

Village of Palisades
Municipal Code of Ordinances
Adopted December 8, 2020
Updated: July 13, 2023

Table of Contents

Chapter 1 – General Provisions	5
<i>Article 1.01 Code of Ordinances</i>	5
<i>Article 1.02 Administration</i>	10
<i>Article 1.03 Mayor and Board of Aldermen.....</i>	10
<i>Article 1.04 Village Personnel.....</i>	11
<i>Article 1.05 Boards, Commissions, and Committees</i>	14
<i>Article 1.06 Emergency Management</i>	15
<i>Article 1.07 Records Management</i>	20
<i>Article 1.08 Abandoned Property.....</i>	26
Article 1.09 Financial Policy.....	28
Chapter 2 - Animals.....	29
<i>Article 2.01 – General Provisions</i>	29
Chapter 3 – Offenses and Nuisances.....	40
<i>Article 3.01 General Provisions</i>	40
<i>Article 3.02 - Weeds and Overgrown Vegetation.....</i>	45
<i>Article 3.03 – Garbage, Rubbish, and Other Waste.....</i>	48
<i>Article 3.04 Unsafe or Unsightly Structures on Personal Property</i>	50
<i>Article 3.05 Junked vehicles</i>	51
<i>Article 3.06 Minors.....</i>	54
Chapter 4 – Health and Sanitation	57
<i>Article 4.01 – General Provisions</i>	57

Chapter 5 – Fire Prevention and Protection.....	62
<i>Article 5.01 General Provisions</i>	<i>62</i>
<i>Article 5.02 Fire Department</i>	<i>62</i>
Chapter 6 – Municipal Court	65
<i>Article 6.01 General Provisions</i>	<i>65</i>
<i>Article 6.02 Fines, Costs, and Special Expenses.....</i>	<i>65</i>
Chapter 7 – Flood Damage Prevention	67
<i>Article 7.01 – Statutory Authorization, Findings, Purpose and Methods .</i>	<i>67</i>
<i>Article 7.02 - Definitions</i>	<i>68</i>
<i>Article 7.03 – General Provisions</i>	<i>77</i>
<i>Article 7.04 – Administration</i>	<i>78</i>
<i>Article 7.05 – Provisions for Flood Hazard Reduction.....</i>	<i>82</i>
Chapter 8 – Traffic and Vehicles	90
<i>Article 8.01 - General Provisions.....</i>	<i>90</i>
<i>Article 8.02 Operation of Vehicles</i>	<i>93</i>
<i>Article 8.03 Parking, Stopping, and Standing.....</i>	<i>98</i>
Chapter 9 – Building.....	101
<i>Article 9.01 – General Provisions</i>	<i>101</i>
<i>Article 9.02 - Permitting</i>	<i>103</i>
<i>Article 9.03 – Building Regulations</i>	<i>108</i>
<i>Article 9.04 – Substandard Structures.....</i>	<i>115</i>
<i>Article 9.05 – Variance Procedure.....</i>	<i>125</i>

Appendix A – Fee Schedule 127

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

Chapter 1 – General Provisions

Article 1.01 Code of Ordinances

Sec. 1.01.001 Adoption (Ordinance 201)

This code is hereby adopted as the Code of Ordinances of the Village of Palisades, Texas, as compiled, edited, and published by the Panhandle Regional Planning Commission.

Sec. 1.01.001 How Code is Designated and Cited (Ordinance 2021-1)

The ordinances embodied in this and the following chapters and sections shall constitute and be designated the “Code of Ordinances, Village of Palisades, Texas” and may be so cited.

Sec. 1.01.002 Headings (Ordinance 2021-1)

The heading of a title, sub-title, chapter, sub-chapter, article, or section does not limit or expand the meaning of a rule or ordinance.

Sec 1.01.003 Rules of Construction and Definitions (Ordinance 2021-1)

In the construction of this Code and for all ordinances and resolutions passed by the Board of Aldermen, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of Aldermen:

Generally – words shall be construed in their common and usual significance unless the contrary is clearly indicated.

Village – the words “the Village”, “this Village”, or the “Village of Palisades” shall mean the Village of Palisades, Randall County, Texas.

City Secretary, Chief of Police, Police Officer, or other City Officers – the words “City Secretary”, “Chief of Police”, “Police Officer”, or other city officers or departments shall be construed to mean the City Secretary, Chief of Police or other such municipal officers as specified in Chapter 1, respectively, of the Village of Palisades, Texas.

Alderman – the words “Aldermen”, “Alderman”, or “Alderwoman” shall be construed as any of the duly elected or appointed members of the Board of Aldermen, Village of Palisades, Texas.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

Board of Aldermen – whenever the terms “Board” or “Board of Aldermen” is used in this Code, it shall mean the Board of Aldermen of the Village of Palisades, Texas.

Computation of Time – Whenever a notice is required to be given or an act to be done a certain length of time before any preceding shall be had, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday.

State law reference–Computation of time, V.T.C.A., Government Code, sec. 311.014.

County – whenever the terms “county” or “this county” appears in this Code, it shall mean the County of Randall, Texas

Delegation of Authority – whenever a provision of this Code requires or authorizes an officer or employee of the Village to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate, and authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise, and unless specifically authorized by city ordinance, state or federal law.

Gender – a word imparting the masculine gender only shall extend and be applied to females, and to firms, partnerships, associations, and corporations as well as to males.

Month – the word “month” shall mean a calendar month.

Owner – the word “owner”, applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by entirety, of the whole or of a part of such building or land.

Person – the word “person” shall extend and apply to associations, corporations, firms, partnerships, and bodies politic and corporate, as well as individuals.

Preceding, following - The terms “preceding” and “following” mean next before and next after, respectively.

Property - The word “property” shall mean and include real and personal property.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

State law reference—"Property" defined, V.T.C.A., Government Code, sec. 311.005.

Real property - The term "real property" shall mean and include lands, tenements and hereditaments.

State – the words "the state" or "this state" shall be construed to mean the State of Texas.

Tense – words used in the past or present tense include the future as well as the past and present.

V.T.C.S., V.T.P.C., V.T.C.C.P., V.T.C.A - Such abbreviations refer to the divisions of Vernon's Texas Statutes Annotated.

Year – the word "year" shall mean a calendar year.

Sec. 1.01.004 Amendments or Additions to the Code (Ordinance 4)

All ordinances passed subsequent to this Code that amend, repeal, or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the Board. All amendments to the Code of Ordinances must be submitted in Ordinance form and such ordinances must be at three (3) separate meetings, by the Board of Aldermen, prior to passage. Additions of any type shall be publicly posted within the limits of the Village after the first reading of said ordinance and shall remain posted until the passing of such ordinance after a third reading.

Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language:

"That section _____ of the Code of Ordinances, Village of Palisades, Texas, is hereby amended to read as follows:....." The new provisions shall then be set out in full as desired.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

In the event a new section not heretofore existing in the Code is to be added, the following language shall be used:

“That the Code of Ordinances, Village of Palisades, Texas, is hereby amended by adding a section, to be numbered _____, which said section reads as follows:.....” The new section shall then be set out in full as desired.

Sec 1.01.005 Altering Code (Ordinance 2021-1)

It shall be unlawful for any person to change or amend by additions or deletions, any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Village to be misrepresented thereby. Any person violating this section shall be subject to a penalty as provided in Section 1.07 hereof.

Sec. 1.01.006 General Penalty for Violations of Code; Continuing Violations (Ordinance 2021-1)

- (A) Whenever in this code or in any ordinance of the village an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00).
- (B) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, including the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).
- (C) A person convicted of an offense under title 7, subtitle C, Transportation Code (the Uniform Act Regulating Traffic on Highways) for which another penalty is not provided shall be punished by a fine of not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00) plus such other penalties and costs as may be provided by such subtitle C.
- (D) Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that does

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

not exceed five hundred dollars (\$500.00) does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense. Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that exceeds five hundred dollars (\$500.00) shall require a culpable mental state.

- (E) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.
- (F) Unless otherwise stated in this code or in any ordinance, each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.
- (G) In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the village. In addition to the penalty prescribed above, the village may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

State law references—Penalties for violations, V.T.C.A., Local Government Code, sec. 54.001; penalty for class C misdemeanor, V.T.C.A., Penal Code, sec. 12.23; requirement of culpability, V.T.C.A., Penal Code, sec. 6.02.

Sec. 1.01.007 Effect of Repeal of Ordinances (Ordinance 2021-1)

The repeal of an ordinance shall not revive any ordinances in force before or at the time the repealed ordinance took effect.

The repeal of an ordinance shall not effect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or caused of action arising under the ordinance repealed.

Sec 1.01.008 Severability of Parts of Code (Ordinance 2021-1)

It is hereby declared to be the intention of the Board that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional or unenforceable by the final judgment or decree of a court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses sentences, paragraphs, and sections of this Code, since the same would

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

have been enacted by the Board without the incorporation in this Code of any such unconstitutional or unenforceable phrase, clause, sentence, paragraph or section.

Sec 1.01.009 Incorporated under the General Laws of the State of Texas (Ordinance 2021-1)

The Village of Palisades is incorporated under the General Laws of the State of Texas as a Type B Municipality and is subject to all the provisions of said title and shall be vested with all rights, powers, privileges, immunities and franchises therein conferred

State law reference: Local Government Code, Title 2

Article 1.02 Administration

Sec 1.02.001 Village Boundaries (Ordinance 7)

The boundaries of the Village of Palisades are prescribed by the various enactments on file in the Community Center, and as graphically displayed on a map of the Village located in such office.

Article 1.03 Mayor and Board of Aldermen

Sec 1.03.001 Mayor Designated Agent to Release Liens (Ordinance 2021-1)

The Mayor is hereby authorized to represent the Village of Palisades in releasing judgment liens taken for delinquent taxes that have been paid, or when a release would be in order and in the best interest of the Village.

Sec 1.03.002 Board of Aldermen Composition; Quorum (Ordinance 16a)

The municipal government of the Village shall consist of a Board of Aldermen composed of the Mayor and five aldermen to be elected from the Village at large. A majority of whom shall constitute a quorum for the transaction of business, except at all meetings for the imposition of taxes, when two-thirds of a full board shall be required, unless otherwise specifically provided elsewhere or by state statute.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

Sec 1.03.003 Term of Office; Exceptions (Ordinance 16a)

All of the elected officials of the Village of Palisades shall hold office for term of two years with said term beginning at the first meeting following the general election and ending two calendar years later at the first meeting following the general election. The exception to this shall be those members of the Board appointed to fill a vacancy or an un-expired term. In this case, the appointed member shall serve until the expiration of the term for which the appointment is made. All members of the Board of Aldermen will be elected or appointed each odd year.

Sec. 1.03.004 Concurrent Service in Village Departments (Ordinance 2021-1)

Members of the board of aldermen may serve in the village fire and emergency services department concurrently with their service on the board of aldermen. Department heads may not serve as mayor.

State law reference—Members of municipal governing bodies may volunteer, V.T.C.A., Local Government Code, sec. 21.003.

Article 1.04 Village Personnel

Sec 1.04.001 Village Secretary (Ordinance 2)

The office of Village Secretary has been created by the Board of Aldermen of the Village of Palisades and shall have all traditional powers, authorities, and responsibilities as assigned by state statute.

- (1) The position of Village Secretary shall be filled by an action of the Board of Aldermen and a person appointed to the office of Village Secretary shall serve from the date of appointment by the Board of Aldermen until such time as the appointment is terminated by the Board of Aldermen in a formal action.
- (2) The Village Secretary shall have those duties as specified above and as shall be specified by the Village Board from time to time.
- (3) The Village Secretary shall have the authority, subject to the approval of the Board, to employ such assistance as is necessary to the performance of the

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

assigned and prescribed duties and compensation for such employees shall be fixed by the Board of Aldermen.

State law references—Appointment of secretary, V.T.C.A., Local Government Code, sec. 22.071; powers and duties of city secretary, V.T.C.A., Local Government Code, sec. 22.073.

Sec 1.04.002 Village Treasurer (Ordinance 3)

The office of Village Treasurer has been created by the Board of Aldermen of the Village of Palisades and shall have responsibility for the management of Village funds, including receipt, deposit, and expenditure in accordance with the duly adopted Village Budget.

- (1) The position of Village Treasurer shall be filled by an action of the Board of Aldermen and a person appointed to the office of Village Treasurer shall serve from the date of appointment by the Board of Aldermen until such time as the appointment is terminated by the Board in a formal action.
- (2) The Village Treasurer shall have those duties as specified above and shall also serve as the Public Funds Investment officer for the Village and shall also have those duties as specified by the Village Board from time to time.

Sec. 1.04.003 Police Chief (Ordinance 23, 23a, 23b, 2021-)

The office of Police Chief has been established by the Board of Aldermen of the Village of Palisades and the office shall have those duties, powers, and authorities as prescribed and defined by the statutes of the State of Texas to a Chief of Police.

