
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, March 07, 2023 at 2:30 PM.

All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained. Smoking is not allowed anywhere on the property of City Hall.

*The public may watch this meeting live at the following link: <https://join.zoom.us/>
Meeting ID: 757 937 9504; Passcode: K8BUPq*

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

ROLL CALL and ESTABLISH QUORUM

PUBLIC COMMENTS

CONSENT CALENDAR

1. Approve Regular Meeting Minutes from February 7, 2023.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Report by Ordinance Review Committee Liaison.

Report by City Manager.

Report by City Secretary.

SPECIAL ORDERS

2. Election of the Chair and Vice-Chair of the Ordinance Review Committee.

UNFINISHED BUSINESS AND GENERAL ORDERS

3. Workshop on Completion of the Important Woodcreek City Ordinance Sheet.
4. Discuss and Take Final Action on the Revised Important Woodcreek City Ordinance Sheet.

NEW BUSINESS

5. Workshop on Revision of the Health and Sanitation Ordinance.
6. Discuss and Take Final Action on the Revised Health and Sanitation Ordinance.
7. Workshop on Ordinance 156.061 (Home Occupation), Ordinance 156.080 (Business Use Requirements and Limitations), and Ordinance 156.0365 (Personal Care Facilities).
8. Discuss and Final Action on the Final Versions of Ordinance 156.061 (Home Occupation), Ordinance 156.080 (Business Use Requirements and Limitations), and Ordinance 156.0365 (Personal Care Facilities).

ANNOUNCEMENTS

ADJOURN

POSTING CERTIFICATION

I certify that the above notice was posted on the **3rd day of March, 2023 at 6:00PM**

By: 
Suzanne J. MacKenzie, City Secretary

ORDINANCE REVIEW COMMITTEE MEETING (CITY HALL)
February 07, 2023; 2:30 PM
Woodcreek, Texas

MINUTES

CALL TO ORDER

Meeting was Called to Order at 2:30P by Vice-Chair Hector.

ROLL CALL and ESTABLISH QUORUM

PRESENT

Co-Chair Donna Hector
Committee Member Karen Duncan
Committee Member Jim Miller
Committee Member Randy Renter
Alt. Committee Member Emma Davenport
Alt. Committee Member Joe Branco
Council Liaison Debra Hines

STAFF PRESENT

City Manager Kevin Rule
City Secretary Suzanne Mac Kenzie

PUBLIC COMMENTS

No Public Comments were offered.

CONSENT CALENDAR

1. Approval of Regular Meeting Minutes from January 3, 2023.

Motion was made by Member Duncan to approve the minutes from January 3, 2023. (2:50) Motion was seconded by Member Renter.

REPORTS FROM OFFICERS AND COUNCIL LIAISONS

Vice Chair Hector thanked Former Chair Emma Davenport for her service. She has resigned and returned as an Alternate Member.

Vice-Chair Hector announced the new members of the Ordinance Review Committee: James Miller and Joe Branco.

She also stated that Alternate Member David Lowe has resigned from the Committee.

No reports from Ordinance Review Council Liaison.

No reports from City Manager Rule. Thanked everyone for attending training and stated that there will be an additional training to catch those who could not attend.

REPORTS of SPECIAL (Select or Ad Hoc) COMMITTEES

2. Report by Special Committee, Chapter 34: Emergency Management. (*Hector*)

This item was previously postponed until the hiring the the City Manager. This item will need to be coordinated with Hays County and other agencies. Previous work has been done but will be a large undertaking.

City Manager Rule explained that the City has its own Emergency Preparedness Plan but we also coordinate with the County as part of their Emergency Preparedness Plan.

Vice-Chair Hector and Member Duncan work on this item together.

Manager Rule explained that many agencies are participating in the Hays County Emergency Preparedness Plan and once they are done, we can work on ours at the local level.

SPECIAL ORDERS

3. Report from Interim Chairperson on Committee Activities. (*Hector*) - See above.

4. Reporting of Mission Statement for the Ordinance Review Committee. (*Rule*)

City Manager Rule explained that he reviewed the Ordinance for the creation of the Ordinance Review Committee and reported that this Committee will take direction from Council, and no other Committee, Board, Panel, etc.

Council Liaison Hines stated that Council originally directed the Committee to perform a stage by stage review of the City Code, including a list of items that has already been addressed. Manager Rule stated that a broad direction to review the entire Code is vague and should perhaps be broken down. Council Liaison Hines agreed that she will bring the suggestion back to Council.

Member Duncan asked Staff to supply a list of most common items that are addressed at City Hall through phone calls.

UNFINISHED BUSINESS AND GENERAL ORDERS

NEW BUSINESS

Vice-Chair Hector opened the Workshop at 2:59P.

Get through the front page of the Important Woodcreek Ordinances document. Jim has provided a document in addition to the document in the packet. City Manager Rule stated that in the future, there should only be one document that the Committee works off of.

Impervious Coverage: Delete second bullet.

Lighting: No changes.

Traffic: Changed title to only include Parking, as Council updated the Ordinance recently. Replaced Traffic section from original document (pg. 6) with Parking on the second document (pg. 8). Council Liaison Hines will review the Ordinance in regards to the requirement of a durable surface for parking.

-Parking in the street is prohibited. All wheels must be off the pavement.

-Vehicles without valid license plate and inspection, wrecked, dismantled, partially dismantled and have remained inoperable for 30 consecutive days are prohibited.

