

**CODE OF ORDINANCES OF THE  
CITY OF LUFKIN  
MEMORANDUM OF UNDERSTANDING**

As prepared by:



**2435 20<sup>th</sup> Street  
Lubbock, Texas 79411  
806.797.8281  
[www.franklinlegal.net](http://www.franklinlegal.net)**

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# CODE OF ORDINANCES OF THE

## CITY OF LUFKIN

### MEMORANDUM OF UNDERSTANDING

#### GENERAL COMMENTS AND RECOMMENDATIONS

1. The final product will be numbered and indexed. Also, the final product will have tab dividers inserted before each chapter, the index and the reference tables. The final code pages will be printed on both sides on a heavier weight paper and will be bound in a custom 3-ring binder. Any and all findings, comments and/or recommendations made by Franklin Legal Publishing should be fully reviewed by an attorney appropriately designated to represent the city. Liability shall extend only to correction of errors in the code and supplements and not to acts or occurrences resulting from any such errors.
2. The numbering system to be used in the new code is a three-part system. The first number indicates the chapter number. The second indicates the article number within that chapter. The third number indicates the section number within that article and chapter. As an example, section 3.05.008 would be the eighth section in chapter 3, article 3.05.
3. Many of the code provisions are somewhat dated and are possibly obsolete. Though specific instances of this are pointed out in this review, it is recommended that all of the provisions included in this preliminary code draft be briefly reviewed to determine whether or not they are in accordance with the procedures currently being followed by the city. Of special relevance with respect to this are the fees that are to be charged for various city services.
4. The preliminary draft code is current through Ordinance 4565 adopted January 7, 2014. Ordinances adopted through the date of the legal review will be incorporated into the final draft. Ordinances adopted subsequently will be included in a pre-adoption supplement to the code.

5. Throughout the code and ordinances, fine amounts are referenced. State law periodically changes as to the amounts a municipality may fine persons for certain violations of the municipality's ordinances. Many of the older provisions currently in effect contain fine amounts, which are significantly lower than the amounts now allowed by state law. Currently, municipalities may impose fines of up to \$500.00 for violations of the ordinances except for those ordinances governing fire, health, safety and zoning. In such cases, the fines may be as high as \$2,000.00. (See V.T.C.A., Local Government Code, Section 54.001.) In the completed version of the code, a general penalty provision will be included in the first chapter which contains these current penalty amounts. This would make enforcement of the ordinances somewhat simpler. Also, should the Texas Legislature revise the allowable penalty amounts, only this one section of the code would be in need of revision, thus providing a savings on the cost of supplementing the code.
  
6. Codification consists of the codification of all "general and permanent" ordinances, meaning the code does not include ordinances that are limited in time, only applicable to a certain property or person, etc. These other ordinances (listed as Not in Code, or NIC, in the disposition tables) are specifically saved from repeal, but are not codified. Some examples of these types of ordinances include:
  - ❑ Tax levies (ad valorem) for a specific fiscal year.
  - ❑ Budget adoption (or appropriating funds) and amendments for specific fiscal year.
  - ❑ Annexation, disannexations, or expanding extraterritorial jurisdiction.
  - ❑ Bonds: issuance, certificate of obligation, bond elections.
  - ❑ Maintenance, improvements, bids.
  - ❑ Elections: Councilmembers, mayor, unopposed candidates, other elected officials. We do, however, publish charter elections and certain sales and use tax elections.
  - ❑ Abandoning portions of streets, easements, rights-of-way, etc.
  - ❑ Purchases, contracts, agreements if they are with a specific company.
  - ❑ Franchises.
  - ❑ Rezoning of a specific property. Look for boundary descriptions to help determine if the ordinance is a rezoning.
  
7. Revision has been made throughout the code where necessary to update the name(s) of any state or federal commissions, agencies, etc.