- (1) The office of Chief of Police shall be filled by an action of the Board of Aldermen and a person appointed to the office of Chief of Police shall serve until such time as the appointment is terminated by the Board in a formal action.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

- (2) Compensation for the Chief of Police shall be fixed by the Board of Aldermen.
- (3) The Police Chief may designate and hire, with Mayoral approval, a paid Police Officer or Officers to hold the duties, powers and authorities as prescribed and defined by the statutes of the State of Texas and by the Code of Ordinances of the Village of Palisades. Compensation for Officer(s) shall be fixed by the Board of Aldermen.
- (4) Members of the paid Police Force must comply with the minimum training standards established by the Texas Commission on Law Enforcement.
- (5) In the event that the Village does not have a Police Chief, the Village may enter into an agreement with a licensed law enforcement professional to provide law enforcement protection as a Police Officer for the Village. This Officer or Officers would report to the Village Board of Aldermen if no Police Chief is employed by the Village.

Sec. 1.04.004 Village Prosecutor (Ordinance 2021-1)

The office of Village Prosecutor has been established by the Board of Aldermen of the Village of Palisades and the office shall have those duties, powers, and authorities as prescribed and defined by the statutes of the State of Texas.

- (1) The office of Village Prosecutor shall be filled by an action of the Board of Aldermen and a person appointed to the office of Village Prosecutor shall serve until such time as the appointment is terminated by the Board in a formal action.
- (2) Compensation for the Village Prosecutor shall be fixed by the Board of Aldermen.

Sec. 1.04.005 Village Ordinance Enforcement Inspector/Permit Clerk (Ordinance 27)

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

The Village Ordinance Enforcement Inspector/Permit Clerk has been established by the Board of Aldermen of the Village of Palisades and shall have the responsibility to perform a variety of inspections of building and properties to ascertain and ensure compliance with Village Code of Ordinances which may include, but are not limited to: nuisance complaints, permit problems, substandard structures, weeds and uncultivated growth, junk and debris, junk vehicles, building code requirements, mobile homes, manufactured housing, travel trailers, and recreational vehicles.

- (1) The office of Village Ordinance Enforcement Inspector/Permit Clerk shall be filled by an action of the Board of Aldermen and a person appointed to the office of Village Ordinance Enforcement Inspector/Permit Clerk shall serve until such time as the appointment is terminated by the Board in a formal action.

Article 1.05 Boards, Commissions, and Committees

Sec. 1.05.001 – 1.05.020 Reserved

Division 1. Building Committee

Sec. 1.05.021 Established; composition (Ordinance 2021-1)

Building committee. There is hereby created the Building Committee to consist of eight (8) members, five (5) of whom shall be residents within the corporate limits of the municipality and shall have resided within the Village for no less than one (1) year. Three (3) other member shall be the Ordinance Clerk, Permit Clerk, and the Floodplain Administrator, who shall be ex officio members serving in an advisory capacity and without the power to vote.

Sec. 1.05.022 Appointment and Terms of Members (Ordinance 2021-1)

The five (5) voting members of the building committee shall be appointed by the Village Board of Aldermen. The five (5) members of the Building Committee shall be appointed to two-year terms and may be re-appointed at the expiration of each term.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

Sec. 1.05.023 Officers and Quorum (Ordinance 2021-1)

The chairman of the building committee shall be the Ordinance Clerk. It is the duty of the Chairman to call all meetings of the committee and to preside at the meeting. In the absence of the Ordinance Clerk, their duties will fall to the Mayor who will serve as an ex officio officer and may call a meeting as necessary and preside over the meeting. A quorum of the committee shall be a simple majority of appointed members.

Sec. 1.05.024 Vacancies (Ordinance 2021-1)

Should a vacancy occur due to removal by the Village Board of Aldermen, resignation of the committee member, death, or other extenuating circumstance, the vacancy shall be filled by the Village Board of Aldermen by appointment of a suitable person to fulfill the unexpired term.

Sec. 1.05.022 Duties (Ordinance 2021-1)

The building committee shall review all building permit applications for new construction or substantial improvements to assure conformity with the building code and utility requirements and compliance with applicable state and federal policies.

Sec. 1.05.023 Appeals from decisions (Ordinance 2021-1)

Appeal from decisions rendered by the building committee shall be to the village Board of Aldermen.

Article 1.06 Emergency Management

Sec. 1.06.001 Operational organization (Ordinance 22)

- (A) There exists the office of emergency management director of the village, which shall be held by the mayor in accordance with state law.
- (B) An emergency management coordinator may be appointed by the director and confirmed by the governing body.
- (C) The director shall be responsible for a program of comprehensive emergency management within the village and for carrying out the duties and responsibilities set forth in this article. He may delegate

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.

- (D) The operational emergency management organization of the village shall consist of the officers and employees in accordance with the terms of the emergency management plan.

Sec. 1.06.002 Powers and duties of emergency management director (Ordinance 22, Ordinance 2020 -)

The duties and responsibilities of the emergency management director shall include the following:

- (1) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the village and an ongoing program of identifying and requiring or recommending the implementation of measures which tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (2) Supervision of the development and approval of an emergency management plan for the village, and shall recommend for adoption by the governing body all mutual aid arrangements deemed necessary for the implementation of such plan.
- (3) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the governing body. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary.
- (4) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this article. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring the contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the city secretary.

Village of Palisades
Municipal Code
Chapter I
General Provisions

- (5) Direction and control of the operations of the organization, as well as the training of emergency management personnel.
- (6) Determination of all questions of authority and responsibility that may arise within the emergency management organization of the village.
- (7) Maintenance of liaison with other municipal, county, district, state, regional or federal emergency management organizations.
- (8) Marshaling of all necessary personnel, equipment or supplies from any department of the village to aid in the carrying out of provisions of the emergency department plan.
- (9) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the village is located and with other municipalities within [the county for] the county-wide coordination of emergency management efforts.
- (10) Supervision of, and final authorization for, the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the village.
- (11) Authorizing of agreements, after approval by the village attorney, for use of private property for public shelter and other purposes.
- (12) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
- (13) Other requirements as specified in the Texas Disaster Act of 1975.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

Sec. 1.06.003 Emergency management plan (Ordinance 22)

A comprehensive emergency management plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers and designate officers and employees to carry out the provisions of this article. As provided by state law, the plan shall follow the standards and criteria established by the state division of emergency management. When approved, it shall be the duty of all departments and agencies to perform the function assigned by the plan [and] to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this article and have the effect of law during the time of a disaster.

Sec. 1.06.004 Interjurisdictional program (Ordinance 22)

The mayor is hereby authorized to join with the county judge and the mayors of the other cities in the county in formation of an emergency management council for the county and shall have the authority to cooperate in the preparation of [an interjurisdictional emergency management plan and in the appointment of] a joint [emergency] management coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the village.

Sec. 1.06.005 Override (Ordinance 22)

At all times when orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Sec. 1.06.006 Liability (Ordinance 22)

This article is an exercise by the village of its governmental functions for the protection of the public peace, health and safety, and neither the village, the agents and representatives of the village, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the village a license or privilege or otherwise permits the village to inspect, designate and use the whole or any part or parts of such real estate or premises for the purposes of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

Sec. 1.06.007 Commitment of funds (Ordinance 22)

No person shall have the right to expend any public funds of the village in carrying out any emergency management activity authorized by this article without prior approval by the governing body and in accordance with adopted purchasing practices. During a declared disaster, the mayor may expend and/or commit public funds of the village when deemed prudent and necessary for the protection of health, life or property.

Sec. 1.06.008 Offenses; penalty (Ordinance 22)

- (A) It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this article, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article.
- (B) It shall be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization unless authority to do so has been granted to such person by the proper officials.
- (C) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

- (D) Convictions for violations of the provisions of this article shall be punished as provided by 1.01.005 of this code.

Sec. 1.06.009 Limitations (Ordinance 22)

This article shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation.

Article 1.07 Records Management

Sec. 1.07.001 Definition of Municipal Records (Ordinance 25)

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to them is open or restricted under the laws of the state, created or received by the Village of Palisades or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the Village of Palisades and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

Sec. 1.07.002 Additional Definitions (Ordinance 25)

Department head - means the officer who by ordinance or administrative policy is in charge of an office of the Village of Palisades that creates or receives records.

Essential record - means any record of the Village of Palisades necessary to the resumption or continuation of its operations in an emergency or disaster, to the re-creation of its legal and financial status, or to the protection and fulfillment of obligations to the people of the state.

Permanent record - means any record of the Village of Palisades for which the retention period on a records control schedule is given as permanent.

Records control schedule - means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the Village of Palisades their retention periods, and other

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

records disposition information that the records management program may require.

Records management - means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

Records management officer - means the person designated in Section 5 of this ordinance.

Records management plan - means the plan developed under Section 6 of this ordinance.

Retention period - means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

Sec. 1.07.003 Municipal Records Declared Public Property (Ordinance 25)

All municipal records as defined in Sec. 1.07.001 and 1.07.002 of this ordinance are hereby declared to be the property of the Village of Palisades. No municipal official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

Sec. 1.07.004 Policy (Ordinance 25)

It is hereby declared to be the policy of the Village of Palisades to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all municipal records through a comprehensive system of integrated procedures for their management from creation to ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

Sec. 1.07.005 Designation of Records Management Officer (Ordinance 25)

The Village Secretary, and the successive holders of said office, shall serve as Records Management Officer for the Village of Palisades. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.

Sec. 1.07.006 Records Management Plan to be Developed; Approval of Plan; Authority of Plan (Ordinance 25)

- (A) The Records Management Officer shall develop a records management plan for the Village of Palisades for submission to the Board of Aldermen. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the municipality, and to properly preserve those records of the municipality that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this ordinance effectively.
- (B) Once approved by the Village of Palisades the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the Village of Palisades and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.
- (C) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this ordinance and the records management plan adopted under it and may not be used by the department head as a basis for refusal to participate in the records management program of the Village of Palisades.

Sec 1.07.007 Duties of Records Management Officer (Ordinance 25)

In addition to other duties assigned in this ordinance, the Records Management Officer shall:

- (1) Administer the records management program and provide assistance to department heads in its implementation;

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

- (2) Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (3) In cooperation with department heads identify essential records and establish a disaster plan for each municipal office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (4) Develop procedures to ensure the permanent preservation of the historically valuable records of the city;
- (5) Establish standards for filing and storage equipment and for recordkeeping supplies;
- (6) Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the Village of Palisades;
- (7) Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the municipality's records control schedules are in compliance with state regulations;
- (8) Disseminate to the Board of Aldermen and department heads information concerning state laws and administrative rules relating to local government records;
- (9) Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of the records of the Village of Palisades are carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- (10) Maintain records on the volume of records destroyed under approved records control schedules or through records destruction authorization requests, the volume of records microfilmed or stored electronically, and the estimated cost

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

and space savings as the result of such disposal or disposition;

- (11) Report annually to the Board of Aldermen on the implementation of the records management plan in each department of the Village of Palisades, including summaries of the statistical and fiscal data compiled under Subsection (10); and
- (12) Bring to the attention of the Board of Aldermen non-compliance by department heads or other municipal personnel with the policies and procedures of the records management program or the Local Government Records Act

Sec. 1.07.008 Duties and responsibilities of Department Heads (Ordinance 25)

In addition to other duties assigned in this ordinance, department heads shall:

- (1) Cooperate with the Records Management Officer in carrying out the policies and procedures established in the Village of Palisades for the efficient and economical management of records and in carrying out the requirements of this ordinance;
- (2) Adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and
- (3) Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of the Village of Palisades and the requirements of this ordinance.

Sec. 1.07.009 Records Control Schedules to be Developed; Approval; Filing with State (Ordinance 25)

- (A) The Records Management Officer, in cooperation with department heads, shall prepare records control schedules on a department by

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

department basis listing all records series created or received by the department and the retention period for each series. Records control schedules shall also contain such other information regarding the disposition of municipal records as the records management plan may require.

- (B) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the Village of Palisades.
- (C) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head and the Village of Palisades.
- (D) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

Sec. 1.07.010 Implementation of Records Control Schedules; Destruction of Records Under Schedule (Ordinance 25)

- (A) A records control schedule for a department that has been approved and adopted under Section 9 shall be implemented by department heads according to the policies and procedures of the records management plan.
- (B) A record whose retention period has expired on a records control schedule shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending lawsuit, or the department head requests in writing to the Records Management Officer that the record be retained for an additional period.
- (C) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

obtained by the Records Management Officer from the Board of Aldermen.

Sec. 1.07.011 Destruction of Unscheduled Records (Ordinance 25)

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director and librarian an approved destruction authorization request.

Article 1.08 Abandoned Property

Sec. 1.08.001 Custody (Ordinance 2021-1)

All property which may be left abandoned within the confines of the village as well as all property which comes into the possession of the village by coming into the possession of either the police chief's office of the other departments of the village belonging to persons unknown shall be preserved, protected, stored and retained by the police chief.

Sec. 1.08.002 Records (Ordinance 2021-1)

The time and occasion of the acquisition of the property shall be carefully kept in a record kept by the police chief, reflecting the description and manner of acquisition, as well as the manner of preservation, storage, and ultimate disposition of the property or the proceeds therefrom.

Sec. 1.08.003 Holding period; unclaimed property to be sold (Ordinance 2021-1)

In the event that property belonging to persons unknown remains preserved, stored, and unclaimed for a period of three months, a public sale of such unclaimed property shall be held by the police chief. The police chief is hereby authorized to fix the date of such public sale.