Garage Sales: Garage sales at a personal residence must be separated by a minimum of 6 months and last no more than 3 days. Strike mention of Community Garage Sale? Strike bullet #3, page 6.

Signs and Right of Way Procedures: Move bullet #3 to behind first sentence on first bullet. Bullet #2, strike "unauthorized".

Health and Sanitation: Skipped

Animal Control:

Council Liaison Hines read her notes on this area. The word "or" will be added to bullet #1, between "deer, geese". Members agreed the rest of this item is ok as written.

Discussion of enforcement of Ordinances. City Manager Rule explained the City does not have a Municipal Court right now, as there is no judge available, but we do have a list of fines that residents can be reminded of when violation letters are sent out.

Fire Prevention: No changes.

Weapons: Bullet #2, change "discharge" to "projectile".

Tree Trimming: Reference Pg 8. Bullet #1 change from July 1 to "through June 30". Bullet #2 cannot be changed as it aligns with Tree Ordinance. Vice-Chair Hector read the rest of the bullets. No suggestions of changes were made.

Rentals: Waiting on Planning and Zoning.

Residential Business:

Discussion of why the review of these Ordinances was not previously addressed. No committee members have read these Ordinances yet so this will be postponed.

Health and Sanitation: Discussion and agreement that the verbiage on page 6 in packet will stay in document and item is complete.

Vice-Chair Hector asked the members to select what additional information that they would like to see on the back of the document (what can fit)

Vice-Chair Hector suggests: Woodcreek City Hall website, email, hours and address. Emergency 911: **NO 311** contact in Hays Co., Non-Emergency number for Hays Co.; Nearest Emergency Room and Number; Deer Removal

City Manager Rule mentioned the "Useful Links" page on Woodcreek City Website that has a lot of information already listed.

Council Liaison Hines mentioned that it could be problematic for the City to recommend a private versus public emergency center. Members agreed to leave that information off of the document.

Vice Chair suggested that "Useful Links" on the City Website statement included on the document.

"City of Woodcreek Information Sheet" was copied and presented to Chair Hector. She suggested minimizing it, placing it on the sheet with the deer removal information.

Manager Rule stated that the "Useful Links" page will work to convert webpage to an Adobe page and will accept suggestions for additions on the website.

Vice-Chair Hector stated she will get with Staff about contact information available and make a decision to include numbers for presentation to members.

Vice-Chair Hector closed the Workshop at 4:12P.

ANNOUNCEMENTS

Vice-Chair Hector postponed vote on final document until next month and would also like to elect a new Chair and Vice-Chair at the next meeting.

ADJOURN

Vice-Chair Hector adjourned the meeting at 4:14P.

Vice-Chair, Donna Hector

Suzanne Mac Kenzie, City Secretary

DRAFT

IMPORTANT CITY of WOODCREEK ORDINANCES

* Please refer to complete Code of Ordinances at www.woodcreektx.gov for details – this list is not exhaustive. *

Construction (§151)

- Any building construction (i.e. fences, decks, expansions, sheds, walkways, roofs) requires City approval prior to construction. Applications may be obtained online.
- Construction hours are Monday – Saturday, 7 a.m. to 6 p.m.

Impervious Cover (§50.37)

- Maximum impervious cover allowed is 30.0% - impervious cover is everything which prevents water from infiltrating into the natural soil (i.e. driveways, decks, paving blocks, sidewalks, structures).

Fences (§156.030, §156.057)

- All fences require permits.
- Fence materials not allowed are chain link, hog wire, barbed wire, mesh netting, rolled picket, and others.

Lighting – Dark Skies (§156.041)

- All lights shall be shielded to prevent light trespass or glare and to confine the light to the owner’s property.

Parking §70:IV

- Vehicles must be parked with all wheels off the pavement.
- Vehicles without valid license plate and inspection, wrecked, whole or partially dismantled, and have remained inoperable for 30 consecutive days are prohibited.
- Temporary parking of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is permitted. “Temporary” is defined as no more than seven(7) days in any 30-day period.
- A Long-Term Parking Permit may be obtained from the City for work and commercial vehicles. This does NOT apply to vehicles that hold or haul human excrement.

Garage Sales (§156.060)

- Garage or yard sales at a personal residence must be separated by a minimum of 6 months and last no more than 3 days. (Not including the Annual City-Wide Community Garage Sale.)
- Street signs for a garage or yard sale must follow the sign ordinances.

Signs (§152) and Right of Way Procedures (§152.26)

- Permits are required for signs in a public right-of-way. Applications may be obtained online. There is a limit of 72 hours of sign placement and a fee is involved.
- No posting of signs on street signs, traffic-control signs, fire hydrants, fences, utility boxes, trees, telephone poles or any other structure in the City’s right-of-way.

Health and Sanitation (§95.05)

- Containers used for weekly garbage collection pick-up may be out no longer than one(1) day prior and one(1) day after pick-up service.
- Grasses or other hazardous vegetation that impacts driver visibility, is a fire risk, or other hazard should be kept under six(6) inches.
- Open storage of junk, inoperable appliances, broken furniture or trash is prohibited.

