMENTS

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **2nd day of November, 2023 at 4:00PM**

By: 

Suzanne J. MacKenzie, City Secretary

ORDINANCE REVIEW COMMITTEE MEETING (CITY HALL)
October 03, 2023; 10:30 AM
Woodcreek, Texas

MINUTES

CALL TO ORDER

Chair Miller Called the Meeting to Order at 10:34AM.

ROLL CALL and ESTABLISH QUORUM

PRESENT

Chairperson James Miller
Committee Member Karen Duncan
Committee Member Donna Hector
Committee Member Randy Renter
Alt. Committee Member Emma Davenport
Council Liaison Debra Hines

ABSENT

Alt. Committee Member Joe Branco

STAFF PRESENT

City Secretary, Suzanne Mac Kenzie (Left at 10:52A)

PUBLIC COMMENTS

No Public Comments were offered.

CONSENT CALENDAR

1. **Approval of Regular Meeting Minutes From September 5, 2023.**

Motion was made by Chair Miller to accept the minutes of the previous meeting. Motion was seconded by Member Renter.

A roll call vote was held.

Voting Yea:

Chair Miller, Member Hector, Member Duncan, Member Davenport

Motion Passed: 4-0-1.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Ordinance Review Committee Liaison.

Revisions to Chapters 90, 93 and 94 should appear on the next Workshop Agenda.

Report by City Manager. No report was offered.

Report by City Secretary.

Explained further Communication Procedures.

REPORT OF SPECIAL (Select or Ad Hoc) Committees - None

SPECIAL ORDERS - None

UNFINISHED BUSINESS AND GENERAL ORDERS – None

NEW BUSINESS

2. **Workshop to Discuss Report on Invisible and Electric Fences.**

Workshop Opened at 10:52AM.

Workshop Closed at 11:21AM.

3. **Discuss and Take Possible Action On the Report For Invisible and Electric Fences.**

Motion was made by Chair Miller to refer the report on Invisible and Electric fences back to the Ad Hoc Sub-Committee for a re-write to add signage and possibly bring the electronic fences in line with other fences. Motion was seconded by Member Duncan.

A roll call vote was held.

Voting Yea:

Chair Miller, Member Hector, Member Duncan, Member Renter, Member Davenport

Motion Passed: 5-0-0.

4. **Workshop to Discuss Traffic Code, Chapter 70, Schedule IV-City Parking.**

Workshop Opened at 11:25AM.

Workshop Closed at 12:16PM.

5. **Discuss and Take Possible Action on Traffic Code, Chapter 70, Schedule IV-City Parking.**

Motion was made by Chair Miller to send Chapter 70, Schedule IV to the Ad Hoc Sub-Committee for a re-write encompassing suggested changes.

A roll call vote was held.

Voting Yea:

Chair Miller, Member Hector, Member Duncan, Member Renter, Member Davenport

Motion Passed: 5-0-0.

ANNOUNCEMENTS - None

ADJOURN

Chair Miller Adjourned the Meeting at 12:20PM.

James (Jim) Miller, Chairperson

Suzanne MacKenzie, City Secretary

DRAFT

In analyzing the use of Electronic or Electric fences in Woodcreek, the topic was broken down into these areas of question:

1. What is the Definition of Electronic or Electric fences?
2. What type of Control over your Pet do these types assert?
3. How do Woodcreek's ordinances address these fences?
4. How do other Municipalities address them?
5. What does State and County law say about them?
6. How do the Humane Societies or Veterinaries feel about them?

What is the Definition of Electronic or Electric fences?

An **electronic fence**, otherwise known as a **pet fence** or **fenceless or Invisible boundary** is an electronic system designed to keep a pet or other domestic animal within a set of predefined boundaries without the use of a physical barrier. A mild electric shock is delivered by an electronic collar if its warning sound as it approaches the boundary is ignored.

An **electric fence** is a barrier that uses electric shocks to deter animals and people from crossing a boundary. For the purposes of this report, further discussion of electric fences will be avoided as State Law prohibits their use for residential property.¹

What type of Control over your Pet does this type of fence these types assert?