Sec. 1.08.004 Notice of sale (Ordinance 2021-1)

Before the public sale of unclaimed articles authorized under section 1.08.003 above shall be held, public notice, containing a brief description of the property and articles to be sold and the time and place of such sale, shall be given in the following manner:

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

- (1) Such notice shall be posted at a public place on the three bulletin boards placed within the village limits for at least 30 days prior to the date of the sale.
- (2) Such notice shall be published on the website or Facebook of the Village at least 30 days prior to the date of the sale.

Sec. 1.08.005 Sales to be made to highest bidder; handling of proceeds (Ordinance 2021-1)

All sales of unclaimed property shall be made to the highest responsible bidder, and the proceeds delivered to the city secretary by the police chief or police officer, together with his notations of the costs of the storage and preservation of the property. After the expiration of three months subsequent to the date of the public sale, the city secretary shall place such proceeds in the general fund of the village.

Sec. 1.08.006 Claiming by owner (Ordinance 2021-1)

The rightful owner of such property may claim his property in the following manner:

- (1) In the event the rightful owner claims the property prior to the expiration of three months from the date of acquisition by the Police Office, the property shall be returned to him upon his payment to the village of a sum of money equal to the costs of preservation and storage of the property.
- (2) In the event the rightful owner makes claim to the property subsequent to the public sale, then he shall be entitled to the proceeds of such property less the cost of preservation and storage of the property.
- (3) In the event the rightful owner makes claim to the property subsequent to the public sale and after the expiration of three months after such sale, then he shall have no claim whatsoever against the village.

State law reference—Disposition of abandoned or unclaimed property, V.T.C.A., Code of Criminal Procedure, Art. 18.17.

**Village of Palisades
Municipal Code
Chapter I
General Provisions**

Article 1.09 Financial Policy

Sec. 1.09.001 Fiscal Year

Fiscal year for the Village of Palisades begins October 1st of each year and ends on September 30th of each year.

Sec. 1.09.002 Annual Budget

Approximately 3-5 months prior to the beginning of each fiscal year, the Village Board of Aldermen will review the budget to determine allocated amounts for each line item in the budget. These amounts will be based on the current tax rate provided by Randall County. The budget will be approved at the September board meeting each year and then the proposed tax rate will be approved following the budget.

Sec. 1.09.003 Increases in budgeted line items

Once specified amounts for each line item in the budget are approved, any increase or reallocation must be approved by the Village Board of Aldermen.

Sec. 1.09.004 Movement of funds between accounts

Any funds moved from one account to another will need approval by the Village Board of Aldermen.

Sec. 1.09.005 Requests for Emergency needs

Requests for emergency needs must be approved following an Emergency Board meeting by the Village Board of Aldermen. During a declared disaster, the mayor may expend and/or commit public funds of the village when deemed prudent and necessary for the protection of health, life or property. (See Article 1.06 Emergency Management – Section 1.06.007 – Commitment of funds.)

Sec. 1.09.006 General funds for use by the Mayor

The mayor shall have the authority to spend up to \$500.00 without board approval.

**Village of Palisades
Municipal Code
Chapter II
Animals**

Chapter 2 - Animals

Article 2.01 – General Provisions

Sec 2.01.001 Definitions (Ordinance 8)

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires otherwise:

Animal- Any living creature, except human beings, classified as a member of the Kingdom Animalia and including, but not limited to, mammals, birds, reptiles and fish.

At large - An animal that meets one of the following criteria:

(1) On premises of owner. Any animal not confined to the premises of the owner by some physical means of sufficient height, strength, length, and/or manner of construction to preclude the animal from leaving the premises of the owner. Any animal being contained by a fence that, because of the fence's lack of height or general disrepair, cannot properly restrict the animal shall be considered at large.

(2) Off premises of owner. Any animal which is not physically and continually restrained by some person by means of a leash or chain of proper strength and length that precludes the animal from making unsolicited contact with any person, their clothing, their property, or their premises.

Dangerous animal -

(1) Any individual animal which, because of its physical nature and/or vicious propensity, would constitute a danger to human life or property; or any animal that is possessed of tendencies to attack or to injure human beings or other animals;

(2) An animal that commits an unprovoked attack on a human being, that causes bodily injury and occurs in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from leaving the enclosure on its own;

(3) An animal that commits unprovoked acts in a place other than an enclosure in which the animal was being kept and that was reasonably certain to prevent the animal from

**Village of Palisades
Municipal Code
Chapter II
Animals**

leaving the enclosure on its own, and those acts cause a person reasonably to believe that the animal will attack and cause bodily injury to that person; or

(4) An animal that makes an unprovoked attack on a domestic animal or domestic fowl that causes bodily injury or death, and which occurs when such animal is at large.

Dangerous wild animal. Any animal not normally considered domesticated which, because of its size, vicious nature, or other natural characteristic would constitute a danger to human life, property, or domestic animals, or any animal that is restricted from ownership by any state or federal law including, but not limited to, the following animals:

- (1) Reptiles: venomous reptiles, crocodiles or alligators;
- (2) Birds: emus, ostriches, rheas, and any species illegal to own under federal or state law;
- (3) Mammals: ocelots, lions, tigers, jaguars, leopards, cougars, bobcats, wolves, dingoes, coyotes, jackals, elephants, weasels, martins, minks, badgers, pandas, bears, raccoons, bats, foxes, skunks, cheetahs, servals, caracals, hyenas, baboons, chimpanzees, orangutans, gorillas, any species illegal to own under federal or state law, and any animal which is, or may be hereafter, listed as a “high risk” animal in the Texas Rabies Control Act; or
- (4) Any hybrid of any animal classified as a “dangerous wild animal.”

Domestic Animal – Those animals that are naturally tame and gentle or which, by long association with man, have become thoroughly domesticated and are now reduced to such a state of subjection to his will that they no longer possess the disposition or inclination to escape. This definition specifically includes household pets, such as dogs and cats.

Estray - Any stray horse, stallion, mare, gelding, filly, colt, mule, hinny, jack, jennet, hog, sheep, goat, or head of any species of cattle at large.

Kennel – Any place where four or more dogs or cats over the age of four months, or nine or more dogs or cats under the age of four months, are raised, trained, boarded, harbored or kept.

Livestock - Includes, regardless of age, sex or breed, horses, consisting of all equine species including mules, donkeys, and jackasses; cows, consisting of all bovine species; sheep, consisting

**Village of Palisades
Municipal Code
Chapter II
Animals**

of all ovine species; llamas or alpacas; goats, consisting of all caprine species; and pigs, consisting of all swine species.

Local Health Authority – Any person or officer designated by the Board, in the absence of a specific designee, it is the intent of the Board that the Chief of Police and their designees serve as the Local Health Authority.

Owner – Any person who owns, keeps, harbors, controls physically or orally, feeds, shelters, or aids any animal, or any person who is the owner’s agent left in charge of an animal, or any person who states that they will be responsible for an animal.

Public nuisance - The conduct of any owner in allowing an animal to:

- (1) Engage in conduct which establishes such animal as a “dangerous animal”;
- (2) Damage, soil, defile or defecate on private property other than the owner's or on public property, unless such waste is immediately removed and properly disposed of by the owner of the animal;
- (3) Be “at large” (excluding sterilized and registered cats that are identified by some means of traceable identification);
- (4) Cause a disturbance by excessive barking or noisemaking near the private residence of another;
- (5) Produce odors or unclean conditions sufficient to offend a person of normal sensibilities standing or which creates a condition conducive to the breeding of flies or other pests;
- (6) Chase vehicles, or molest, attack or interfere with other animals or persons, or is at large on public or private property; or
- (7) Create a condition that is dangerous to human life or health; renders the ground, the water, the air or the food a hazard or injurious to human life or health or that is offensive to the senses; or that is detrimental to the public health.
- (8) Failure to secure and maintain proper fencing which has or may allow the animal(s) to be at large.

Pet animal - Any animal that may be kept as a pet within the city so long as all of the required provisions of this chapter are met, and is not a dangerous wild animal or a wild animal, including but not limited to the following animals:

**Village of Palisades
Municipal Code
Chapter II
Animals**

(1) Reptiles: any nonvenomous reptile that is not protected from ownership by any state or federal law;

(2) Birds: any birds commonly kept as pets that are not protected from ownership by any state or federal law, or any bird kept for falconry purposes by a state and federally permitted falconer;

(3) Fish: any fish commonly kept as pets that are not protected from ownership by any state or federal law; or

(4) Mammals: includes any mammals commonly kept as pets including dogs, cats, ferrets, rabbits, guinea pigs, hamsters, hedgehogs, rats, mice, chinchillas, and sugar gliders but not limited to these.

Restrain – An animal shall be considered restrained if it is:

(1) confined on the premises of the owner within a fenced enclosure capable of confining the animal: or,

(2) fastened or picketed by a lead, rope, or chain so as to keep the animal on the premises; or,

(3) under the control of a person by a leash; or,

(4) within a vehicle being driven or parked; or,

(5) at heel and immediately obedient to oral command

(6) confined with a commercially available and recognized electronic restraint system.

Stable – An outbuilding in which equine or animals are kept, a building that is divided into separate stalls for individual equine and covered from the elements. Construction for stabling falls under the Outbuilding Regulations.

Swine – Any of the various omnivorous ungulates of the family Suidae, including hogs and pigs.

Wild Animals – Those animals living in a state of nature and not ordinarily tamed or domesticated.

Sec 2.01.002 Penalty (Ordinance 2021-1)

- (A) Violation of a provision of this Chapter other than that in Sec. 2.01.008 shall be considered a Class C misdemeanor and shall be punishable by a fine up to the maximum amount established by Section 1.01.005 of this Code at the time of the offense and each and every day of violation shall be considered a separate violation and penalties may be cumulative.

**Village of Palisades
Municipal Code
Chapter II
Animals**

Sec 2.01.003 General (Ordinance 8)

- (A) Domestic animals, birds, and pets may be kept on any property subject to the following provisions:
- (1) Pets subject to rabies, including dogs and cats, shall have an annual rabies vaccination by a licensed Veterinarian and shall wear a current tag testifying to the animals status as having a current vaccination.
 - (2) All domestic animals, birds, or pets must be under restraint at all times.
 - (3) No person may keep within the Village of Palisades animals, birds, or pets for commercial purposes.
 - (4) Pets shall not be construed to include animals traditionally classified as livestock or wildlife, excluding members of the equine family.
 - (5) Owners or responsible parties must maintain all animals in sanitary conditions so that flies, mice, other vermin and offensive odors are kept under control and the health, safety and welfare of the animal is not jeopardized.
 - (6) No person shall keep a kennel.
- (C) Livestock, excepting swine, may be kept on a property subject to the following provisions:
- (1) Livestock must be kept in an enclosed pen, pasture, or other enclosed place upon the property.
 - (2) Owners or responsible parties must maintain all animals in sanitary conditions so that flies, mice, other vermin and offensive odors are kept under control and the health, safety and welfare of the animal is not jeopardized.
- (B) Except as specifically authorized herein, it is unlawful to own or harbor on any private premises within the Village limits, more than six (6) pets, as defined herein, in any combination.

Sec 2.01.004 Public Nuisance (Ordinance 8)

- (A) It shall be unlawful for any person to own or maintain an animal in such a manner as to constitute a public nuisance. The following acts shall constitute a public nuisance:
- (1) Failure to restrain an animal;

**Village of Palisades
Municipal Code
Chapter II
Animals**

- (2) Damage to property caused by an animal;
 - (3) Maintaining a domestic animal or livestock in an unsanitary environment which shall include but not be limited to the failure to remove urine and feces daily from the confinement area to minimize the breeding of flies and rodents;
 - (4) Permitting an animal to bark, whine, howl, crow, cackle, or making any other noise of which causes annoyance or interferes with the reasonable use and enjoyment of a premise.
- (B) It shall be a nuisance and unlawful for any person to keep swine within the limits of the Village with the exception of miniature pigs, in which case no more than two (2) miniature pigs (no litters) may be kept as pets in any one (1) household. Miniature pigs shall be spayed or neutered on or before the age of three (3) months. No adult male miniature pig may be kept under this provision unless the tusks have been surgically removed.
- (C) It shall be a nuisance and unlawful to keep livestock within the Village limits unless the owner exercises reasonable precautions to prevent overgrazing, which kills trees and other vegetation and creates erosion and unsightly conditions.
- (D) It shall be a nuisance and unlawful for any owner of any female dog or cat in heat to fail to keep such animals confined in a building or in a veterinary hospital or boarding kennel, in such a manner that another dog or cat cannot come into contact with it.

Sec 2.01.005 Prohibited Animals (Ordinance 2021-1)

- (A) The following classes and types of animals are expressly prohibited from being kept or maintained within the Village unless specifically allowed by provisions elsewhere in this Chapter:
- (1) Swine or any member of the swine family, excepting “pot bellied” pigs as defined in Section 2.01.004
 - (2) Wildlife – wildlife shall not be kept, maintained or confined within the Village except for those authorized in 2.02 (D) above. Nothing in this provision shall be construed to prevent or prohibit individuals from providing feed or water to wildlife within in the Village as long as such wildlife is not being kept, maintained, or confined.
 - (3) Animals not specifically authorized within this Chapter shall not be kept, maintained, or confined.