IMPORTANT CITY of WOODCREEK ORDINANCES

Animal Control (\$90.0)

- **Feeding of deer and/ or geese is strictly prohibited.**
- Owner/handler is responsible for managing nuisance barking. Barking dogs must be kept *indoors* between 11PM-5AM.
- Dogs must be restrained from leaving the owner’s property. Dogs must be leashed when walking.
- Owner/handler will remove dog excrement from public and private property, including the Golf Course.

Fire Prevention (\$93.18 and \$94)

- Open burning of wood, brush or trash is prohibited at all times.
- Fireworks are prohibited, except with a Special Permit.

Weapons (\$96.05)

- Discharge of firearms is prohibited at all times.
- Projectiles from other airborne weapons as defined by §96 must be confined within property lines.

Tree-Trimming or Pruning – Oak Wilt (\$91)

- Trimming of oak trees is prohibited from February 1st to June 30th.
- A no-cost permit is required for ALL tree trimming.
- Some trees have “Protected” or “Heritage” status. You should contact the City, PRIOR to ALL tree work to verify status of your tree(s).
- Citizens must report suspected cases of Oak Wilt.

Rentals (\$156.062)

- Short-term rental of your home is only permitted in zoning district SF-4.

HELPFUL INFORMATION	
EMERGENCY SERVICES	Call 911
EMERGENCY MEDICAL SERVICES	Closest Facilities are in Kyle and San Marcos
DECEASED DEER REMOVAL:	
On Street Right-of-Way (R.O.W)	Call City Hall at 512-847-9390
On Private Property	Move deer into R.O.W. and call City Hall
<i>* Deer will not be moved from Private Property by any City Representative and will not be picked-up unless it is in the R.O.W. *</i>	

EMERGENCY NOTIFICATION – REGISTRATION		
City of Woodcreek	Email -	https://www.woodcreektx.gov/newsletter/subscriptions
City of Woodcreek	Text -	Text “WOODCREEKNEWS” to 91896
Wimberley Valley Radio Station		KWVH, Station 94.3
Regional Emergency Notifications	Email -	www.WarnCentralTexas.org

WOODCREEK CITY HALL

41 Champions Circle
Woodcreek, TX 78676
Phone (512) 847-9390
Fax (512) 847-6661
Email woodcreek@woodcreektx.gov
Website www.woodcreektx.gov
Hours: M-F 10am – 4pm

EMERGENCIES

Fire, Police, Ambulance 911

NON-EMERGENCIES

Wimberley Fire Dept. (512) 847-3536
Hays Co. Sheriff Dept. (512) 393-7896
Wimberley EMS (512) 847-2526
Constable, Pct. 3 (512) 847-5532

Electric Service – Pedernales Electric Co-op

Outage (888) 883-3379
Service Rep (888) 554-4732
www.pec.coop

Animals

Hays Co. Animal Control (512) 393-7896
Dogs – WAG Rescue (512) 847-3200
www.WimberleyWagRescue.org

US Postal Service

111 Joe Wimberley Blvd.
Wimberley, TX 78676 (512) 847-2623

Trash & Recycle

Waste Connections (210) 658-0487
www.wasteconnections.com/san-antonio

Cable & Telephone Services

Spectrum (855) 243-8892
www.spectrum.com (855) 707-7328
Frontier (800) 921-8101
<https://frontier.com>
HughesNet (855) 768-8973

Water/Sewer Service

Aqua Texas – Service/Emergency (877) 987-2782
Local Office (512) 847-1040
www.aquaamerica.com/our-states/texas.aspx

Hays County Government

www.haysinformed.com (512) 393-7300

Library

Wimb. Village Library (512) 847-2188
400 FM 2325, Wimberley
www.wimberleylibrary.org

Post Office (512) 847-2623

111 Joe Wimberley Blvd.
Wimberley, TX 78676

Newspaper

Wimberley View (512) 847-2202
www.wimberleyview.com

Digging

Call before digging 811

Hays County Transfer Station

Larger Waste/Recycling
1691 Carney Lane, Wimberley, TX
(512) 618-7175

Hays County Tax Assessor

(512) 393-5545
www.Hayscountytexas.com/departments/taxoffice/

Accredited Schools

Wimberley ISD (public)
www.wimberleyisd.net (512) 847-2414

Katherine Anne Porter School (charter)

www.kapschool.org (512) 648-3180

St. Stephen's Episcopal School (private)

(512) 847-9857
www.ststephenswimberley.org

Hays County Extension Office

200 Stillwater Road, Wimberley

(512) 847-5532

Includes:

County Clerk

Justice of Peace

Tax Office

Sheriff's Office (phone only)

Constable's Office

License Plates/Registration

(512) 878-6705

Traffic Operations

Traffic lights, etc.

Texas Dept. of Public Transp.