8. Revision has been made throughout the code where necessary to update references to state and federal law.
9. Words, phrases and other materials whose time has passed or that are obsolete have been omitted from the code. This includes the initial appointments to boards, etc.
10. In many instances, a word or phrase appears to have been missing in the original code provision or ordinance. Where the missing language was obvious, it has been included and has been bracketed. Only those changes that could have a potentially substantive effect have been pointed out the following review. Further, in cases where language had been bracketed in the prior code, these brackets have been removed.
11. Materials in the new code will be organized according to the following chapter arrangement:
  - Home Rule Charter
  - Chapter 1: General Provisions
  - Chapter 2: Animal Control
  - Chapter 3: Building Regulations
  - Chapter 4: Business Regulations
  - Chapter 5: Fire Prevention & Protection
  - Chapter 6: Health & Sanitation
  - Chapter 7: Municipal Court
  - Chapter 8: Offenses & Nuisances
  - Chapter 9: Personnel
  - Chapter 10: Subdivision Regulation
  - Chapter 11: Taxation
  - Chapter 12: Traffic & Vehicles
  - Chapter 13: Utilities
  - Chapter 14: Zoning
  - Appendices: Fee Schedule, Code Comparative Table and  
Ordinance Disposition Table
  - Code Index
12. Special Tables. At the request of the city, the special tables will be maintained as an appendix to the code.

13. Civil Ordinances and Penal Ordinances. The city has two ordinance designations, with separate numbering:

- Civil Ordinances
- Penal Ordinances

The existing code makes a distinction between these in the history notes and has two separate ordinance tables. In the new code, all ordinances are listed in one table and no distinction is made in the history notes.

14. Mayor emeritus. Section 30.02 of the existing code is titled “Mayor Emeritus,” but the text of the section pertains to the municipal court technology fund. Section 30.20 is titled “Technology Fund” and is identical to section 30.02. The provisions regarding the mayor emeritus provided by the city that follows will be inserted into the draft prepared for adoption:

(a) (1) Purpose, office established.

- (A) The city council desires to provide for the establishment of mayor emeritus and impose guidelines necessary for appointment and the operation of the office.
- (B) The city council believes that great benefit could be derived from the experience, knowledge, and advice of its public officials that have provided exceptional service to the city.
- (C) The city desires to honor a mayor that has contributed to the city's growth, stature and renown and has distinguished the office of the mayor by a long and successful tenure.

(2) Therefore, be it ordained that the office of mayor emeritus shall be established and governed as herein provided.

(b) Requirements.

- (1) The position of mayor emeritus shall only be occupied by a previous mayor of the city who has been elected five consecutive terms to the office of mayor.
- (2) The position of mayor emeritus shall be filled by a particular individual for a term of 15 years.

- (3) To qualify for mayor emeritus the individual shall be at least 65 years of age.
- (c) Office space. The city shall provide for the position of mayor emeritus the following:
  - (1) Office space within city hall will be provided if suitable space is available;
  - (2) The office will not be used for any profit-making activity by the mayor emeritus; and
  - (3) The designation of such an office shall be for one year and thereafter from year to year at the will of the city council.

(1972 Code, sec. 2-3; Ordinance 2674 adopted 5/3/1988)

## HOME RULE CHARTER

15. No changes will be made to the home-rule charter as part of the ordinance codification process due to the legal requirements regarding the adoption and amendment of home rule charters. (See V.T.C.A., Local Government Code, Section 9.001, et seq.) The charter has been reproduced exactly as it was provided to Franklin Legal Publishing. If the city chooses to follow any recommendations as set forth in this review, it must first comply with all state laws regarding the adoption and amendment of a home-rule charter. The charter has been reviewed by the city as included in the preliminary draft and is correct.