**Village of Palisades
Municipal Code
Chapter II
Animals**

Sec 2.01.0051 Prohibited Animals – Permitted Uses (Ordinance 2021-1)

- (A) The Board of Aldermen, upon a written request from a resident, may allow the keeping of no more than three (3) animals listed in Section 2.01.005 above under the following conditions:
 - (1) The resident desiring to keep a Prohibited Animal within the Village shall, prior to the location of said animal within the Village, present to the Board a written request specifically identifying the type of animal(s) to be kept, where it shall be kept, and why the resident believes that the keeping of such an animal(s) will not prove to be a nuisance to other residents; and,
 - (2) The resident shall provide a written acknowledgement with the written request that clearly shows the adjacent property owners do not object to the request to keep a Prohibited Animal on the specified property.

- (B) Upon receipt of a written request complying with the requirements of (1) and (2) above, the Board of Aldermen shall, in open session, hear the request and if sufficient information is available, shall rule on whether or not to allow the keeping of the requested Prohibited Animal. Should the Board rule in favor of the request, the requesting party agrees to and acknowledges the following conditions for the keeping of the animal:
 - (1) The Board shall have the right to order the removal of the animal should a formal complaint be filed against the keeping of the animal if such complaint is found to be valid; and,
 - (2) The resident agrees to keep the animal in accordance with the terms and provisions contained elsewhere in this Chapter; and,
 - (3) The resident agrees that the permission granted by the Board is only granted for the unique and peculiar situation and animal that is requested and that should any other such animals be desired, it will constitute a separate request for a permitted use and that no precedent is set or established by the granting of any particular permitted use.

Sec 2.01.006 At-large, Packs, and Groups of Permitted Animals (Ordinance 2021-1)

- (A) Any permitted animal shall not be allowed to run-at-large, in packs or groups of animals which pose a threat to persons, animals, or other pets.

- (B) If an animal is at large in violation of this Code, the Village authorizes:

**Village of Palisades
Municipal Code
Chapter II
Animals**

- (1) The capture and impounding of the animal,
 - (2) The sale of the animal for the cost of the sale proceeding and any penalties imposed,
 - (3) The destruction of the animal if the animal cannot be sold; and
 - (4) The imposition of a penalty on the owner.
- (C) Owners or responsible parties who allow permitted animal(s) to run at-large, in packs or groups shall be considered to be in violation of this Code and shall be subject to punishment as defined in Chapter I of this Code.
- (D) Permitted animal(s) found to be at-large, in packs or groups shall be handled by the law enforcement personnel appointed or approved by the Board of Alderman. The animal may be removed to an appropriate animal shelter whereupon the owner may, upon payment of all expenses associated with the permitted animal and the violations, may repossess the permitted animal(s).
- (E) The individual animal shelter where the animal is taken may have rules concerning the length of time the animal may be impounded before being sold or disposed of. The owner of the animal(s) is responsible for contacting the shelter and repossessing their animal(s) after paying all applicable fines and fees.

Sec 2.01.007 Dangerous Dogs (Ordinance 8)

- (A) Definition. Any dog shall be deemed dangerous upon the occurrence of any of the following events:
- (1) An unprovoked attack on a person causing bodily injury by a dog outside a secure enclosure in which the animal is kept.
 - (2) An unprovoked act of aggression by a dog outside a secure enclosure which causes a person to reasonably believe the dog will attack and cause bodily injury.
 - (3) Certification by a doctor of veterinary medicine that a dog poses a danger to human life, animal life or property based on a reasonable medical probability after observation.
- (B) Procedures and requirements.
- (1) Compliance with state law. As a public safety requirement, it shall be unlawful for any person to keep or harbor any dangerous dog(s) within the village limits without complying with the Texas Health and Safety Code, sections 822.041–.047 (Vernon’s Supp. 1991).

**Village of Palisades
Municipal Code
Chapter II
Animals**

- (2) Complaints. When a person reports a dangerous dog to the police office, the officer or county sheriff's officers shall investigate the complaint and notify the owner of the report.
- (3) Notice. After a complaint has been filed and an investigation duration has been completed, the village police will notify the animal's owner by certified mail, return receipt requested, that the municipal court will hear the complaint at the next scheduled meeting.
- (4) Hearing. The municipal court shall then hear the complaint and the dog owner's defense, if any. After hearing the facts, the municipal court shall determine whether the animal is considered a dangerous dog. When the dog is determined to be dangerous, then the animal's owner shall comply with state law requirements concerning dangerous dogs.
- (5) Penalty. A violation of any provision of this section shall constitute an offense punishable by a fine not to exceed two thousand dollars (\$2,000.00). Each day a violation exists shall constitute a separate offense after the time limit prescribed by sections 822.041–822.047 of the Texas Health and Safety Code.

State law reference—Authority of city to regulate the keeping of dangerous dogs, V.T.C.A., Health and Safety Code, sec. 822.041 et seq.

Sec. 2.01.008 Limitation on number (Ordinance 2021-1)

It is unlawful for any household to own or keep more than six (6) dogs or six (6) cats or a combination of six (6) dogs and cats upon any private premises within the village limits subject to the following exceptions: a veterinary clinic, an animal hospital or similar facility; an animal shelter; a groomer; a breeder; a pet shop; a research institution; a qualified researcher; a performing animal exhibition; a litter up to 12 weeks old; or a valid multi-pet permit holder as found in Sec. 2.01.009.

Sec. 2.01.009 Multiple-Pet Ownership Permit; Requirements (Ordinance 2021-1)

- (A) Any person desiring to keep more than six (6) pets, as defined herein, in any combination, at a residence with the Village limits may submit an

**Village of Palisades
Municipal Code
Chapter II
Animals**

application to the Board of Alderman for a multiple-pet ownership permit (multi-pet permit). Animals under four (4) months of age shall not be counted for purposes of this Section. This multiple-pet ownership permit will allow individuals who meet the requirements outlined in this Section the ability to keep, own, or harbor more than six (6) pets otherwise prohibited by Sec 2.01.003 (B).

- (B) Inspections of the premises by a representative of the Board of Alderman is required. Upon inspection of the premises and payment of the required application fee, the multi-pet permit shall be issued if the following conditions are met:
 - (1) The premises must be adequate for the number and type of animals to be kept;
 - (2) The facility must be of sufficient size, in proportion to the animal size, to allow each animal to move about freely;
 - (3) Adequate food and water must be provided so that each animal kept shall be maintained in good health and free of malnutrition and dehydration;
 - (4) The premises shall be kept in a sanitary condition and reasonably free of animal waste, parasites, insects and flies that could be harmful to the animal health and/or to the health of the general public;
 - (5) The animals and the facility must be kept free of odor or stench which is offensive to a person of ordinary sensibilities;
 - (6) Each animal must be maintained in a manner that does not pose a danger to the health of the animal or to adjacent animals;
 - (7) The animals must not cause noise which is offensive or disturbing to a person of ordinary sensibilities;
 - (8) All animals must be duly vaccinated and exhibiting vaccination tags;
- (C) The multiple-pet ownership permit shall be valid for a period of one (1) year from date of issuance.
- (D) Any holder of a multiple-pet ownership permit found to be in violation of any Village ordinance or state statute that regulates the care, treatment or living conditions of animals may have his permit suspended or revoked including the inability of the permit holder to keep the animals without creating noise or odor.
- (E) When issued, the multiple-pet ownership permit shall be valid only as to the applicant, location, and number and type of animals for which it was originally issued. The multi-pet permit may not be sold or transferred, voluntarily or involuntarily, to any other person or entity. Thirty (30) days

**Village of Palisades
Municipal Code
Chapter II
Animals**

prior to expiration of the multi-pet permit, persons desiring to keep more than (6) pets, as defined herein, may apply to renew the multi-pet permit. The applicant shall pay an application fee at the time of filing the renewal application.

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

Chapter 3 – Offenses and Nuisances

Article 3.01 General Provisions

Sec. 3.01.001 Penalty (Ordinance 2021-1)

Any person convicted of violating any provision of this chapter shall, upon conviction, be fined as provided in Sec. 1.01.006 of this Code.

Sec. 3.01.002 Firearms – Unlawful to Discharge (Ordinance 30)

It shall hereafter be unlawful for any person to discharge any firearm, bow and arrow, slingshot or other handheld device, and/or hunting or trapping by any means of wild animals or game birds within the Village Limits.

(A) Gun or Firearm Defined: For the purposes of this article, the term “gun” or “firearm” may be defined as follows: Any center fire, rim fire or black powder gun, or any BB gun, air rifle, pellet gun, CO2 gun, paint ball gun, paint ball rifle, soft air gun, or soft air rifle

(1) The above mentioned long guns shall not exceed the maximum muzzle velocity of 245 FPS (feet per second), the maximum shooting distance of 193 yards, and the maximum caliber of 177 (4.5mm) BBs. The above mentioned pistols shall not exceed the maximum muzzle velocity of 230 FPS (feet per second), the maximum shooting distance of 183 yards, and a maximum caliber of 177 (4.5mm) BBs.

(B) Bow and Arrow Defined: For the purposes of this article, the term “bow and arrow” may be defined as follows: A bow, long bow, cross bow, compound bow, or any other device that discharges and arrow.

(C) Slingshot or other device Defined: For the purposes of this article, the term “slingshot or other device” may be defined as follows: Any handheld device by which a person can sling, throw, launch, or project a stone, rock, lead, steel, or any other kind of projectile whether it is a hard or soft substance.

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

- (E) Persons to be specifically excluded and excepted from the provisions of this article are peace officers and other authorized personnel in pursuing their official duties, and also private persons in defense of themselves or their property and in emergencies.

State law reference—Authority of municipalities to regulate firearms, V.T.C.A., Local Government Code, sec. 229.001 et seq.

Sec. 3.01.003 Hunting (Ordinance 5 and 30)

- (A) It shall be unlawful for any person to hunt, trap, or take any wild animals or game birds within the Village Limits.
- (B) Exception: Trapping of domestic dogs or cats that are running loose or at large as defined in this Code is permissible and not subject to a violation of this section.

State law reference—Hunting from public rights-of-way prohibited, V.T.C.A., Parks and Wildlife Code, sec. 62.0031 et seq;

Sec. 3.01.004 Fireworks Prohibited (Ordinance 12 & 12A)

No fireworks of any type may be possessed, ignited, or otherwise exploded within the corporate limits of the Village of Palisades

Sec. 3.01.005 Trespass Prohibited (Ordinance 18)

No person shall enter upon the enclosed real property of another person, or trespass thereon without having the invitation and consent of the owner of the same or the agent of the owner to come upon such property.

No person shall enter or trespass upon the personal property of any other person without his invitation or consent.

- (A) Definitions:
 - 1. Property shall be defined as any kind or character of property, real or personal, of any person, including the property of the Village of Palisades or any corporation owning or leasing real property within the limits of said Village. It shall also include any body of water or lake situated within the boundaries of said Village whether

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

owned or under lease, unless such body of water or lake is publicly owned.

2. Owner shall mean any lessee, renter, or sub-lessee of any property defined above or any person having title or other lawful ownership of such property defined above.
3. Trespass shall mean any interference with the exclusive possession of property or any injury or damage to any property, however slight.

Sec. 3.01.006 Littering Prohibited (Ordinance 2021-1)

It shall be unlawful for any person to litter. Littering shall be construed to include, but is not limited to, the following acts:

- (A) Throwing away, depositing, dumping, discarding or placing trash, refuse, grass clippings, tree limbs or any type of discarded item or items on or in the creek or along roads or roadways or on any other part of the public areas within the village;
- (B) Throwing away, depositing, dumping, discarding or placing trash, refuse, debris or any kind of discarded item or items on the property of another;
- (C) Allowing trash, refuse or debris to be moved by animals, pets or natural causes from one owner's property to the property of another person or to any public area within the village;
- (D) Failure of any person to keep his property free and clear of trash, debris or refuse, to include providing a suitable container or containers for household trash and garbage deposited for pickup by the trash collector;
- (E) Allowing trash, debris or other refuse or waste materials to blow from or fall from a vehicle or trailer while transporting such material to a designated dump or disposal area.

State law reference—Texas Litter Abatement Act, V.T.C.A., Health and Safety Code, sec. 365.001 et seq.

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

3.01.007 Noise (Ordinance 2021-1)

- (A) Prohibited Noises
- (1) Loud, distress in immediate vicinity. Any unreasonably loud, unnecessary noise which causes material distress, discomfort, or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is prohibited.
 - (2) Continuous, interferes with enjoyment of homes. Any noise of such character, intensity and continued duration, which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is hereby declared to be a nuisance and is prohibited.
- (B) Acts Resulting in Noise Violations – The following acts, which shall not be deemed exclusive, are declared to be nuisances if they cause material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity or if they continually interfere with enjoyment of homes.
- (1) Musical Instruments. The playing of any radio, stereo or other musical instrument in such manner or with such volume, particularly during the hours between 11:00p.m. and 7:00a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling.
 - (2) Animals and Birds. The keeping of any animal or bird which by causing frequent or continual noise shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
 - (3) Horns. The continual or frequent sounding of any horn on any automobile, motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of any such signal device of any unreasonably loud or harsh noise for any unnecessary and unreasonable period of time.
 - (4) Cars. The running of any automobile, motorcycle or vehicle in such a manner as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibrations.
 - (5) Exhaust. The discharge into the open air of the exhaust of any stationary internal combustion

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

- engine or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) Construction and repairs. The erection, including excavation, demolition, alteration or repair work on any building other than between the hours of 7:00a.m. and 11:00p.m. except in case of urgent necessity in the interest of public safety and convenience and then only by permit from the Mayor.
- (7) Unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle.