(512) 416-3200

Useful Links

Water/Sewer	Aqua Texas Online ^[1]	877-987-2782
Cable	Spectrum ^[2]	855-243-8892
Constable-Precinct 3	Don Montague	512-921-1014
Trash & Recycling	Waste Connections ^[3]	210-658-0487
	Rates are lower than outlying areas, \$69.14/quarter includes recycling.	
Electric - Pedernales Electric Coop	PEC ^[4] For outages, call this number--> To speak to a rep, call this number-->	888-883-3379 888-554-4732
Wimberley Valley Chamber of Commerce	http://www.wimberley.org ^[5]	512-847-2201
Texas 811	(call before digging for line locations)	811
Transfer Station	(Recycling & Solid Waste) 1691 Carney Lane	512-618-7175
Texas Oak Wilt.org	http://texasoakwilt.org/ ^[6]	512-339-7807
Hays County Tax Assessor	Property tax, license plates & voter registration https://hayscountytexas.com/departments/taxoffice/ ^[7]	512-393-5545
Texas Dept of Public Safety	Driver's licenses ^[8]	512-424-2600
Wimberley Post Office	111 Joe Wimberley Blvd.	512-847-2623
Wimberley View	Weekly newspaper www.wimberleyview.com ^[9]	512-847-2202

Hays County Sheriff's Office	Emergency	911	Item 3.
	Non-emergency	512-393-7896	
Regional Notification System Signup	Sign up for emergency notifications at: www.WarnCentralTexas.org [10] or call (866)-939-0911		
Homeowners' Insurance Information			
Distance to Wimberley Rural Fire Department from the City of Woodcreek: 3 miles.			
Fire Department's Public Protection Classification Rating: 6			
Useful Websites			
Wimberley Independent School District [11]	Hays County [12]		
Wimberley Village Library [13]	Hays County Sheriff's Office [14]		
Wimberley Adoption Group (Lost and Found Dogs) [15]	Hays Central Appraisal District [16]		
Pedernales Electric Coop [17]	Frontier [18]		
Waste Connections [19]	PALS - Pet Prevent A Litter [20]		

- [Home](#)
- [Staff Login](#)
- [Accessibility](#)

41 Champions Cir | Woodcreek, TX 78676 | (512) 847-9390

[a municode design](#)

Source URL: <https://www.woodcreektx.gov/community/page/useful-links>

Links

[1] <https://www.aquaamerica.com/our-states/texas.aspx> [2] <https://www.spectrum.com/> [3] <https://www.wasteconnections.com/san-antonio> [4] <https://www.pec.coop/> [5] <http://www.wimberley.org/> [6] <http://texasoakwilt.org/> [7] <https://hayscountytx.com/departments/taxoffice/> [8] <https://www.dps.texas.gov/section/driver-license> [9] <https://www.wimberleyview.com> [10] <http://www.warncentraltexas.org/> [11] <http://www.wimberleyisd.net/> [12] <http://www.co.hays.tx.us/> [13] <http://www.wimberleylibrary.org/> [14] <http://hayscountytx.com/law-enforcement/sheriff/> [15] <https://www.wimberleywagrescue.org/> [16] <http://www.hayscad.com/> [17] <http://www.pec.coop/> [18] <https://frontier.com/> [19] <http://www.wasteconnections.com/san-antonio> [20] <http://www.preventalitter.com>

Review of Health and Sanitation—95.02 – 95.99

The dictionary defines sanitation as: The process of keeping places clean and healthy, especially by providing a sewage system and a clean water supply.

95.02 Purpose – The way it currently reads seems to me to include septic tanks in (public) nuisances. Is stagnant filth the intended term? Not used elsewhere. Should nuisance be “public nuisance or public health nuisance”? Texas Code says “ each of the following is a “public health nuisance.”

Could some verbage such as reduce or prevent vermin, rodents, mosquitoes and other pests that may spread disease or destroy property be added to the purpose? Put health before property values?

Example: ...so that the City Council may promote the public health, safety and general welfare within the City through the regulation of private sewage treatment facilities (Septic systems). The City also promotes public health thru regulation of stagnant water, filth, carrion, and dangerous weeds to prevent establishment of vermin, rodents, mosquitoes and other pests that may spread disease, cause injury or destroy property.

95.03 Definitions

1. Remove Fire Safety Buffer Zone—there is nothing related to public health or sanitation in these rules. **The whole section should move to site plan.**
2. Is there a reason that the definitions are different between Public Works and Sanitation?

From Public Works definitions (50.08): Rubbish. Non-putrescible (KD--dictionary -- means solid waste that does not contain organic matter) solid waste, excluding ashe, that consist of:

(1) Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves and similar materials; and

(2) Non-combustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture and similar materials that do not burn at ordinary incinerator temperatures (160°F to 180°F).

From Sanitation definitions: *Rubbish.* Trash, garbage, debris, rubble, rocks, wrappings, unused fragments of building materials, tree trimmings, brush and other miscellaneous waste or rejected matter.

The Ordinance definition of Nuisance sounds like porn. “impure and unwholesome matter of any kind.” A public health nuisance is any condition with the potential to cause of promote pathogens, infection or disease in any individual or the public in general. (pulled from some law review).

Privy: it is not a facility (this is the definition in Texas law); it is an outhouse.

Can the City PLEASE pass an ordinance that forbids “privies “ within the City limits???
Texas law: Cannot be built within 75 feet of a drinking water well, or human habitation other than the owner’s without approval. Most bans are through zoning.

From Texarkana—nuisance includes maintaining a privy on private property where a public sewer is within 150 feet from any side of the property or lot. And where a water line is adjacent to or across the street from the property. Malodorous, dilapidated, etc.

95.04 Sanitation requirements:

(A) Fill drain or regulate any location (rather than hole or place)

(C) What is the difference between an on-site sewage facility and a septic system (private sewage system)??

95.05 Sanitation Restrictions

95.05

95.05 (B) (1) is in Construction 151.11 (D)and says place in receptacle daily. Sanitation says every 4 days. Should be removed from Sanitation.