## CHAPTER 1 GENERAL PROVISIONS

16. Article 1.01, Code of Ordinances. These provisions pertain to the adoption of the Code of Ordinances generally (i.e., definitions, severability, etc.). (See *also* comments above regarding the general penalty provision.)
17. Sec. 1.02.002, Zoning, subdivision and street closing fees. This section will be repealed from the code and the updated fee schedule inserted in the correct place in the draft for adoption. The fee for street closing will be

included in the updated fee schedule (\$121.00, which is the county filing fee).

18. Article 1.08, Annexation Policy. This article appears to be a statement of policy and intent with regard to the city's plans for annexation in 2005. This article will be deleted from the draft prepared for adoption.
19. Sec. 1.12.005, Reservation of rights by city. Subsection (b) refers to a park commission. The city has a parks and recreation advisory board. The reference to a park commission will be changed to reflect the correct name.
20. Sec. 1.12.048, Behavior. Subsection (7), which reads as provided below will be omitted in its entirety:

Have in their possession a firearm, air rifle, air gun, BB-gun, bow and arrow or any other weapon in a park operated within the city, with the exception of peace officers or a person engaged in an activity approved by the parks director, police chief or city manager.

## CHAPTER 2 ANIMAL CONTROL

21. Several handwritten comments from the city's review have been incorporated in this section of the memorandum. Please confirm that we understood and transcribed them correctly.
22. Sec. 2.01.001, Definitions. The definition of "at large" will be amended to read: "**Whether on or off the premises** of the owner and not under the control of the owner or other persons authorized by the owner to care for the animal by leash, cord, chain or otherwise."
23. Sec. 2.01.003, Interference with animal control officer. Subsection (a) will be amended to read: "It shall be unlawful for any person to interfere with, molest, hinder, or prevent the animal control officer or his authorized representatives in the discharge of his duties herein prescribed **including, but not limited to the failure to release an animal for impoundment or any manner of interference with such impoundment**, or to violate any of the provisions of this chapter."

24. Sec. 2.02.011, Local rabies control authority. This section shall be amended to read:

**Sec. 2.02.011 Local rabies control authority designated duties**

- (a) The city council has designated the city animal control director as the local rabies control authority pursuant to state law.
- (b) In accordance with the Rabies Control Act of 1981, Tex. Health & Safety Code, section 826.001 et seq., the local rabies control authority shall be the reporting agent for the purpose of this law, whose duties shall consist of the following:
- (1) Receiving all reports of animal bites and scratches to humans.
  - (2) Receiving all reports of suspected rabid animals.
  - (3) Investigating all reported animals, bites and scratches and suspected rabid animals.
  - (4) Ordering quarantine, if appropriate, of any animal which has exposed an individual or which may be rabid.
  - (5) Other duties as entailed by the text of this law.
- (c) The city may employ such animal control officers as are necessary to carry out the purposes of this chapter.
25. Sec. 2.03.001, Dogs and cats. Subsections (b) and (c) of this section shall be deleted in their entirety and the remaining text shall be amended to read as follows:

**Sec. 2.03.001 Holding period; redemption by owner; fees**

Any ~~dog or cat~~ **dog or cat** found within the city in violation of any of the provisions of this chapter shall immediately be impounded and kept for a period of 72 hours (**hold time does not apply to feral cats**) unless the ~~dog or cat~~ **dog or cat** is wearing a valid rabies vaccination tag, in which case the ~~dog or cat~~ **dog or cat** shall be kept for a period of 120 hours, and then disposed of; provided, however, that the owner of any dog or cat impounded under the terms of this section shall be allowed to take such ~~dog or cat~~ **dog or cat** from the place where impounded upon the following conditions:

- (1) Payment of a boarding fee of the sum of \$3.50 for each day or fractional part thereof which the ~~dog~~ **dog or cat** has been impounded.
- (2) Payment of the following impoundment fee:
  - (A) Impoundment of an altered dog or cat:
    - (i) 1st impoundment: \$12.00.
    - (ii) 2nd impoundment: ~~\$20.00~~ **\$22.00**.
    - (iii) For each impoundment thereafter, an additional \$10.00 will be charged.
  - (B) Impoundment of an unaltered dog or cat:
    - (i) 1st impoundment: \$25.00.
    - (ii) 2nd impoundment: \$35.00.
    - (iii) For each impoundment thereafter, an additional \$10.00 will be charged.