State law reference—Authority to regulate nuisances, V.T.C.A., Local Government Code, sec. 217.001 et seq; Offense against public order and decency, V.T.C.A, Penal Code, sec. 42.01 et seq.

3.01.008 Lighting (Ordinance 2021-1)

- (A) The intent of this ordinance is to mitigate light pollution and restrict the permitted use of certain light fixtures emitting into the night sky, and onto adjacent and nearby properties, undesirable light rays.
- (B) All outdoor light fixtures shall be located, aimed or shielded so as to minimize stray light from entering onto neighboring properties either adjacent to or below the affixed light in order to redirect offending light distribution.
- (C) Directional fixtures such as floodlights or spotlights shall be installed or aimed so that they do not shine onto any other property.

State law reference—Authority to regulate nuisances, V.T.C.A., Local Government Code, sec. 217.001 et seq.

3.01.009 Inspection (Ordinance 2021-1)

Any Property Owner or Agent may request an inspection of any apparent condition in violation of this Chapter. Requests shall first be directed to the Village Ordinance Enforcement Inspector/Permit Clerk.

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

Nothing in this section shall be construed to prohibit or prevent an appropriate Village Officer, Committee, or member of the Board from requesting an inspection of an apparent violation of their own volition.

3.01.010 Effect on Other Provisions (Ordinance 2021-1)

Nothing in this Chapter shall relieve any Property Owner or resident from compliance with any other provisions of the Village Code.

Article 3.02 - Weeds and Overgrown Vegetation

Sec 3.02.001 Definitions

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires otherwise:

Brush - all trees or shrubbery under seven feet in height which are not cultivated or cared for by persons owning or controlling the premises.

Deadwood - shall mean limbs, branches, or a portion of a tree that contains no live foliage or living tissue during a period of the year when such foliage or tissue should be present.

Shrub - a self-supporting woody perennial plant of low to medium height which is characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at maturity also referred to as a bush.

Weeds – all rank or uncultivated vegetation that because of its height is objectionable, unsightly or unsanitary which is liable to become an unwholesome or a decaying mass or breeding place for mosquitoes or vermin; this term specifically excludes ornamental grasses, shrubs, bushes and trees, cultivated flowers and cultivated crops.

Sec. 3.02.002 Penalty (Ordinance 11a, 11b, 11c, 11d)

Any person convicted of violating any provision of this chapter shall, upon conviction, be fined as provided in Sec. 1.01.005 of this Code. Each time a violation exists shall constitute a separate offense as prescribed by Section 822-041-822.047 of the Texas Health and Safety Code.

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

Sec. 3.02.003 Weeds and overgrown vegetation (Ordinance 14, 14a, 14b, 11, 11a, 11b, 11c, 11d)

It shall be unlawful:

- (A) For any person(s) to permit any grass, grasses, weeds, bushes, tree or tree limbs to extend out from their property or from the right of way adjacent to their property at any time into any roadway in the Village of the Palisades.
- (B) For any person(s) to permit any tree to extend over the road at a height under thirteen (13) feet, eight (8) inches.
- (C) For any person(s) having supervision or control of any Lot, Tract, or Parcel of land, occupied or unoccupied, within the Village Limits to allow grass, weeds, or any plant that is not cultivated to grow in rank profusion:
 - (1) Upon such premises;
 - (2) Along the street adjacent to the premises, between the property line, within ten (10) feet outside that property line;
 - (3) In an alley or easement adjacent to the premises measured to the centerline of the alley or easement.
- (D) For any person having supervision or control of any Lot, Tract, or Parcel of land, whether occupied or unoccupied, within the Village limits, to permit any vegetation including brush, grass, shrubs, trees, or weeds, as defined herein, to accumulate in a manner that would constitute a fire hazard, public nuisance, or other danger to the public health, safety and welfare.
- (E) It is unlawful for any owner, occupant, agent or other person or entity in control of premises within the City Limits to allow fallen trees, fallen tree limbs or fallen branches, deadwood, brush, or underbrush growth to accumulate upon such premises.

State law reference—Municipal authority concerning weeds and certain public nuisances, V.T.C.A., Health and Safety Code, sec. 342.004 et seq.

Sec. 3.02.004 Duty to remove objectionable matter (Ordinance 11a, 11b, 11c, 11d)

It shall be the duty of any person having supervision or control of any Premises as described in Sec. 3.02.003 to remove or cause to be removed all grass, weeds, rubbish, Trash, debris, brush, rubble or any other

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

objectionable unsightly or unsanitary matter of whatever nature as often as may be necessary to comply with this article.

Sec. 3.02.005 Failure to Comply – Notice (Ordinance 11a, 11b, 11c, 11d, Ordinance 2021-1)

If the owner of any Lot, Tract, Parcel of land, or a portion thereof, situated within the corporate limits of the Village shall fail to comply with Sec. 3.02.003, the Code Enforcement Inspector/Permit Clerk shall notify such owner of their failure to comply with Sec. 3.02.003 in one (1) of the following ways which is applicable:

- (A) Personal service. By letter addressed to such owner at his post office address.
- (B) Publication. By publication for 10 consecutive days on the Village of Palisades website or the Facebook page.

Sec. 3.02.006 Same Work Done by Village (Ordinance 11a, 11b, 11c, 11d)

At the expiration of then (10) days after notification as provided in Sec. 03.02.005, the Village may enter upon such premises and may do such work as necessary or cause the same to be done in order that the premises comply with the requirements set forth in Sec. 3.02.003.

Sec. 3.02.007 Same-Costs; collection (Ordinance 11a, 11b, 11c, 11d)

- (A) Mailing bill; due date; administrative charge. The bill for the cost incurred by the Village resulting from the abatement of the condition existing by reason of the owner's failure to comply with Sec. 3.02.003 shall be mailed to the owner of the premises and must be satisfied within thirty (30) days of the mailing of the bill. In addition to all other costs an administrative charge of up to one-hundred (100) dollars shall be added to cover the Village's cost of inspection, re-inspection, mailing, publications, bookkeeping, and other related administrative expenses.
- (B) Filing statement with county clerk. If the bill has not been satisfied within the period specified in Sec. 3.02.007 (A) of this section, the Village Ordinance Enforcement Inspector/Permit Clerk may file a statement signed by the Mayor with the county clerk of Randall County of the expenses incurred in the abatement of the above-described condition on the premises including the administrative costs set out in Sec. 3.02.007 (A).
- (C) Privileged lien. The Village shall have a privileged lien on any Lot upon which such expense is incurred, second only to tax liens and

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

liens, for the cost as specified in Sec. 3.02.007 (A) of this article plus interest of ten (10) percent per annum from the date payment is due.

- (D) Suit for recovery and foreclosure. For any such expenditure and interest an aforesaid suit may be instituted and recovery and foreclosure had in the name of the Village.
- (E) Proof of amount. The statement made by the Village Ordinance Enforcement Inspector/Permit Clerk as provided in Sec. 3.02.007 (B), or a copy thereof, shall be prima facie proof of the amount expended in any such work performed by the Village.

Sec. 3.02.008 Penalty (Ordinance 11a, 11b, 11c, 11d)

Any person convicted of violating any provision of this chapter shall, upon conviction, be fined as provided in Sec. 1.01.006 of this Code. Each time a violation exists shall constitute a separate offense as prescribed by Section 822-041-822.047 of the Texas Health and Safety Code.

Article 3.03 – Garbage, Rubbish, and Other Waste

Sec 3.03.001 Garbage, Rubbish, or Construction Waste (Ordinance 11, 11a, 11b, 11c, and 11d)

No garbage, rubbish, waste materials, including construction waste materials, lumber, boxes, barrels, bricks, stones, or waste of any nature shall be placed, dumped or allowed to accumulate upon any lot, alleyway or other premises in the village, except that unused building materials may remain on a lot during active construction of approved improvements, so that freedom from rats, mice, flies and other vermin may be promoted within the village.

Sec. 3.03.002 Property Sanitation and Maintenance (Ordinance 11a, 11b, 11c, 11d)

It shall be unlawful:

- (A) For any person having supervision or control of any Lot, Tract, or Parcel of land, whether occupied or unoccupied, within the Village limits, to:
 - (1) Permit the accumulation of rubbish, Trash or solid waste on such Premises;
 - (2) Permit the accumulation of unsanitary matter upon such Premises;

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

- (3) Permit or allow the accumulation, in view from public property or from adjacent private property any materials, equipment, merchandise or personal property of any kind;
- (4) To allow trash, debris, or other refuse to blow or fall from a vehicle while transporting said trash, debris, or refuse to a proper or designated dump area.

Sec. 3.02.003 Abatement Procedure (Ordinance 11a, 11b, 11c, 11d)

The Mayor shall cause to be examined any Lot, Tract or Parcel of land suspected of being in violation of the provisions of this section, and where a violation exists, the Mayor shall give the owner or the person in control, or both, of such property written notice of the violations found.

Such notice shall be by personal service or by certified mail, return receipt requested.

- (A) Should the person notified fail to remedy such violations, the Mayor may file charges in Municipal Court and may report such violations to the Village Board of Alderman.
- (B) Upon report of violations of this section, the Village Board of Alderman may schedule a public hearing to determine whether or not such violations constitute a nuisance and should be ordered to be abated. ordinance
- (C) Should the Board of Alderman schedule a public hearing, the owner or person in charge of such property shall be given a notice by personal service or certified mail, return receipt requested, at their last known address and by publication on the official Village website of the time, place and subject matter of such public hearing.
- (D) Should the owner or person in charge of such property, or both, fail to abate the nuisance found to exist by the Village Board of Alderman within ten (10) days following the order of the Village Board of Alderman, then the Mayor may cause the nuisance to be abated. The Mayor, upon completion of such work, shall submit an invoice of the charges for such work to the owner or person in control of such property, or both, which the invoice shall request payment within thirty (30) days. If the person to whom the invoice is submitted so shall fail to pay the same as requested, then the Mayor may file a lien, which shall bear interest at the rate of ten (10) percent per annum, against

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

the property on which the work was done in the Randall county deed records.

State law reference—Abatement of public nuisances, V.T.C.A., Health and Safety Code, sec. 343.011 et seq.

Article 3.04 Unsafe Structures on Personal Property

Sec 3.04.001 Declaration of nuisance (Ordinance 2021-1)

- (A) All buildings or structures regulated by the village building code and/or the International Residential Code which are structurally unsafe or not provided with safe egress, or which constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, disaster, damage or abandonment, shall be declared unsafe. Buildings and structures shall include dwellings, detached structures, decks, docks, ramps and boathouses.
- (B) All such unsafe buildings or structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal as set forth in section 8.03.002 or as alternately set forth in the Local Government Code.

Sec. 3.04.002 Removal (Ordinance 2021-1)

Any structure or building as set forth in Sec. 3.03.001, or article of personal property which has been constructed on, moved on, or placed on the recreational area by an individual and which, within the judgment of the village, has become a nuisance or renders the recreational area unsightly, shall, on or before the expiration of sixty (60) days from notice by the village, be removed therefrom by the owner, and if not so removed within said time limit may be removed by the village and the cost of removing same charged to the owner.

Sec. 3.04.003 Penalty (Ordinance 2021-1)

Any person who violates any provision of this article shall, upon conviction, be fined as provided in Sec. 1.01.006 of the village code.

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

Article 3.05 Junked vehicles

Sec. 3.05.001 Definitions (Ordinance 20)

Antique Auto: For the purposes of this chapter, this means a passenger car or truck that was manufactured in 1925 or before, or which is at least thirty-five (35) years old.

Collector: For the purposes of this chapter, this means the owner of one (1) or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Junked Vehicle: For the purposes of this chapter, this means a vehicle that is self-propelled and:

- (1) does not have lawfully attached to it
 - (a) an unexpired license plate, or
 - (b) a valid motor vehicle inspection certificate, and
- (2) is
 - (a) wrecked, dismantled, or partially dismantled, or discarded, or
 - (b) inoperable and has remained inoperable for more than
 - (i) 72 consecutive hours, if the vehicle is on public property, or
 - (ii) 30 consecutive days, if the vehicle is on private property.

Special Interest Vehicle: For the purposes of this chapter, this means a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of this historic interest, is being preserved by hobbyists.

Sec. 3.05.002 Abatement, Removal (Ordinance 20, Ordinance 2021-1)

The procedure for abatement and removal of junked vehicles or parts thereof, as public nuisances, as defined in V.A.C.S. art. 4477-9a from private property, public property, or public rights-of-way shall be as follows:

- (A) For a junked vehicle on private property, written notice of not less than ten (10) days must be given stating the nature of the public nuisance on private property and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before the expiration of the ten-day period. Such written notice shall be mailed,

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

by certified or registered mail with a five-day return requested, to the last registered owner of the junked motor vehicle and any lienholder of record and to the owner or the occupant of the private premises whereupon such public nuisance exists.