The Electronic fence is a system designed to startle, not hurt the animal. When the pet approaches the set barrier, an audible alarm sounds from a collar around its neck. If he fails to stop, a mild electric shock is sent. This type of fence is only effective when used alongside proper, compassionate and professional training. Their effectiveness can be problematic for the following reasons:

- a) Dogs put up with the shock when the "reward" is great enough. If a dog is highly motivated to leave the property, it will withstand the shock.
- b) The system can malfunction due to electrical outages. The collar runs on batteries so one must be meticulous in checking this.
- c) The prongs on the collar can injure the skin. The prongs need to be close to the skin to deliver the shock therefore they can irritate the skin if used often.
- d) These fences do not prevent others (people nor animals) from coming in. If your dog is aggressive, you will need to warn others such as delivery persons through clearly seen signs.

¹ Texas Local Government Code, Chapter 250, Miscellaneous Regulatory Authority

- e) Electric shocks can induce fear, anxiety, and aggression. While the shock delivered to the dog is supposed to link approaching the barrier as the reason for the shock, the dog may associate it with something else, such as a person walking by.²

~~The Electric fence delivers a charge of up to 10,000 volts when contact is made. They generally must have an outer barrier with signage that prevents unwanted contact. They are used almost exclusively in an agricultural or rural setting.~~

How do Woodcreek's ordinances address **this type of fence?** ~~these fences?~~

Woodcreek's ordinances are silent on **this type of fence.** ~~these types of fences.~~

How do other Municipalities address them?

Some municipalities forbid the use of electronic fences; however *due process* requires that a prohibition must be stated clearly or else is unenforceable. Therefore, a lengthy description of exactly what type of fence is required to actually forbid them.

~~Electric fences are generally not allowed in residential areas.~~

What does State and County law say about them?

State Law does not prohibit electronic fences. However, County law, to which Woodcreek would be subject, states, "The use of a wireless fence which transmits either a high frequency sound or a pulse stimulus shock and that is intended to train the dog to stay on the premises will not be considered a means of restraint;"³

~~Electric fences are prohibited on property that is designated by a Municipality or County for residential use.~~

How do the Humane Societies or Veterinaries feel about them?

Local veterinary offices do support the use of an invisible fence if the dog is properly and professionally trained. They state that even with training they do not work 10% of the time. Also, the breed of the dog is a big factor in their success and whether they should be used.⁴

The Humane Society and Rescue Organizations will not allow adoption of a dog if the only means of control is an invisible fence.

Conclusion

Woodcreek's Pet Ordinance which was revised by this Committee previously defines **an animal** running at large as: *Running at Large*. Not under the direct physical control of the owner or handler by leash, cord, chain, or similar direct physical control and not being kept physically restrained from leaving the premises of the owner.⁵

² "Why Invisible Fences Don't Work" by Jennifer Coates, DVM

³ Sixth Amended Hays County Animal Control Ordinance NO. 32190

⁴ Wimberley Veterinary Clinic, Cypress Creek Clinic

⁵ Chapter 90.01 - Definitions

This would place us in alignment with County regulations, which means that should the pet leave a resident's property, the use of an electronic fence would not be a defense as it does not constitute control.

I do not see where a direct change to our Ordinances is required, but it may be wise for staff to be aware that the use of invisible fences does not constitute control of the dog/pet and that steps should be taken to assure that the animal stays on the property.

Further, it is advised that anyone using an Invisible Fence should post signage making it clear that the pet is roaming at large on the property. This should be done to warn others that the pet is not under direct control.

AD HOC SUB-COMMITTEE REPORT

SCHEDULE IV. CITY PARKING.

- (A) No vehicle shall be allowed to park in a public street, alley, or public right-of-way.
- (B) Parking on private property of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited, unless inside a fully enclosed garage or storage space or behind privacy fencing on a durable surface, except on a temporary basis. Temporary shall be defined as not to exceed seven 24-hour periods total in any 30-day period.
- (C) A long-term parking permit may be obtained from the city for work and commercial vehicles, except for those meant to hold human excrement, on private property for a renewable period of six months at a cost of \$50.00 per parking permitted work vehicle.