When an unaltered ~~animal~~ **dog or cat** has been impounded, a \$15.00 rebate will be given to the owner if proof that the ~~animal~~ **dog or cat** has been altered is presented within 30 days of the initial impoundment.

- (3) Payment of any veterinarian charges.
- (4) If the ~~dog~~ **dog or cat** is not wearing a collar with valid rabies ~~and license tags~~ **tag** attached, then the owner thereof must present a certificate showing that the dog or cat has been vaccinated within 12 months from that day, or have the ~~dog~~ **dog or cat** vaccinated within 72 hours of release from impoundment, and must further produce **a valid rabies tag or certificate**. ~~or secure a valid license tag for such dog or cat.~~
- (5) Provide the dog **or cat** with a collar or harness to which the ~~license and rabies tag~~ **are is** attached.

Please note, all fee amounts will be removed from the text and placed in the fee schedule which will be compiled as an appendix to the code.

26. Sec. 2.03.002, Animals other than dogs and cats. Subsection (b), regarding diseased animals, is duplicative of section 2.03.004 and will be omitted from the new code.
27. Sec. 2.06.001, Definitions. Subsection (1) of the definition of “dangerous dog” will be amended to read: “Any dog that, when unprovoked, inflicts severe injury or death to a person, or severely attacks a person on public or private property...”
28. A section shall be added to the fee schedule titled “Shelter fees” and shall read:
- (a) Adoption fees. The cost of adopting an animal from the city animal services facility shall be as follows:
- (1) Dogs and cats: \$60.00.
  - (2) Livestock: \$100.00.
- (b) Surrender fee.
- (1) \$15.00 per each animal over 9 weeks.
  - (2) Litter plus mother:
    - (A) 0-5 weeks: \$15.00.
    - (B) 6-8 weeks: \$20.00.
    - (C) 9 weeks and over: \$25.00.
- (c) Euthanasia request.
- (1) Small animal: \$5.00.
  - (2) Medium animal: \$7.00.
  - (3) Large animal: \$10.00.
- (d) Rabies quarantine fees.

- (1) 10-day observation: \$35.00.
- (2) Rabies transport if not current: \$25.00.
- (3) Rabies shot: \$15.00.
- (4) Pickup fee if not brought by owners: \$25.00.

### **CHAPTER 3 BUILDING REGULATIONS**

29. Sec. 3.01.002, Fee when work commenced prior to obtaining permit. The triple permit fee applies to the miscellaneous permits listed in section 3.01.001(a) as well as the building permits in subsection 3.01.001(b). The reference in section 3.01.002 to 3.01.001(b) will be changed to include all of the building fees which shall be published in the fee schedule.
30. Article 3.02, Construction Board of Appeals.
- ❑ This section establishes this “construction board of appeals” to hear appeals from decisions of the building official.
  - ❑ Section 3.09.044 pertaining to flood damage regulations mentions the “construction board of adjustments and appeals.”
  - ❑ Article 3.10 pertaining to mobile homes mentions the “building board of adjustment and appeals.”

As these are all the same board, the name will be revised for consistency throughout the code to the “construction board of adjustments and appeals.”

### **CHAPTER 4 BUSINESS REGULATIONS**

31. Sec. 4.03.033, Measurement of distances. This section restricts the location of sales with regard to schools, churches and hospitals. While state law does provide that municipalities may restrict sales to within three hundred feet (300') of such institutions, amendments to the law provide for different a manner of measurement for schools. The measurements of the distance between such businesses and public schools is to be from the "nearest property line of the public school to the nearest doorway by which the public

may enter the place of business, along street lines and in direct line across intersections." For such businesses where minors are prohibited from entering the premises under Section 109.53 of the Alcoholic Beverage Code, the measurement of the distance between the premises and a public school is to be "along the property lines of the street fronts and from front door to front door, and in a direct line across intersections." (See V.T.C.A., Alcoholic Beverage Code, Section 109.3(a).) These provisions will be amended to be in accordance with current state law.