- (B) For a junked vehicle on public property, written notice of not less than ten (10) days must be given stating the nature of the public nuisance on public property or on a public right-of-way and that it must be removed and abated within ten (10) days and further that a request for a hearing must be made before expiration of the ten-day period. Such notice shall be mailed, by certified or registered mail with a five-day return requested, to the last registered owner of the junked motor vehicle and any lienholder of record and to the owner or the occupant of the public premises or to the owner or the occupant of the premises adjacent to the public right-of-way whereupon such public nuisance exists. If the notice is returned undelivered by the United States Postal Service, official action to abate the nuisance shall be continued to a date not less than ten (10) days from the date of such return.
- (C) For a nuisance on private or public property, if the post office address of the last known registered owner of the motor vehicle is unknown, notice to the last known registered owner may be placed on the motor vehicle, or, if the last known registered owner has been found, the notice may be hand delivered. The location where in-hand delivery of notice has been made shall be described on a duplicate copy of the notice along with the date and time by the person making such delivery.
- (D) A request for a hearing in either (A) or (B) above shall be made in writing and delivered to the Judge of the Village Court or the Mayor of the Village in the absence of the Judge.
- (E) A public hearing must be held prior to the removal of the vehicle or part thereof as a public nuisance, to be had before the Judge of the Village Court or before the Village

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

Board of Aldermen in the absence of the Judge, when such a hearing is requested by the owner or occupant of the public or private premises or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, within ten (10) days after service of notice to abate the nuisance. Any order requiring the removal of a vehicle or part thereof shall include a description of the vehicle, and the correct identification number and license number of the vehicle, if available at the site.

- (F) At the hearing before the Village Court or Village Board of Aldermen, it shall be presumed, unless demonstrated otherwise by the owner, that the vehicle is inoperable.
- (G) Written notice must be given to the Texas Department of Motor Vehicles within five (5) days after the date of removal identifying the vehicle or part thereof.
- (H) After a vehicle has been removed, it shall not be reconstructed or made operable.
- (I) The procedure for abatement and removal of a public nuisance shall be accomplished by the Village Code Enforcement Office and/or the Village Police Department except that the removal of a vehicle or parts thereof from private property, public property or public rights-of-way may be by any other duly authorized person under direction of the Village.

Sec. 3.05.003 Exemptions (Ordinance 20)

This ordinance shall not apply to:

- (A) A vehicle or part thereof, which is completely enclosed within a Building in a lawful manner where it is not visible from the street or other public or private property;
- (B) A vehicle or part thereof which is stored or parked in a lawful manner on private property
- (C) Unlicensed, operable or inoperable antique or special interest vehicles stored by a collector on their property, provided that the

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

vehicles in the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

State law reference—Junked vehicles: public nuisance; abatement, V.T.C.A., Texas Transportation Code, sec. 683.071-078 et seq.

Article 3.06 Minors

Sec. 3.06.001 Definitions (Ordinance 21, 2021-1)

Curfew hours. 12:01 a.m. until 6:00 a.m. daily.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian.

- (A) A person who, under court order, is the guardian of the person of a minor; or
- (B) A public or private agency with whom a minor has been placed by a court.

Minor. Any person under 17 years of age.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

- (A) A natural parent, adoptive parent, or stepparent of another person; or

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

- (B) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain. To:

- (A) Linger or stay; or
- (B) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 3.06.002 Offenses (Ordinance 21, 2021-1)

- (A) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- (B) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (C) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 3.06.003 Defenses (Ordinance 21, 2021-1)

It is a defense to prosecution under offenses that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

**Village of Palisades
Municipal Code
Chapter III
Offenses and Nuisances**

- (3) In a motor vehicle involved in interstate travel.

Sec. 3.06.004 Penalty (Ordinance 21, 2021-1)

Any person convicted of violating any provision of this chapter shall, upon conviction, be fined as provided in Sec. 1.01.005 of this Code.

**Village of Palisades
Municipal Code
Chapter IV
Health and Sanitation**

Chapter 4 – Health and Sanitation

Article 4.01 – General Provisions

Sec. 4.01.001 Penalty (Ordinance 2021-1)

Upon conviction, violators of the provisions of this chapter shall be punished as provided in section 1.01.006 of this code.

Sec. 4.01.002 Definitions (Ordinance 2021-1)

Department - the Department of State Health Services.

Drinking water - water distributed by an individual or public or private agency for human consumption, for use in preparing food or beverages, or for use in cleaning a utensil or article used in preparing food or beverages for, or consuming food or beverages by, human beings. The term includes water supplied for human consumption or used by an institution catering to the public.

Human excreta - the urinary and bowel discharges of a human.

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

Privy - a facility for the disposal of human excreta.

Sanitary - a condition of good order and cleanliness that precludes the probability of disease transmission.

Septic tank - a covered water-tight tank designed for sewage treatment.

Toilet - the hopper device for the deposit and discharge of human excreta into a water carriage system.

State law reference–Subchapter A. General Provisions, V.T.C.A., Health and Safety Code, ch. 361.

Sec. 4.01.002 Nuisance (Ordinance 2021-1)

Each of the following is a public health nuisance:

**Village of Palisades
Municipal Code
Chapter IV
Health and Sanitation**

- (A) a condition or place that is a breeding place for flies and that is in a populous area;
- (B) spoiled or diseased meats intended for human consumption;
- (C) a place, condition, or building controlled or operated by a state or local government agency that is not maintained in a sanitary condition;
- (D) sewage, human excreta, wastewater, garbage, or other organic wastes deposited, stored, discharged, or exposed in such a way as to be a potential instrument or medium in disease transmission to a person or between persons;
- (E) a vehicle or container that is used to transport garbage, human excreta, or other organic material and that is defective and allows leakage or spilling of contents;
- (F) a collection of water in which mosquitoes are breeding in the limits of a municipality or a collection of water that is a breeding area for mosquitoes that can transmit diseases regardless of the collection's location other than a location or property where activities meeting the definition of Section 11.002(12)(A), Water Code, occur;
- (G) a condition that may be proven to injuriously affect the public health and that may directly or indirectly result from the operations of a bone boiling or fat rendering plant, tallow or soap works, or other similar establishment;
- (H) a place or condition harboring rats in a populous area;
- (I) the presence of ectoparasites, including bedbugs, lice, and mites, suspected to be disease carriers in a place in which sleeping accommodations are offered to the public;
- (J) the maintenance of an open surface privy or an overflowing septic tank so that the contents may be accessible to flies; and
- (K) an object, place, or condition that is a possible and probable medium of disease transmission to or between humans.

State law reference—Subchapter A. General Provisions, V.T.C.A., Health and Safety Code, ch. 361.

**Village of Palisades
Municipal Code
Chapter IV
Health and Sanitation**

Sec. 4.01.003 Abatement of Nuisance (Ordinance 2021-1)

- (A) A person shall abate a public health nuisance existing in or on a place the person possesses as soon as the person knows that the nuisance exists.
- (B) A local health authority who receives information and proof that a public health nuisance exists in the local health authority's jurisdiction shall issue a written notice ordering the abatement of the nuisance to any person responsible for the nuisance. The local health authority shall at the same time send a copy of the notice to the local municipality, county, or district attorney.
- (C) The notice must specify the nature of the public health nuisance and designate a reasonable time within which the nuisance must be abated.
- (D) If the public health nuisance is not abated within the time specified by the notice, the local health authority shall notify the prosecuting attorney who received the copy of the original notice. The prosecuting attorney:
 - (1) shall immediately institute proceedings to abate the public health nuisance; or
 - (2) request the attorney general to institute the proceedings or provide assistance in the prosecution of the proceedings, including participation as an assistant prosecutor when appointed by the prosecuting attorney.

State law reference—Subchapter A. General Provisions, V.T.C.A., Health and Safety Code, ch. 361.

Sec. 4.01.004 Disposal of Human Excreta (Ordinance 2021-1)

- (A) Human excreta in a populous area shall be disposed of through properly managed sewers, treatment tanks, or onsite sewage facilities constructed and maintained in conformity with the Department of State Health Services specifications, or by other methods approved by the department. The disposal system shall be sufficient to prevent the pollution of surface soil, the

**Village of Palisades
Municipal Code
Chapter IV
Health and Sanitation**

contamination of a drinking water supply, the infection of flies or cockroaches, or the creation of any other public health nuisance.

- (B) Effluent from septic tanks constructed after September 4, 1945, shall be disposed of through:
 - (1) a subsurface drainage field designed in accordance with good public health engineering practices; or
 - (2) any other method that does not create a public health nuisance.

- (E) Material and human excreta removed from a privy vault or from any other place shall be handled in a manner that does not create a public health nuisance. The material and human excreta may not be deposited within 300 feet of a highway unless buried or treated in accordance with the instructions of the local health authority or the department.

State law reference—Subchapter A. General Provisions, V.T.C.A., Health and Safety Code, ch. 361.

Sec. 4.01.003 Polluting Creek (Ordinance 2021-1)

It shall be unlawful for any person, firm, or corporation, or any agent or employee of any person, firm or corporation, to deposit any substance that may constitute a contaminant or a hazard to health in or near the creek or other waterway, including a toilet facility, to be among those contaminants that are prohibited.

Sec. 4.01.004 Servicing of sewage disposal facilities (Ordinance 2021-1)

The village recognizes the inherent danger and threat to health that can result from the careless or improper conduct of sewage plant operators and it shall be unlawful for any person, firm, or corporation, whatsoever and whomsoever, to service any septic tank or other sewage disposal facility of any kind without first obtaining a permit to do so according to state rules and regulations. In the process of obtaining such permit, the service company (hereinafter called “operator”) seeking such permit shall execute a formal written agreement binding the operator to faithfully abide by all of the provisions of said state statute and regulations in the treatment, handling

**Village of Palisades
Municipal Code
Chapter IV
Health and Sanitation**

and disposition of sewage or human excreta by such person, firm or corporation, including such handling by any agent or employee of such permittee.

Sec. 4.01.005 Enforcement of septic tank regulations (Ordinance 2021-1)

- (A) The Amarillo Area Health Department governs the installation, operation, maintenance and other relevant matters governing septic tanks in the village. All matters involving permitting, repair, enforcement, or other relevant activities shall be at the discretion of the Amarillo Area Health Department.

State law reference—On-site sewage disposal systems, V.T.C.A., Health and Safety Code, ch. 366.

**Village of Palisades
Municipal Code
Chapter V
Fire Prevention and Protection**

Chapter 5 – Fire Prevention and Protection

Article 5.01 General Provisions

Sec. 5.01.001 Burning grass, weeds or other growth (Ordinance 31)

It shall be unlawful for any person to burn grass, weeds, cat-tails, or other growths within the village without the permission of the village fire department. Any burning shall be done in accordance with applicable TCEQ regulations. Fire department personnel shall ensure the public safety by supervising any permitted burnings.

State law reference—Texas Clean Air Act, V.T.C.A., Health and Safety Code, ch. 382.

Sec. 5.01.002 Open fires, fire pits and campfires (Ordinance 2021-1)

With the exception of specially constructed patio fire pits and patio fire places, it shall be unlawful to have an outdoor open fire or campfire any place within the limits of the village.

Article 5.02 Fire Department

Sec. 5.02.001 Established (Ordinance 2021-1)

There is hereby created and established a fire department in the village.

Sec. 5.02.002 Membership; selection and appointment of members (Ordinance 2021-1)

The members of the fire department shall include a chief and such assistant chiefs as the membership shall select from time to time according to internal rules and procedures. The chief and such assistant chiefs shall be selected by the members of the department and shall be appointed by the mayor with the advice and consent of the governing body. The chief and assistant chiefs, if any, shall serve at the pleasure of the mayor and the governing body.

Sec. 5.02.003 Enforcement of rules and maintenance of discipline (Ordinance 2021-1)

It shall be the duty of the chief of the fire department and that of his assistants to see that the laws of the state and ordinances, orders, rules and

**Village of Palisades
Municipal Code
Chapter V
Fire Prevention and Protection**

regulations as promulgated by the governing body concerning the fire department and the operation thereof are carried into full force and effect and to maintain discipline in the department.

Sec. 5.02.004 Assistant chief to assume duties in absence of chief (Ordinance 2021-1)

In the absence of the chief of the fire department, an assistant chief who meets the same training requirements and qualifications of a fire chief shall assume the duties of the office of the chief of the department.

Sec. 5.02.005 Recommendations for improvement (Ordinance 2021-1)

The chief of the department shall diligently observe the condition of fire apparatus and operations of the department at all times and shall report in writing at any time to the governing body and make such recommendations as he may desire for the efficiency of the equipment and department.

Sec. 5.02.006 Suspension of members (Ordinance 2021-1)

The chief of the department shall have the power to suspend any subordinate officer, member or employee of the department for a violation of any rules and regulations, and shall, upon executing any such suspension, advise the governing body of such suspension and his reasons therefor.