In order to obtain a long-term parking permit for a work vehicle the property owner must show that:

- (1) They have enough durable-surfaced parking space to accommodate all vehicles of the residence and the work vehicle and one additional guest parking space; and
 - (2) That the work vehicle is needed for work purposes for a member of the household; and
 - (3) Parking of said vehicle shall not result in a dangerous obstruction of view of the public right-of-way.
- (D) Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly owned right-of-way, park or greenbelt is prohibited except under the following conditions:
 - (1) Parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement and no part of the vehicle projects out over the street pavement.
 - (2) Residential property owners may elect to surface parking space in the right-of-way with a pervious cover, such as gravel or crushed granite.
 - (3) Parking of personal vehicles shall be allowed on publicly owned rights-of-way, parks, and greenbelts with paved or pervious parking spaces provided by the City, subject to the restrictions of any posted signs.
 - (E) Junked Vehicles. "Junked vehicle" means a vehicle that is self-propelled and does not lawfully have attached to it an unexpired license plate and a valid motor vehicle inspection certificate and is wrecked, dismantled, or partially dismantled or discarded or inoperable and has remained inoperable for more than: 72 consecutive hours, if the vehicle is on public property, or 30 consecutive days, if vehicle is on private property. (Texas Transportation Code § 683.071)

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance. (Texas Transportation Code § 683.072)

A person commits an offense if the person maintains a public nuisance described above as Junked Vehicle. The offense is a misdemeanor punishable by a fine not to exceed \$200.00.

The court shall order abatement and removal of the nuisance on conviction. (Texas Transportation Code Sec. 683.073)

- (F) Erection of signs. The City may erect signage of such design, placement, and location as may be required by law, and any other signage as City staff may determine appropriate or necessary, to notify the public.
- (G) Two-hour parking signs. In order to promote safer driving in the vicinity of the public parking spaces at Deerfield Drive and Woodcreek Drive, and Champions Circle at Woodcreek Drive, the City shall erect signs reading "2 Hour Parking - Violators will be towed at vehicle owner's expense".
- (H) Penalty. Any person violating any provision of this schedule shall be subject to the penalties and provisions in § 10.99 of this Code of Ordinances, unless otherwise expressed in this chapter or State Statute.

(Ord. 15-207, 5-13-2015; Ord. 19-257, 3-13-2019; Ord. No. 22-304 , 3-9-2022)

EXISTING ORDINANCE



Coachman Nova

Length: 20'11" Height: 9'4" Width: 7'"

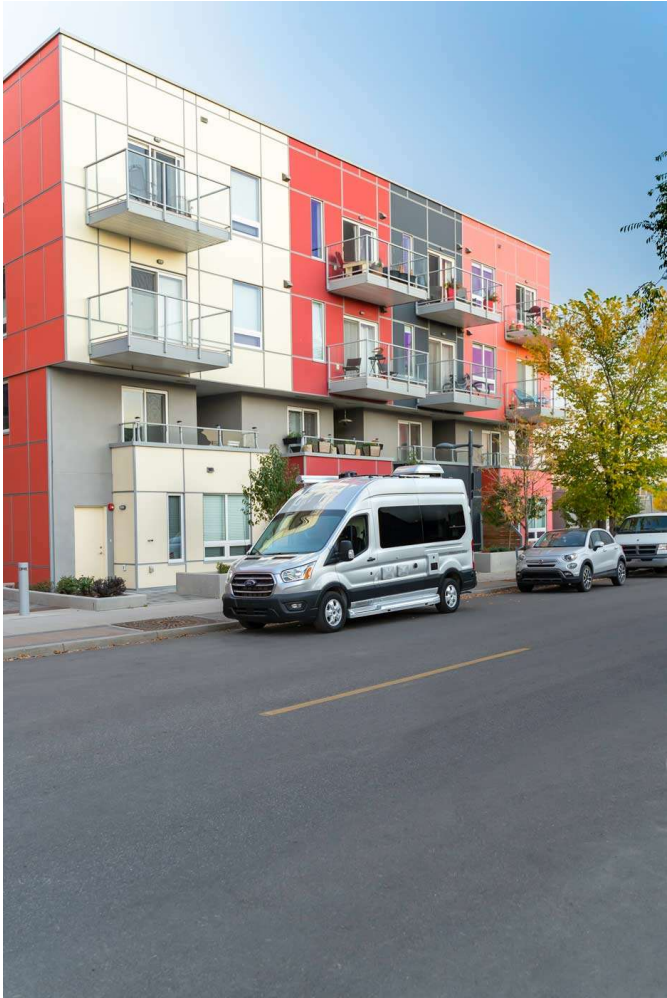


Midwest Passage 144

Length: 19'7" Height: 9'6" Width: 7'8"



Pleasure Way Ascent
Length: 19'5"
Height: 9'8"
Width: 7'1"



Pleasure Way On Tour
Length: 19'8"
Height: 10'
Width: 7'1/2"



Thor Scope
Length: 17'11"
Height: 9'5"
Width: 6'9"