32. Sec. 4.04.064, Fee. Although the city may require such persons to register with the city, such persons are exempt from the payment of a license or permit fee. Ordinances requiring permit fees for persons engaging interstate commerce have been held to impose an undue burden on interstate commerce and were held to be void. (See Pictorial Review Co. v. Alexandria, 46 F2d 337.) Ordinance 433 which exempts such persons from paying a permit fee will be incorporated in the code.
33. Sec. 4.10.038, Appeals. This section contains a reference to section 154.04(E)(1), which was an amendment to the previous zoning ordinance. Section 154.04 has been omitted as obsolete. This reference will be revised to "the zoning ordinance." The references to the board of adjustment will be changed to refer to the zoning board of adjustments and appeals.
34. Article 4.12, Tanning Facilities. This article will be amended to omit any reference to a license issued by the state department of health.

## CHAPTER 5 FIRE PREVENTION AND PROTECTION

35. Sec. 5.04.002, Standard Fire Prevention Code adopted. This appears to be superseded by the adoption of the International Fire Code in section 5.04.001 and will be deleted.
36. Sec. 5.06.005, Effective date in annexed areas and areas contiguous to city. The second sentence of this section will be deleted, as this time period has passed. (Note: this sentence mentions a distance of 500 feet outside the city limits. The prohibited distance under section 5.06.002 is 300 feet outside the city limits.)

**CHAPTER 6  
HEALTH AND SANITATION**

37. Article 6.03, Food Establishments. This article will be omitted in its entirety as it is currently provided and will be replaced with the following language:

The city adopts the provisions of the current Texas Food Establishment Rules of the Health and Human Services Commission found in 25 Texas Administrative Code, chapter 228 and further amendments thereof which are to be regulated by Angelina County & Cities Health District under the direction of the board of health regarding food establishments within the county.

**CHAPTER 7  
MUNICIPAL COURT**

38. None of the provisions contained in this chapter will be revised during the codification process.

**CHAPTER 8  
OFFENSES AND NUISANCES**

39. Sec. 8.01.012, Display of obscene material or material tending to corrupt minors. This section will be deleted in its entirety at the request of the city.
40. Article 8.02, Noise. This article will be deleted in its entirety at the recommendation of the city attorney.
41. Sec. 8.03.002, Carrying concealed weapons on city-owned premises. This section will be omitted from the code in its entirety at the recommendation of the city attorney.
42. Article 8.04, Graffiti. This article will be omitted from the code in its entirety at the recommendation of the city attorney.
43. Article 8.05, Loitering. Numerous court cases have held that ordinances regulating vagrancy and/or loitering are unconstitutional. (See Chicago v. Morales, et al., (1999), Kolender v. Lawson, 103 S.Ct. 1855 (1983), Howard

v. State, 617 S.W.2d 191 (Tex.Cr.App. 1981).) Further, criminal trespass law would apply in cases of loitering on private property. This article will be removed from the code.

44. Sec. 8.07.121, Definition. As of September 1, 2011, the state law definition of "junked vehicle" has been amended. This definition will be revised to be consistent with state law.