Sec. 5.02.007 Duties at location of fire; incident commander (Ordinance 2021-1)

It shall be the duty of the chief of the department and his assistants, in their order of rank, whenever a fire shall occur in the village, to immediately report to the place of such fire and take proper measures for placing apparatus in the most advantageous position. The assistant chief and other officers, upon arrival at a fire, shall immediately report to the chief; provided that, in the absence of the chief or assistant chief, the first officer to arrive at the fire shall be the person in command. According to the NIMS incident command system, which the village follows, the first responder on the scene is the incident commander and has charge of the scene until the incident is resolved or until the incident commander appoints another individual incident commander. If the first responder is not the fire chief, it shall be the duty of that first responder to relinquish

**Village of Palisades
Municipal Code
Chapter V
Fire Prevention and Protection**

command to the highest ranking officer attending the incident, when appropriate. However, it should be noted that the arrival of a higher ranking official does not automatically require the first responder to relinquish command. Such officer in charge shall take proper measures for extinguishing the fire and protection of property, and for preservation of the laws of the state and ordinances and other rules and regulations of the village respecting fires.

Sec. 5.02.008 Fire lines and barricades (Ordinance 2021-1)

The fire department shall have the right, in time of fire, to place ropes or guards across all streets, thoroughfares, lanes or alleys on which shall be situated any building on fire and at such other points as it may deem expedient and necessary, and the members of the department who have been assigned by the fire chief for policing purposes shall prevent any and all persons, except officers and members of the fire department and owners and occupants of such buildings endangered by the existing fires, from entering the lines designated by ropes or guards.

Sec. 5.02.009 Interference with performance of duties (Ordinance 2021-1)

It shall be unlawful for any person not a member of the department to forcibly interfere with any member or employee of the department in order to hinder him in the performance of his duties.

Sec. 5.02.010 Unauthorized handling of apparatus (Ordinance 2021-1)

It shall be unlawful for any person not a member of the fire department to handle, or in any way interfere with, any of the apparatus belonging to or used by the department, either at a fire or while traveling to or returning from a fire, or while standing in the fire department quarters, or at any time, unless such person is requested to do so by the fire chief or other duly authorized officer of the department.

Sec. 5.02.011 Right-of-way of fire apparatus (Ordinance 2021-1)

All moving apparatus belonging to the department shall have the paramount right-of-way through all streets, thoroughfares, lanes, alleys, places and courts of the village when en route to a fire.

**Village of Palisades
Municipal Code
Chapter VI
Municipal Court**

Chapter 6 – Municipal Court

Article 6.01 General Provisions

Sec. 6.01.001 Created (Ordinance 17)

The municipal court of the village is hereby created.

Sec. 6.01.002 Judge (Ordinance 17, 2021-1)

The office of judge of the municipal court shall be filled by appointment by the board of aldermen and shall perform the duties of judge as prescribed by the laws of the state. Compensation for the Municipal Judge shall be fixed by the Board of Aldermen

The office of judge of the municipal court may be filled by a qualified judge in a contiguous municipality through an interlocal contract approved by the Village Board of Aldermen. This appointment will begin when the interlocal agreement is executed.

State law references—Municipal court judges, V.T.C.A., Government Code, sec. 29.004; term of municipal court judge, V.T.C.A., Government Code, sec. 29.005, Dual office holding, V.T.C.A., Government Code, sec. 574.001 (b).

Article 6.02 Fines, Costs, and Special Expenses

Sec. 6.02.01 Building security fund (Ordinance 24)

- (A) Created; administration. There is hereby created a municipal court building security fund. This fund shall be administered under the direction of the governing body of the village.
- (B) Assessment of fee. All defendants convicted of a misdemeanor offense in municipal court shall be required to pay a three dollar (\$3.00) security fee as a cost of court. A person is considered convicted for the purposes of this section if a sentence is imposed on the person, the person receives community supervision, including deferred adjudication, or the person enters a plea and enters a court-authorized dismissal program. The security fee shall be collected by the municipal court clerk and paid to the village treasurer for deposit in the municipal court building security fund.

**Village of Palisades
Municipal Code
Chapter VI
Municipal Court**

- (C) Designated use of fund. The municipal court building security fund may be used only to finance the following items when used for the purpose of providing security services for any buildings housing the municipal court of the village those items as specified in V.T.C.A., Code of Criminal Procedure, article 102.017.

State law reference—Authority to establish municipal court building security fund, Tex. Code Crim. Proc. art. 102.017.

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Chapter 7 – Flood Damage Prevention

Article 7.01 – Statutory Authorization, Findings, Purpose and Methods

Sec. 7.01.001 Statutory Authorization (Ordinance 13, 13a, 13b, 13c)

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Village of Palisades, Texas does ordain as follows:

Sec. 7.01.002 Finding of Fact (Ordinance 13, 13a, 13b, 13c)

- (A) The flood hazard areas of Village of Palisades are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (B) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec. 7.01.003 Statement of Purpose (13, 13a, 13b, 13c)

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (A) Protect human life and health;
- (B) Minimize expenditure of public money for costly flood control projects;
- (C) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (D) Minimize prolonged business interruptions;

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

- (E) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (F) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (G) Insure that potential buyers are notified that property is in a flood area.

Sec. 7.01.004 Methods of Reducing Flood Losses (13, 13a, 13b, 13c)

In order to accomplish its purposes, this ordinance uses the following methods:

- (A) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (D) Control filling, grading, dredging and other development which may increase flood damage;
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Article 7.02 - Definitions

Sec. 7.02.001 Definitions (13, 13a, 13b, 13c)

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Alluvial Fan Flooding - flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex - a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant Structure - a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

Area of Future Conditions Flood Hazard - the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

Area of Shallow Flooding - a designated AO, AH, AR/ AO, AR/ AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/ A1-30, AR/ AE, AR/ AO, AR/ AH, AR/ A, VO, VI-30, VE or V.

Base Flood - the flood having a 1 percent chance of being equaled or exceeded in any given year.

Basement – any area of the building having its floor subgrade (below ground level) on all sides.

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Breakaway Wall – a wall that is not part of the structural support of the building and is intended through it’s design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical Feature – an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development – any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Existing Construction – for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing Construction” may be referred to as “existing structures.”

Existing Manufactured Home Park or Subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park of Subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Study- means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/ or flood-related erosion hazards.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - see Flood Elevation Study

Floodplain or Flood-Prone Area - means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Protection System - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

flood modifying works are those constructed in conformance with sound engineering standards.

Flood Proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway - see Regulatory Floodway

Functionally Dependent Use- means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure - means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

Levee- means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System- means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). (An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.)

Manufactured Home - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - means, for purposes of the National Flood Insurance Program, the North American Vertical

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational Vehicle - means a vehicle which is

- (i) built on a single chassis;
- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Riverine- means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area- see Area of Special Flood Hazard

Start of Construction - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/ or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage - means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50percent of the market value of the structure before the damage occurred.

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Substantial Improvement- means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: { 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or {2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation- means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3{b}(5), (c)(4), {c}(10), {d}(3), {e}(2), {e}(4), or (e){5} is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation- means the height, in relation to the North American Vertical Datum (NAVD) of 1988 {or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Article 7.03 – General Provisions

Sec. 7.03.001 Lands to Which This Ordinance Applies (13, 13a, 13b, 13c)

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Village of Palisades

Sec. 7.03.002 Basis for Establishing the Areas of Special Flood Hazard (13, 13a, 13b, 13c)

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled “The Flood Insurance Study (FIS) for Randall County,” dated June 4, 2010 and #481666, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated June 4, 2010 and any revisions thereto are hereby adopted by reference and declared to be part of this chapter.

Sec. 7.03.003 Established of Development Permit (13, 13a, 13b, 13c)

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this chapter.

Sec. 7.03.004 Compliance (13, 13a, 13b, 13c)

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Sec. 7.03.005 Abrogation and Greater Restrictions (13, 13a, 13b, 13c)

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 7.03.006 Interpretation (13, 13a, 13b, 13c)

In the interpretation and application of this chapter, all provisions shall be:

- (A) considered as minimum requirements
- (B) liberally construed in favor of the governing body, and
- (C) deemed neither to limit nor repeal any other powers granted under State statutes.

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Sec. 7.03.007 Warning and Disclaimer or Liability (13, 13a, 13b, 13c)

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

Article 7.04 – Administration

Sec. 7.04.001 Designation of the Floodplain Administrator (13, 13a, 13b, 13c)

The Floodplain Administrator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) pertaining to floodplain management.

Sec. 7.04.002 Duties and Responsibilities of the Floodplain Administrator (13, 13a, 13b, 13c)

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (A) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter
- (B) Review permit applications to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonable safe from flooding.
- (C) Review, approve or deny all applications for development permits required by adoption of this chapter.
- (D) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local government agencies (including Section 404

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- (E) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (F) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB), prior to any alteration or relocation of a watercourse, and submit evidence of such notification of the Federal Emergency Management Agency.
- (G) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (H) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, in order to administer the provisions of Article 5.
- (I) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (J) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the based flood by more than 1 foot, provided that the community first completes all of the provisions required by Section 65.12.

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Sec. 7.04.003 Permit Procedures (13, 13a, 13b, 13c)

- (A) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineering or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of **Article 5, Sec. 7.05.002 B (2)**;
 - (4) Description of the extent to which any watercourse of natural drainage will be altered or relocated as a result of proposed development;
 - (5) Maintain a record of all such information in accordance with **Article 4, Sec. 7.04.002 (A)**;
- (B) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood or ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

- (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (8) The necessity to the facility of a waterfront location, where applicable;
- (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

Sec. 7.04.004 Variance Procedures (13, 13a, 13b, 13c)

- (A) The Appeal Board, as established by the community, shall hear and render judgement on requests for variances from the requirements of this chapter.
- (B) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.
- (C) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- (D) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (E) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
- (F) Variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size continuous to and surrounded by the relevant factors in **Sec. 7.04.003 (B)** of this Article have been fully considered. As the lot size increases beyond the ½ acre, the technical justification required for issuing the variance increases.
- (G) Upon consideration of the factors noted above and the intent of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (**Sec. 7.01.003**).

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

- (H) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (I) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (J) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (i) Showing a good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (K) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) the criteria outlined in **Sec. 7.04.004** are met, and;
 - (2) the structure of other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Article 7.05 – Provisions for Flood Hazard Reduction

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

Sec. 7.05.001 General Standards (13, 13a, 13b, 13c)

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (A) In all new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (B) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (C) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (D) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (E) All new or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- (G) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec. 7.05.002 Specific Standards (13, 13a, 13b, 13c)

In all areas of special flood hazards where base flood elevation data has been provided as set forth in:

- (A) **Sec. 7.03.002**
- (B) **Sec. 7.04.002 (H)**, or
- (C) **Sec. 7.05.003 (C)**, the following provisions are required:
 - (1) **Residential Construction** – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement),

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

elevated to 24" above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification the Floodplain Administrator that the standard of this subsection as proposed in **Sec. 7.04.003 (A) (1)**, is satisfied.

- (2) **Nonresidential Construction** – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to 24" above the base flood level, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/ or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
- (3) **Enclosures** – new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and, which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
- (a) A minimum of two openings on separate walls having a total net area of not less

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

- (b) The bottom of all openings shall be no higher than 1 foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) **Manufactured Homes** –
 - (a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 - (b) Require that manufactured homes that are placed or substantially improved within Zones AI-30, AH, and AE on the community's FIRM on sites
 - (i) outside of a manufactured home park or subdivision,
 - (ii) in a new manufactured home park or subdivision,
 - (iii) in an expansion to an existing manufactured home park or subdivision, or
 - (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

floor of the manufactured home is elevated to 24" above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
 - (i) The lowest floor of the manufactured home is at 24" above the base flood elevation, or
 - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either
 - (i) be on the site for fewer than 180 consecutive days, or
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the permit requirements of **Sec. 7.04.003 (A)**, and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

disconnect type utilities and security devices, and has no permanently attached additions.

Sec. 7.05.003 Standards for Subdivision Proposals (13, 13a, 13b, 13c)

- (A) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with **Sec. 7.01.002, Sec. 7.01.003, and Sec. 7.01.004** of this ordinance.
- (B) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of **Sec. 7.03.003; Sec. 7.04.003;** and the provisions of Article 7.05 of this chapter.
- (C) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to **Sec. 7.03.002** or **Sec. 7.04.002 (H)** of this chapter.
- (D) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (E) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec. 7.05.004 Standards for Areas of Shallow Flooding (AO/AH Zones) (13, 13a, 13b, 13c)

Located within the areas of special flood hazard established in **Sec. 7.03.002**, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (A) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to 24" above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
- (B) All new construction and substantial improvements of non-residential structures;
 - (1) have the lowest floor (including basement) elevated to 24" above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or
 - (2) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (C) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in **Sec. 7.04.003** are satisfied.
- (D) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

Sec. 7.05.005 Floodways (13, 13a, 13b, 13c)

Floodways - located within areas of special flood hazard established in **Sec. 7.03.002**, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

**Village of Palisades
Municipal Code
Chapter VII
Flood Damage Prevention**

- (A) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway.
- (B) If **Sec. 7.05.005** above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 7.05.
- (C) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65.12.

Sec. 7.05.006 Severability (13, 13a, 13b, 13c)

If any section, clause, sentence, or phrase of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

Sec. 7.05.007 Penalties for Non-Compliance (13, 13a, 13b, 13c)

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent The Village of Palisades from taking such other lawful action as is necessary to prevent or remedy any violation.