95.05 (B) (2) is in Construction 151.11 (D) and says any matter which is within 100 feet of the construction site is assumed to be from the site and must be disposed of daily. Sanitation says matter which may blow is secured. If this needs to be said, it should be in construction. Should remove from Sanitation.

95.05 (B)(3) Seems to be an additional trash container for non-construction type trash. I did not find in Construction.. but should be moved there and removed from Sanitation.

Construction 151.11 (D): Removal of all construction materials and debris. It shall be the permit holder's responsibility to provide an appropriate temporary trash receptacle on each site prior to beginning any construction activity. This receptacle shall be a commercial dumpster or one on-site constructed box no larger than four feet high by eight feet wide by eight feet deep. It shall be the permit holder's responsibility during construction that all of the herein defined waste, construction material, be placed in the trash receptacle daily and that the receptacle be emptied promptly when it becomes full. For the purposes of this section, any construction material located within 100 feet of any construction site, or deposited on any City street to or from the site, shall be presumed to be from that construction site. The holder of any permit granted under this subchapter shall, at the conclusion of each day's activities, collect, remove or clean, and place in an appropriate solid waste container all waste material on site or on any adjacent property. In the event the permit holder fails to clean up under this section, the City may issue a stop work order until the cleanup has been completed. If the City has to take charge of the clean up, the City shall be entitled to recover from the permit holder the actual expenses incurred by the City, including attorney's fees and other reasonable expenses.

95.05 (B)(4) Portable toilets are covered in construction 151.11 (E) with more specific requirements. Should remove from Sanitation.

Construction 151.11 (E) Portable toilets.

(1) For all new construction, a portable chemical toilet must be placed on each site before any construction activity is begun and not in the street right-of-way. Toilets should be so located so the doors open into the lot on which the construction is taking place. Toilets must be serviced on regular basis.

(2) No permit shall be required for any portable toilet or materials storage shed placed on a construction site and promptly removed upon completion of construction or expiration of the permit.

95.05 (C), (D), (E) are ok unless someone else finds something.

95.05 (F) If the definition of dangerous vegetation is primarily creating a driving hazard, then what difference does it make if it is a decorative grass?

Option for (F): Any vegetation that creates a driving hazard must be cut to less than 6 inches. Vegetation that is unsightly or a threat to health, life or safety should be cut to less than 6 inches. Decorative grasses are assumed to grow to greater than 6 inches and except

when identified as a driving hazard are excluded from this section. Change “the city shall” to “the City may”.

95.05 (G) Fire Buffer Zone: has nothing to do with sanitation or health. Should move to site development. And be referenced in the fire prevention chapter. Maybe..154.040 (A) (7)says there is a landscaping ordinance.. but I don’t know what it is referring to...could not find.. but the fire buffer zone could go there... or 154.060 (C)(8) landscaping evaluation of site development also might need to include the fire buffer zone.

95.05 (H) is ok unless someone finds something.

95.06 Investigations.. I assume there is common language with other ordinances for (A) and (B).

95.06(C): Although there may be Public Health purpose requiring entrance into a private residence, unless it has to do with a private sewage system in a way that I do not understand, none of them are described in the Health and Sanitation ordinance—which describes issues outside the residence.

Here is the section of the Texas law:

an authorization to inspect the residence for a specific public health purpose by a magistrate or by an order of a court of competent jurisdiction on a **showing of a probable violation of a state health law, a control measure under Chapter 81 (Communicable Diseases), or a health ordinance of a political subdivision.**

95.06 (E) has quite a bit of drama.

96.06 (H). Why is dangerous vegetation abatement different than any other violations? I would suggest that this be incorporated into (D), (E) and (F); giving a notice and a timeframe to the property owner. Why is mowing the vegetation different?

95.06 (I): The lien seems like a penalty.. even though it is not a fine.. it could be a lot more costly. This is rather confusing.. the city can chose to incur expenses and file a lien.. but I do not see an appeal process for the property owner concerning the Code Officers determination that a violation exists before the lien can be filed.

95.99 (A) what happens if the violation is declared a to be a nuisance? Is that to allow Civil penalties as well?

95.99 (D) (2) The fines for municipal court violations and Civil penalties are different. I cannot tell that the offenses are different.

CHAPTER 95: HEALTH AND SANITATION

§ 95.01 POPULAR NAME.

This chapter shall be commonly referred to as the City's "Health and Sanitation Ordinance".

(Ord. 09-122, 6-10-2009)

§ 95.02 PURPOSE.

This chapter is adopted so the City Council may promote the public health, safety and general welfare within the City through the regulation of private sewage treatment facilities, stagnant filth, carrion, weeds, dangerous weeds and other unhealthy, unsanitary and unwholesome conditions in the City. By prohibiting the creation and maintenance of such nuisances, the City Council seeks to protect property values and prevent bodily injury, death and property damage within the City.

(Ord. 09-122, 6-10-2009)

§ 95.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The words "shall" and "will" are always mandatory.

Animal-Proof Container. A container with a secured lid constructed of material sufficiently strong to prevent domestic pets or other animals from tearing, opening or breaking.

Building. Any structure of any kind or any part thereof, erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

City. The City of Woodcreek, Texas.

City Council. The governing body of the City of Woodcreek, Texas.

Code Officer. The person or persons officially designated by the City to assist the City Council in implementing and enforcing this chapter. Such person may be a volunteer, member of the City Council, an employee of the City, a person contracted by the City or a person otherwise designated to serve in this capacity, and such assistance shall include, but is not limited to, investigating alleged violations of this chapter.