## CHAPTER 9 PERSONNEL

45. Sec. 9.01.002, Social security. Since municipalities are bound by federal law with regard to such provisions and the state now administers social security under V.T.C.A., Government Code, ch. 606, this section is no longer necessary and will be repealed by not including it in the new code.
46. Sec. 9.01.003, Texas Municipal Retirement System. It is likely that there have been amendments to the provisions regarding TMRS (i.e., updated service credits, etc.) that the previous codifier did not include. At the city's request, this section will remain in the code as originally provided.
47. Sec. 9.01.004, Health benefits coverage for retirees. Ordinance 3723A supersedes the existing provisions in the code and will be incorporated in the new code.
48. Sec. 9.02.032, Assignment pay for field training officers. This section will be omitted from the code in its entirety at the recommendation of the city attorney.
49. Sec. 9.02.034, Excessive force policy. This section will be omitted from the code in its entirety at the recommendation of the city attorney.

## CHAPTER 10 SUBDIVISION REGULATION

50. General comment. The subdivision ordinance is not printed in the existing code, just a section stating that it is continued in effect. The subdivision ordinance as provided by the city will be incorporated as an exhibit in this chapter of the code.
51. Secs. 10.02.001–10.02.004, pertaining to amendments to the former subdivision ordinance. These sections will be omitted from the code as being obsolete due to the adoption of Ordinance 3693 (the new subdivision ordinance).

## CHAPTER 11 TAXATION

52. Sec. 11.02.005, Tax levy for year 1997. The title in the existing code is “Property Valuation Tax,” and pertains only to year 1997. It is unclear why it was included in the code, but will be omitted as being obsolete.
53. Sec. 11.02.006, Tax levy for year 2011. The title in the existing code is “Debt Service Fund,” and pertains only to year 2011. It is unclear why it was included in the code, but will be omitted as being obsolete.
54. Sec. 11.03.001, Exemption of sale of gas and electricity for residential use. At the request of the city, this section will be deleted in its entirety.
55. Sec. 11.04.001, Purpose; use of funds. This section regarding the allowable use of hotel occupancy tax revenue is not consistent with state law. (See V.T.C.A., Tax Code, section 351.101.) Because the statute from which this section derives has been recently amended, the specific uses will be revised to be in compliance with state law.
56. Article 11.05, Division 2 - Enterprise Zone. The city requested that the Enterprise Zones be included in the code, though they are adopted by resolution.

## CHAPTER 12 TRAFFIC AND VEHICLES

57. Many of the provisions to be contained in this chapter are not legally troublesome, but are of such a local nature that it is important that they be fully reviewed by the city to determine current applicability. This is particularly true with regard to speed limits, parking provisions, etc.
58. Sec. 12.04.002, Conformance with manual and resolutions of council. Traffic-control devices must now be installed in accordance with the manual and specifications adopted by the Texas Transportation Commission pursuant to V.T.C.A., Transportation Code, sec. 544.001. Therefore, the following language will be included in this section:
- “All traffic-control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the city shall conform with the manual and specifications adopted by the state transportation commission as provided in V.T.C.A., Transportation Code, section 544.001. All signs, signals and markings erected or used by the city must conform to the manual and specifications adopted under V.T.C.A., Transportation Code, section 544.001. All existing traffic-control devices and those erected in the future by the city being consistent with the manual and specifications, state law and this section shall be official traffic-control devices.”*
59. Sec. 12.05.012, Limitations on turning around. This section will be omitted from the code in its entirety at the recommendation of the city attorney.
60. Sec. 12.05.005, Permit required for funeral processions and parades. (Ordinance 193 adopted 8/15/61) This section requires a permit for funeral processions and parades containing 200 or more persons or 50 or more vehicles. With regard to parades (but not funeral processions) this appears to be superseded by article 1.14 (Ordinance 3215 adopted 10/15/96), which requires a permit for all parades. Funeral processions are excepted from article 1.14 per section 1.14.001. At the request of the city, sections 12.05.005, 12.05.006 and 12.05.007 will be omitted from the code.
61. Sec. 12.06.044, Speed restrictions for ambulances. Subsection (b) will be omitted from the code in its entirety at the recommendation of the city attorney.