Thor Rize
Length: 17'11"
Height: 9'5"
Width: 6'9"



Thor Sanctuary
Length: 19'7"
Height: 10'1"
Width: 8'1"

WINNEBAGO **REVEL** / Blue Grey with Graphics Full-Body Paint



Length: 19'7" Height: 10' Width: 7'1"

WINNEBAGO **TRAVATO** / Bright White, Full-Body Paint



Winnebago.com

Length: 21' Height: 9'4" Width: 6'9"

- **SCHEDULE IV. - CITY PARKING.**

(A) No vehicle shall be allowed to park in a public street, or alley. ~~, or public right-of-way.~~

(B) Parking on private property of buses, commercial vehicles, trailers, boats, motor homes, RVs **that are greater in length than 21ft**, campers, jet skis and the like is prohibited, unless inside a fully enclosed garage or storage space or behind privacy fencing on a durable surface, except on a temporary basis. Temporary shall be defined as not to exceed seven 24-hour periods total in any 30-day period.

(C) A long-term parking permit may be obtained from the city for work and commercial vehicles, except for those meant to hold human excrement, on private property for a renewable period of six months at a cost of \$50.00 per parking permitted work vehicle.

In order to obtain a long-term parking permit for a work vehicle the property owner must show that:

- (1) They have enough durable-surfaced parking space to accommodate all vehicles of the residence and the work vehicle and one additional guest parking space; and
- (2) That the work vehicle is needed for work purposes for a member of the household; and
- (3) Parking of said vehicle shall not result in a dangerous obstruction of view of the public right-of-way.

Conforming to the process for work truck or commercial vehicle parking, a household may request one long term renewable parking permit at a time lasting 6 months for parking of an RV or van conversion of less than 21 feet that is used as a primary or secondary routine means of transportation for the household ~~(for example: travel to and from a grocery store or to take children to school)~~ at a cost of \$50.

In order to obtain a long-term parking permit for an RV or van conversion of less than 21 feet the property owner must show that:

- (1) They have enough durable-surfaced parking space to accommodate all vehicles of the residence and one additional guest parking space; and
- (2) That the vehicle is needed for a member of the household as a primary or secondary vehicle; and
- (3) Parking of said vehicle shall not result in a dangerous obstruction of view of the public right-of-way.
- (4) The vehicle may not be used as an accessory dwelling unit.

(D) Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly owned right-of-way, park or greenbelt is prohibited except under the following conditions:

- (1) Parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement and no part of the vehicle projects out over the street pavement.
- (2) Residential property owners may elect to surface parking space in the right-of-way with a pervious cover, such as gravel or crushed granite.

(3) Parking of personal vehicles shall be allowed on publicly owned rights-of-way, parks, and greenbelts with paved or pervious parking spaces provided by the City, subject to the restrictions of any posted signs.

(E) Junked Vehicles. "Junked vehicle" means a vehicle that is self-propelled and does not lawfully have attached to it an unexpired registration sticker ~~license plate and a valid motor vehicle inspection certificate~~ and¹ is wrecked, dismantled, or partially dismantled or discarded or inoperable and has remained inoperable for more than: 72 consecutive hours, if the vehicle is on public property, or 30 consecutive days, if vehicle is on private property. (Texas Transportation Code § 683.071)

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance. (Texas Transportation Code § 683.072)

A person commits an offense if the person maintains a public nuisance described above as Junked Vehicle. The offense is a misdemeanor punishable by a fine not to exceed \$200.00.

The court shall order abatement and removal of the nuisance on conviction. (Texas Transportation Code Sec. 683.073)

(F) Erection of signs. The City may erect signage of such design, placement, and location as may be required by law, and any other signage as City staff may determine appropriate or necessary, to notify the public.

(G) Two-hour parking signs. In order to promote safer driving in the vicinity of the public parking spaces at Deerfield Drive and Woodcreek Drive, and Champions Circle at Woodcreek Drive, the City shall erect signs reading "2 Hour Parking - Violators will be towed at vehicle owner's expense".

(H) Penalty. Any person violating any provision of this schedule shall be subject to the penalties and provisions in [§ 10.99](#) of this Code of Ordinances, unless otherwise expressed in this chapter or State Statute.

(Ord. 15-207, 5-13-2015; Ord. 19-257, 3-13-2019; [Ord. No. 22-304](#), 3-9-2022)

¹ We went back and forth on this word; are we satisfied to leave it in?