Dangerous Vegetation. Tall grass, leaves, stems, plants or some other natural material, living or dead, that creates little to no visibility for drivers, is unsightly or poses an immediate danger to the health, life or safety to any person or property.

Decorative/Ornamental Vegetation. Any plant, bush, shrub, grass or other type of vegetation, not defined as dangerous vegetation, which serves the function of providing aesthetic qualities to a landscaped area.

Fire Safety Buffer Zone. A green strip consisting of shrubs, plants or other type of vegetation that are low-lying, moist and drought resistant placed for the purpose of resisting fire ignition; may also include paved roadways, golf cart paths, maintenance roads and similar areas of non-combustible material.

Junk. Worn out, worthless and discarded material, including odds and ends, old iron or other metal, glass, paper, bottle or cans.

Litter. Refuse, rubbish, garbage, trash, objectionable, unsightly or unsanitary matter.

Long Term. In excess of time normally required to complete intended construction or utilization. In the absence of intended construction or utilization, a period in excess of 90 days.

Matter. That of which any physical object is composed.

Nuisance. Filth, carrion, stagnant water, rubbish, impure or unwholesome matter of any kind, unsightly or unsanitary matter of whatever nature.

Objectionable, Unsightly or Unsanitary Matter. Any matter, condition or object which is or should be objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

Open Storage. Storing, accumulating, keeping or displaying any unsightly item(s) or material(s) that is open to the public view, regardless of sheltering or covering, on public or private property for more than 24 hours. This includes, but is not limited to, junk, litter, objectionable, unsightly or unsanitary matter, refuse or rubbish.

Person. An individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.

Private Sewage Treatment Facility. Include, but are not limited to, sewers, privies, septic tanks and on-site sewage facilities.

Privy. A facility for the disposal of human excreta.

Refuse. Accumulation of worn out, used, broken, rejected or worthless materials.

Rubbish. Trash, garbage, debris, rubble, rocks, wrappings, unused fragments of building materials, tree trimmings, brush and other miscellaneous waste or rejected matter.

Septic Tank. A covered water-tight tank designed for sewage treatment.

(Ord. 09-122, 6-10-2009)

§ 95.04 SANITATION REQUIREMENTS.

A person who is an owner, tenant, resident, occupant or has supervision or control over any lot, tract or parcel of land, or a portion thereof, occupied or unoccupied, or is the owner, tenant, resident, occupant or has supervision or control over a building, establishment or structure, occupied or unoccupied, within the municipal boundaries of the City must:

- (A) Fill, drain or regulate any hole or place which contains stagnant water, an unwholesome condition or any other condition that may produce disease;
- (B) Keep the same free of filth, carrion, refuse, rubbish or other impure or unwholesome matter; and
- (C) Build, make, fill, alter, repair, clean, disinfect, maintain and regulate on-site sewage facilities, sewers, private sewage systems and privies in accordance with the laws, regulations and requirements of the county and the state.

(Ord. 09-122, 6-10-2009)

State law reference(s)—Penalty, see § 95.99

§ 95.05 SANITATION RESTRICTIONS.

- (A) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property within the municipal boundaries of the City to permit the following:

- (1) Long-term storage of construction material, fill material, excavated material, building supplies and construction equipment;
 - (2) An accumulation or piling of rocks or debris in an unnatural and/or unsightly manner, unrelated to landscaping or beautification of residential and commercial buildings or development;
 - (3) Open storage or accumulation of junk, inoperable appliances, broken furniture, useless waste or rejected matter;
 - (4) Allowing the growth of, or accumulation of, dangerous vegetation; and
 - (5) Storage or accumulation of any material or rubbish which the City Fire Marshal determines to be a fire hazard.
- (B) Persons, when building on site, shall be responsible to ensure that:
- (1) The site and surrounding areas are kept free from junk, refuse, rubbish and litter with no significant accumulation outside of a trash enclosure for more than four days;
 - (2) Any matter which may blow is secured at all times to prevent a nuisance to adjoining property owners or residents;
 - (3) Animal-proof containers are provided for discarded food, drink cans, unsightly or unsanitary matter of whatever nature; and
 - (4) A portable toilet is provided for the on-site workers.
- (C) All exterior-stored household garbage must be stored in an animal-proof container.
- (D) Containers used for exterior stored household garbage for weekly pickup shall not remain at curbside for longer than one day before and one day after the date of scheduled pickup.
- (E) It shall be unlawful for any person to throw, dump, leave or deposit junk, rubbish, refuse, trash or garbage on any road, right-of-way, green belt, common area, park or other public or private property.
- (F) It shall be unlawful for any person owning, claiming or having supervision or control of any occupied or unoccupied residential lot to permit dangerous vegetation to grow to a height greater than six inches upon such property. It is an exception to this division (F) if the vegetation is classified as decorative grasses. In the event such dangerous vegetation reaches a height in excess of six inches, the City shall remove said vegetation at the owner's expense.
- (G) All occupied or unoccupied businesses or facilities shall maintain a 35-foot fire safety buffer zone along the perimeter of said business or facility property. Any person, organization, business or non-profit corporation owning, claiming or having supervision or control of any occupied or unoccupied residential or commercial lot or combination of contiguous lots totaling more than one acre shall submit a plan, to the City Council for approval, for the creation and maintenance of a fire buffer zone on the property. Should there be any conflict between the submitted plan and any provision of a City ordinance, the more restrictive document shall govern.
- (H) In addition to the provisions and restrictions set for above, it shall be unlawful for any person owning, claiming or having supervision or control of any occupied or unoccupied property, as provided above, to permit dangerous vegetation to grow to a height that is determined by the City's Fire Marshal to be hazardous to the safety and welfare of the community.