62. Sec. 12.07.001, Penalties. The penalties for overtime parking in subsection (a) (\$5.00/\$10.00) are in conflict with the penalties in section 12.07.041(a) (\$5.00/\$10.00/\$25.00). Section 12.07.001(a) will be deleted as section 12.07.041 controls.
63. Sec. 12.07.010, Parking in fire lane. Subsection (d)(2) will be omitted from the code in its entirety at the recommendation of the city attorney.
64. Article 12.10 - Traffic Schedules
- Schedule I, Speed limits: This schedule will be amended to read as provided in the document reviewed and prepared by the city. The school zones in this schedule (see below) will be moved to schedule II.  
  
Anderson Elementary School (Champions Drive)  
Brandon Elementary (Kurth Drive)  
Brandon Elementary School (Sayers Street)  
St. Cyprian's School, Loop 287
  - Schedule II (School zones and school crossings) has not been amended since 1998. This schedule will be retained as provided in the 1995 Code with the addition of the school zone added by Ordinance 4624 and those mentioned in the bullet point above. The city may wish to review the revised section for any duplication.
  - Schedule III (One way traffic). This section will be retained as provided in the 1995 Code.

## CHAPTER 13 UTILITIES

65. Sec. 13.02.156, Dumpster service. The words "September 28, 2006" appear to be an error and will be deleted from the new code.
66. Sec. 13.08.031, Policy, purpose and intent. In subsection (b), the reference to section 13.08.038 (Variances) is incorrect and will be corrected to 13.08.010.

67. Sec. 13.03.042, Deposits; minimum rates. The corrected deposit amounts and language provided by the city will be inserted in this section and the fee schedule. Subsection (b) will be retained as provided in the preliminary draft.
68. Sec. 13.03.041, Connection fees (water) and Sec. 13.04.041, Connection fee (sewer).
- Section 13.03.041 will be amended to read as follows:
    - (a) Water connection fees.
      - (1) ~~A three-quarter inch water tap connection fee is \$318.00 and \$495.00 with a road bore within the city and \$477.00 and \$742.50 with a road bore within the extraterritorial jurisdiction of the city.~~ **Water connection fees shall be as provided in the fee schedule in appendix A to this code.** In new subdivisions where the developer installs water service lines to the property line in all lots within the subdivision, the connection fee for a three-quarter-inch water service line shall be reduced by \$40.00.
      - (2) ~~A one-inch water tap connection fee is \$481.00 and \$788.00 with a road bore within the city and \$721.50 and \$1,182.00 with a road bore within the extraterritorial jurisdiction of the city.~~
      - (3) ~~A two-inch water tap connection fee is \$1,850.00 within the city and \$2,775.00 outside the city limits.~~
    - (b) Installation of connection. The city water and sewer department will make all water connections to the city main line outside and inside the city limits.
  - The fees in sections 13.03.041 and 13.04.041 will be omitted and the fees provided by the city will be added to the fee schedule.
69. Sec. 13.03.045, Discontinuance of service for failure to pay charges; reconnection fee; emergency service call fee. Subsection (a) and (b) will be replaced with the text supplied by the city. Subsection (c) will be amended to read: "A charge of \$20.00 shall be made for each emergency service call made after 5:00 p.m. ~~that is not related to a delinquency.~~"

## CHAPTER 14 ZONING

70. The zoning ordinance is not printed in the existing code, just a section stating that it is continued in effect. The zoning ordinance as provided by the city will be incorporated as an exhibit in this chapter of the code. The city sent a planning fee schedule which will also be incorporated into the code.
71. Sec. 14.02.001, Zoning ordinance not affected by code. This section will be omitted, as the zoning ordinance will be included in its entirety in the draft prepared for adoption.
72. Sec. 14.02.002, Requirements for single-family residences in MH, MD or SF/MX district. The current zoning ordinance does not list an SF/MX district. At the city's request, the references to MX in this section will be changed to MF (Multifamily Apartment/Duplex).
73. Article 14.03, Planned Unit Development District. The city may wish to review these provisions for possible overlaps or conflicts with the zoning ordinance.
74. Sec. 14.04.003, Approval procedure and criteria. Subsection (a) refers to an "A and Special Use District." There is no such district mentioned in the current zoning ordinance. The city notes that "A" is defined as Apartment Dwelling District in the zoning ordinance provided; therefore, no changes will be made to this section.
75. Section 154.04 of the existing code, "Omissions, amendments and additions to zoning ordinance," sets out amendments to the previous zoning ordinance, Ordinance 1141. The amendments are dated from 1964 to 1996. This section has been omitted as obsolete.