(Ord. 09-122, 6-10-2009)

Cross reference(s)—Penalty, see § 95.99

§ 95.06 INVESTIGATIONS AND NOTICE OF VIOLATIONS.

- (A) The Code Officer, on his or her own knowledge or on the basis of a complaint by a resident or property owner of the City, shall investigate alleged violations of this chapter.
- (B) The Code Officer may enter upon any lot where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation outside a private residence.
- (C) The Code Officer may enter and inspect a private residence where a violation of this chapter is alleged to have occurred, at any reasonable time, in order to examine the alleged violation and to remove or direct removal of the same, if necessary, pursuant to Tex. Health and Safety Code § 161.011, upon receiving:
 - (1) Permission obtained from a lawful adult occupant of the residence; or
 - (2) An authorization to inspect the residence for a specific public health purpose by a magistrate or by an order of a court of competent jurisdiction on a showing of a probable violation of this chapter.
- (D) If the Code Officer determines there is a violation of this chapter, the Officer shall give notice in writing to such persons violating the provisions of the chapter. The notice will inform the person that he or she has seven days from receipt of the notice to remedy the violation and, if this action is not taken, the City may, but is not obligated to:
 - (1) Authorize that the necessary work be done or improvements made; and/or
 - (2) Pay for the expenses incurred in having the work done or improvements made and bill the expenses to the property owner.
- (E) The notice of a violation must be given to the owner personally in writing, either at the time of inspection by personal delivery, by posting the notice on or near the front door of each building, or by certified mail, addressed to the owner of the property at the owner's address as recorded in the County Central Appraisal District, as may be appropriate. If notice by personal service cannot be obtained, the Officer may give notice by:
 - (1) Publication of the notice, at least once, in a newspaper of general circulation;
 - (2) Posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (3) Posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (F) If such person fails or refuses to comply with the provisions of this chapter within seven days after the receipt of notice, the City may go upon such property and do or cause to be done the work necessary to obtain compliance with this chapter.
- (G) The City, in the notice of violation, may inform the owner that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation occurs within the one-year period, and the City has not been informed in writing by the owner of an ownership change, the City without notice may take action to remedy the violation.
- (H) The City may abate, without notice, dangerous vegetation.
- (I) If the City incurs expenses for the work done or improvements made, the City Council or its designee shall assess the expenses and create a lien, including possible foreclosure, against the property as follows.

- (1) The Code Officer shall send a statement of expenses to the owner, requesting that payment be made to the City within 60 days after receipt of the statement of charges. The expenses to be charged shall include: the amount paid by the City for the work done or improvements made; the costs of inspection; the costs of providing notice; the costs of identifying and notifying the owner of the property; and any incidental expenses.
- (2) If the person does not pay the expenses within 60 days after receiving a statement of charges, the Mayor, or his or her designee, shall file with the County Clerk a statement of expenses, stating the owner's name, if known, and the legal description of the property. When such statement is filed, the City shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. For such expenditures and interest, suit may be instituted and recovery and foreclosure had by the City. The statement of expense filed with the County Clerk or a certified copy thereof shall be prima facie proof of the amount expended in such work, improvement or correction of the property. The lien is security for the expenses incurred by the City and interest accruing at the rate of 10 percent per year on the amount due from the date of payment by the City.

(Ord. 09-122, 6-10-2009)

§ 95.99 PENALTY.

- (A) The City shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provisions of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.
- (B) Any person violating any provision of this chapter shall be subject to a fine upon conviction in Municipal Court or another court of competent jurisdiction, of not more than \$2,000.00, and each day of violation of this chapter shall constitute a separate offense. An offense under this chapter is a misdemeanor.
- (C) (1) A person does not commit an offense under this chapter unless he or she intentionally, knowingly, recklessly or with criminal negligence engages in conduct as the definition of the offense requires.
 - (2) Culpable mental states are classified according to relative degrees, from highest to lowest and as described as follows.
 - (a) *Intentional*. A person acts intentionally, or with intent, with respect to the nature of his or her conduct or to a result of his or her conduct when it is his or her conscious objective or desire to engage in the conduct or cause the result.
 - (b) *Knowing*. A person acts knowingly, or with knowledge, with respect to the nature of his or her conduct or to circumstances surrounding his or her conduct when he or she is aware of the nature of his or her conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his or her conduct, when he or she is aware that his or her conduct is reasonably certain to cause the result.
 - (c) *Reckless*. A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or she is aware of, but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.
 - (d) *Criminal negligence*. A person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when

he or she ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

- (D) Nothing in this chapter shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter, 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 chapter or to require specific conduct that is necessary for compliance with the chapter;
 - (2) A civil penalty up to \$1,000.00 per day, with each day constituting a separate offense when it is shown that the defendant was actually notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and
 - (3) Other available relief.

(Ord. 09-122, 6-10-2009)

§ 156.061 HOME OCCUPATION CRITERIA.

Home occupation must comply with all the following criteria.

- (A) The occupation shall produce no alteration or change in the character or exterior appearance of the principle building from that of a dwelling unit for human habitation.
- (B) Such use shall be incidental and secondary to the use of the premises for residential purposes and shall not utilize an area exceeding 20 percent of the gross floor area of the dwelling unit.
- (C) The occupation use shall be carried on solely by a member(s) of the family residing on the premises.
- (D) The occupation shall not create additional vehicular traffic.
- (E) There shall be no storage of merchandise on the property (on the outside of buildings) connected with the business, except one vehicle used in the business. Merchandise may be stored within the vehicle. Such vehicle shall be no larger than a passenger van or pickup truck. If the vehicle is used for storage purposes, such storage shall be contained within the vehicle and the merchandise shall not be visible.
- (F) The occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner.
- (G) No equipment or materials associated with the occupation shall be displayed or stored outside of buildings.
- (H) The occupation shall not produce wastewater runoff outside the dwelling unit or on property surrounding the dwelling unit.
- (I) The occupation shall not interfere with permitted uses in the neighborhood, nor make the adjoining premises unsuitable for such permitted uses.
- (J) The occupation shall not consist of the following uses: industrial, utility, manufacturing, repairing, maintaining, fabrication, laboratory or other similar uses.
- (K) No occupational use shall be allowed which creates any ultra-hazardous risk or condition on the premises or to surrounding neighbors or their property, or any other health or fire hazard, whether regulated by statute or rule promulgated by any administrative body of the state, by the federal government, by the City or which would constitute a common-law nuisance.
- (L) The occupation shall not produce, nor result in, any external noise or vibration.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

Cross reference(s)—Penalty, see § 156.999

§ 156.065 PERSONAL CARE FACILITIES.

- (A) *General.* As the City's zoning regulations must comply with the Federal Fair Housing Act, being 42 U.S.C. §§ 3601 et seq., and state laws prohibiting discrimination of the handicapped and elderly, this section clarifies what the City, by law, must allow and addresses the federal and state restrictions in place.
- (B) *Definition. Personal Care Facility* means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single-family zoning districts.
- (1) This definition includes a community-based residential home operated by:
 - (a) The Texas Health and Human Services Commission;
 - (b) A community center operated under Tex. Health and Safety Code Ch. 534, which provides services to disabled persons;
 - (c) A non-profit corporation; or
 - (d) Any entity certified by the; Texas Health and Human Services Commission as a provider under the intermediate care facilities for the mentally retarded program.
 - (2) This definition includes homes for the handicapped as defined in 42 U.S.C. § 3602(h).
- (C) *Mandated exceptions.* To the extent required by state or federal law, a personal care facility is an additional permitted use in any zoning district; provided that:
- (1) Homes and residential units not designated and constructed in compliance with the ordinance and code requirements applicable to multiple occupancy residential buildings and nursing homes, shall meet the following requirements.
 - (a) The structure shall comply with provisions of the Fire Code, Electrical Code and Building Code that are applicable to nursing homes.
 - (b) There shall be two parking spaces, plus one additional space for each three residents.
 - (c) There shall be not less than 50 square feet of living space within a sleeping room for each occupant assigned to such room.
 - (d) There shall be not less than 175 square feet of living area in the structure for each occupant/resident of the structure, and attendant on duty.
 - (e) The structure and operations shall comply with the standards established by the Health and Human Services Commission as licensing standards for personal care facilities for a Type B facility.
 - (2) The home must meet all applicable state licensing requirements;
 - (3) A personal care facility must have at least one paid staff member on duty 24 hours per day, and one supervisor for each six residents during waking hours; and
 - (4) A personal care facility may not have more than 15 residents.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

§ 156.080 BUSINESS USE REQUIREMENTS AND LIMITATIONS.

- (A) The City is divided into six business districts. All districts permitting any business or commercial use require one-acre lots and must meet requirements for parking, light and height restrictions as set forth in this chapter. The City's business districts allow low-rise garden-type buildings to a maximum of two stories for use in providing professional offices and retail services.
- (B) Permitted Neighborhood Office (NO) zoning includes:
- (1) Office of an accountant, architect, attorney, engineer, physician, dentist, medical clinic, broker, consultant, insurance agent, real estate agent, travel agent, administrative offices for building contractors and the like or similar professional offices; and
 - (2) Accessory structures and uses to any of the foregoing permitted uses.
- (C) Permitted Neighborhood Commercial (NC) zoning includes:
- (1) Antique stores, art studio or gallery, book and stationary store, electrical appliance or repair; financial institution, retail florist shop, professional or service offices, pet shop, photographer's studio, radio, television or electronics sales and service, shoe sales and repair or tailor and dressmaking and other retail stores; and
 - (2) Specifically prohibited are on-site vehicle repair or services, sales or rental of pornographic or adult items, sales of fireworks, on-site manufacturing and fabrication, on-site dispensing of fuel and on-site dispensing of items that might pose a fire hazard or which might pose a safety hazard of any kind.
- (D) Special events: those uses permitted by City Council pursuant to § 156.082 of this chapter.
- (E) Commercial lots bordering a residential zoning district shall be required to have a six-foot high privacy fence on all sides adjoining the residential zoning district.
- (F) Parking: one hard-surface (asphalt or concrete) parking space is required for each 250 square feet of gross floor space.
- (Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)