## FEE SCHEDULE

76. All of the fees throughout the code will be removed from the text and a fee schedule compiled which will be published as appendix A of the new code.

**CODE OF ORDINANCES OF THE  
CITY OF LUFKIN  
ADDENDUM TO MEMORANDUM OF  
UNDERSTANDING**

As prepared by:



**2435 20<sup>th</sup> Street  
Lubbock, Texas 79411  
806.797.8281  
[www.franklinlegal.net](http://www.franklinlegal.net)**

# CODE OF ORDINANCES OF THE CITY OF LUFKIN

## ADDENDUM TO MEMORANDUM OF UNDERSTANDING

### CHAPTER 5 FIRE PREVENTION AND PROTECTION

1. Article 5.03, division 3, Volunteer Fire Departments. At the city's request, this division was omitted in its entirety.

### CHAPTER 6 HEALTH AND SANITATION

2. Article 6.08, Emergency medical service and private ambulance service. Ordinance 2716 was inadvertently omitted from the previous code and was added at the request of the city. The permit fee for private ambulances was moved to the fee schedule. All references to the city commission were changed to the city council.

### CHAPTER 8 OFFENSES AND NUISANCES

3. Sec. 8.04.061, Notice requirements; report to law enforcement agency. The garagekeeper's fee to pay for cost of notice (moved to the fee schedule during the codification process) was updated to \$10.00 to be in compliance with state law.

### CHAPTER 10 SUBDIVISIONS

4. The subdivision ordinance revised January 4, 2012 as provided by the city was included as exhibit A to this chapter. The version provided by the city omitted Ordinance 4284. This amendment was incorporated into the subdivision ordinance.

## CHAPTER 11 TAXATION

5. Sec. 11.03.001, Sales tax elections. A section was added placing the ordinances calling elections as well as those certifying election results for the imposition of sales and use taxes on file in the office of the city secretary.

## CHAPTER 14 ZONING

6. The zoning ordinance revised October 19, 2010, as provided by the city was included as exhibit A to this chapter.
  - The version provided by the city did not reference the inclusion of Ordinance 4076 but it appears the text was included. Ordinance 4076 was added to the table in section 14.02.001 which outlines the ordinances included in the zoning ordinance by the city.
  - It appears sections I through V of Ordinance 4283 were incorporated by the city without notation but Section VI was not. Section VI was incorporated into the definitions section and Ordinance 4283 was added to the table in section 14.02.001 which outlines the ordinances included in the zoning ordinance by the city.
  - Ordinances 4404, 4405, and 4406 were added to the zoning ordinance.

## FEE SCHEDULE

7. Sec. 1.11.186, Kurth Lake Fees. The fees in this section were set by resolution. This language was removed for a more general statement (as adopted by city council) so the city can add these fees to the fee schedule (by ordinance) without amending this section as well.
8. Sec. 2.08.003, Term of license; fee; standards for premises; state license. Pet shop license fees shall be determined by the city council. No amount is specified.

9. Sec. 3.07.071, Fees. No permit fee is specified for electrified fences.
  
10. Article 4.02, Alarm Systems. Alarm fees are currently set by resolution. All references to “by resolution” were removed for a more general statement (as adopted by city council) so the city can add these fees to the fee schedule (by ordinance) without amending this section as well.