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

Chapter 8 – Traffic and Vehicles

Article 8.01 - General Provisions

Sec. 8.01.001 Purpose; enforcement of traffic laws (Ordinance 10, 10a, 10b, 10c, 10d, 10e, 10f)

- (A) The village has been granted the authority to regulate traffic on the roads contained within the village through the authority granted under the Texas Transportation Code, subchapter A, chapter 542, section 542.202. Accordingly, traffic on all roads is regulated by the village through the village police department, which is expressly granted the authority to enforce the following provisions.
- (B) Drivers using the roads within the boundaries of the village are specifically advised that all general traffic rules and laws, “Rules of the Roads,” enforceable by the state or a political subdivision of the state are enforceable within the village by any appropriate law enforcement official. Statutory authority to place, maintain and enforce necessary traffic-control devices is granted under chapter 544, Texas Transportation Code.

State law reference—Uniformity and Interpretation of State Law, V.T.C.A., Transportation Code, sec. 542.202.

Sec. 8.01.002 Definitions (Ordinance 2021-1)

Authorized emergency vehicle - A law enforcement, fire or ambulance vehicle when engaged in delivery of emergency services.

Driver – The person driving and having physical control over any vehicle governed by this chapter.

Driver’s license – An authorization issued by a state for the operation of a motor vehicle. This term includes:

- (1) A temporary license or instruction permits; and
- (2) An occupational license

Hands free device - A speakerphone capability or telephone attachment or other piece of equipment regardless of whether the equipment is permanently installed in the vehicle that allows the use of a wireless

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

communication device for oral communication without use of either of the vehicle operator's hands.

Motorized cart – Those electric and gasoline powered carts and other vehicles, commonly referred to as golf carts, all-terrain vehicles, utility terrain vehicles, four-wheelers, mules, gators, etc. Specifically excluded from this definition is passenger vehicles commonly defined as sedans, trucks, vans, and other full-size passenger vehicles intended for on-highway usage.

Owner – The person holding title to the motorized cart or vehicle.

Permanent – Existing perpetually, especially without significant change or intended to exist for a long, indefinite period.

Permit – A certificate/decal of authorization issued to the applicant authorizing the operation of the golf cart, UTV, ATV, or other vehicle for which the permit was issued.

Public utility service vehicle - A vehicle engaged in providing electric, gas, cable or telephone service.

Semi-permanent – Existing in such a condition as parked, stored, or stood for a period of fourteen (14) consecutive days or more.

Slow moving vehicle emblem – A triangular emblem that conforms to standards and specifications adopted by the director under § 547.104 and displayed in accordance with V.T.C.A, Transportation Code § 547.703.

Street – The public roadways of the Village of Palisades by whatever name, road, alley, avenue, highway, route, boulevard.

Wireless communication device - A device that uses a commercial mobile service as defined by 47 U.S.C. section 332.

All other words and regulations are intended to be interpreted with their commonly used meanings and definitions in accordance with those definitions contained in the Transportation Code of the state.

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

Sec. 8.01.003 Penalty (Ordinance 2021-1)

Any person who violates any provision of this chapter shall be guilty of a class “C” misdemeanor, and any such violation shall be punishable by a fine not to exceed the maximum allowed under state law.

Sec. 8.01.004 General regulations (Ordinance 2021-1)

All traffic rules and laws enforceable by the state or an authorized political subdivision of the state are hereby adopted and enacted for the roads within the village. Drivers are advised to operate vehicles in full compliance with all state laws and regulations and the specific regulations contained in this chapter.

Sec. 8.01.005 Traffic-control devices manual (Ordinance 2021-1)

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 village 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 village 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 village being consistent with the manual and specifications, state law and this section shall be official traffic-control devices.

Sec. 8.01.006 Placement of traffic-control devices (Ordinance 2021-1)

Ordinances ordering the placement of traffic-control signs, signals and devices at designated locations, such as stop signs and yield signs, are not included in this code, but such ordinances are on file in the city secretary’s office. Ordinances ordering the placement of traffic-control signs, signals and devices at designated locations are specifically saved from repeal upon adoption of the Code of Ordinances.

Sec. 8.01.007 Load Limits on Municipal Roads (Ordinance 26, 26a)

(A) It is unlawful for any person without a special permit to knowingly or willfully drive a vehicle or vehicles with a trailer or trailers which either singly or in tandem weigh in excess of 15,000 pounds gross registration weight upon any street or public easement owned, dedicated to, or maintained by Palisades Village unless exempt herein:

(1) The following vehicles are exempt from this section:

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

- (a) Emergency vehicles, i.e.: fire trucks, ambulances, police equipment, etc.
 - (b) School buses
 - (c) Moving vans delivering household goods on a one-time-trip use
 - (d) Delivery vans or trucks delivering or picking up appliances or household goods purchased by residents of the Village of Palisades
 - (e) Any vehicle operating in direct relation to any building permit, franchise agreement, or other permit required by the Village of Palisades.
- (B) Upon proper application by applicant, permits to exceed the 15,000 gross vehicle weight within the corporate limits of Palisades Village may be issued by Code Enforcement. The permit shall contain the following information:
- (1) Permit Number
 - (2) Date(s) permit is valid
 - (3) Whether permit is single, round or multiple routing
 - (4) Description of vehicle or object to be moved
 - (5) Authorized gross and axle weight, length, and height
 - (6) The authorized routing over Village streets including the origin and termination point within the Village
 - (7) The fee paid
 - (8) Date and signature of Code Enforcement Officer.

In addition, the permit will specify general conditions with which the permittee must comply that are consistent and reasonable for the protection of the general public and village streets.

Article 8.02 Operation of Vehicles

Sec. 8.02.001 Speed limits (Ordinance 10, 10a, 10b, 10c, 10d, 10e, 10f)

- (A) Unless specifically noted either in this chapter or by clearly posted traffic signage, the maximum speed limit on any road within the village is 25 miles per hour. However, nothing in this section shall be construed to prohibit the village from requiring lower speed limits on any roads, when such lower limit is adopted by an affirmative vote of the board of aldermen and such lower speed limit is clearly posted on the road segment in question. Ordinances

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

establishing special speed limits for specific streets are not included in this code, but such ordinances are on file in the city secretary's office if applicable. Ordinances establishing special speed limits are specifically saved from repeal upon adoption of the Code of Ordinances. Speed limits in construction zones are as posted.

- (B) Road conditions of actual and potential hazards: No person shall drive a vehicle or motor bike on a street or road within the Village at a speed greater than is reasonable and prudent under the conditions then existing, with regard to the actual and potential hazards in the following situations:
- (1) Intersections: When approaching and crossing an intersection.
 - (2) Curves: When approaching and going around a curve.
 - (3) Hills: When approaching a hill crest.
 - (4) Narrow winding roads: When traveling upon any narrow or winding roadway.
 - (5) Special Hazards: When a special hazard exists with respect to pedestrians or other traffic, or by reason of weather affected highway conditions.

State law references—Prima facie speed limits, V.T.C.A., Transportation Code, sec. 545.352; authority of municipality to alter speed limits, V.T.C.A., Transportation Code, sec. 545.356.

Sec. 8.02.002 Motorized Carts, UTVs and ATVs (Ordinance 2021-1)

(A) Applicability

The provisions of this section apply to all motorized carts, all-terrain vehicles, utility terrain vehicles, and other vehicles which are not defined as a passenger car, truck, or other fully enclosed motor vehicle.

(B) Required Equipment

Every motorized cart, UTV, ATV, or other vehicle commonly referred to as mules, ATVs, UTVs, etc. are required to be permitted under section **8.02.003** must be equipped, as mandated by the Texas Transportation Code and required by the Village of Palisades with the following:

- (a) Operational headlamps (two required);
- (b) Operational tail lamps (two required);

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

- (c) Side reflectors (two front: amber in color and two rear: red in color);
- (d) Operational parking brake or other secondary brake system;
- (e) Rearview mirror (capable of clear unobstructed view of at least 200 feet to the rear)

(C) Operational Regulations

- (a) All drivers of motorized carts, ATVs, UTVs, and other defined vehicles shall hold a valid driver's license and shall abide by all traffic regulations applicable to vehicular traffic when using authorized streets within the Village of Palisades.
- (b) The number of riders is limited to the number of seats available in the vehicle and intended to ride in the vehicle as specified by the manufacturer.
- (c) All riders, including the driver, must remain seated while the vehicle is in motion.
- (d) Children must be properly seated while a vehicle is in motion and may not be transported in a reckless or negligent manner.

(D) Liability

- (a) Nothing in this section shall be constructed as an assumption of liability by the Village of Palisades for any injuries to persons, pets or property which may result from the operation of a motorized cart, ATV, UTV, or other defined vehicle by an authorized driver.
- (b) Owners are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said motorized cart, ATV, UTV, or other defined vehicle on both personal and/or Village and public property. This described liability responsibility especially applies to personal injuries or property damage resulting from motorized cart, UTV, ATV or other defined vehicle

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

drivers who are minors under the age of 21 with or without a current and valid driver's license.

State law reference—Operation on highway authorized by municipality or certain counties, V.T.C.A., Texas Transportation Code, sec. 551A.053.

Sec. 8.02.003 Permit Required: ATVs, UTVs, Golf Carts (Ordinance 2021-1)

No person shall operate, cause to be operated, or allow the operation of an ATV, UTV, golf cart, or other defined vehicle designed for off-highway use on a public roadway within the limits of the Village of Palisades unless a valid permit has been issued for that vehicle or otherwise allowed by law.

- (A) Application for a permit authorizing the operation of a golf cart, ATV, UTV, or other defined vehicle shall be made by a person who owns, leases, or otherwise uses the vehicle. Such application shall be made in writing to the Permit Clerk on a form designated for that purpose. On such application shall be set forth the following:
 - (1) Name, address, telephone number and state driver's license number, if applicable, of the permit holder;
 - (2) Street address where the vehicle is kept;
 - (3) Year, make, model, color, vehicle identification number, or serial number if no VIN has been issued, manner of conveyance (gasoline or electric);
 - (4) The vehicle must be inspected by the Permit Clerk prior to issuance of a permit for the vehicle;
 - (5) A permit issued to an ATV, UTV, golf cart or other defined vehicle shall become invalid if the motorized cart is altered in any manner that fails to comply with any requirement as established in sec. 8.02.002 of this Chapter.

- (B) Permits are valid for a period of one year from the date of issuance. Fees for permits may be found in Appendix A to this code of ordinances.

- (C) The permit holder shall notify the Permit Clerk within ten (10) working days if the vehicle transfers ownership or the address of the normal storage location of the vehicle has changed.

- (D) A Police Officer, the Permit Clerk, or other designated Village Official may revoke a permit if there is evidence that the permit holder cannot safely operate a motorized golf cart, ATV, UTV or other defined vehicle on the roadway of the streets of the Village of

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

Palisades or the vehicle fails to comply with the requirements of this Chapter.

- (E) Penalty
 - (1) Any person who violates the terms of section 8.02.002 or 8.02.003 shall be penalized as follows:
 - (a) The maximum penalty allowed for such misdemeanor and in addition to traffic violations the driver of the motorized cart may be subject to pursuant to Texas law, the owner of the motorized cart shall be subject to the following civil penalties:
 - (i) For the first offense, a fine of not less than \$25.00;
 - (ii) For the second and any subsequent offense, a fine of not less than \$50.00.

Sec. 8.02.005 Vehicle Lights (Ordinance 10, 10a, 10b, 10c, 10d, 10e, 10f)

No person shall drive a motor vehicle on any street or roadway within the Village from 30 minutes before sunset until 30 minutes after sunrise without proper headlights and taillights.

Sec. 8.02.006 Vehicle Shielding (Ordinance 10, 10a, 10b, 10c, 10d, 10e, 10f)

No motor vehicle shall be operated on any Village street or roadway without a form of shielding for moving parts of said motor

Sec. 8.02.007 Prohibition of electronic communication while driving (Ordinance 2021-1)

- (A) Use of a wireless communication device for any purpose other than oral communication by any person other than the driver of an authorized emergency vehicle or public utility service vehicle, within the limits of the village is prohibited unless the vehicle is stopped. This prohibition applies to all vehicles including golf carts.
- (B) It is an affirmative defense to prosecution under this section that the communication is made to an emergency response operator, police department, fire department or 9-1-1 emergency response line for the purpose of summoning a first responder or prevention of injury to person or property. It is further an affirmative defense to prosecution under this section if the person using the wireless communication device in an otherwise prohibited manner has a reasonable belief that the person's life or safety is in immediate danger.

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

Article 8.03 Parking, Stopping, and Standing

Sec. 8.03.001 Prohibited in certain places (Ordinance (Ordinance 10, 10a, 10b, 10c, 10d, 10e, 10f and Ordinance 2020-_____))

Except when necessary to avoid conflict with other traffic, or in compliance with the law or the direction of police officer or traffic-control device, no person or persons shall:

- (A) Stop, stand or park a vehicle:
 - (1) At any place where official signs prohibit such action.
 - (2) On the roadway side of any vehicle stopped or parked or curb of a street (double parking).
 - (3) On a sidewalk.
 - (4) Within an intersection.
 - (5) On a crosswalk.
 - (6) On any bridge.
 - (7) On the shoulder of a road
 - (8) On any common or public area within the Village Limits

- (B) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger:
 - (1) At any place where official signs prohibit standing.
 - (2) In front of a public or private driveway.
 - (3) Within 15 feet of a fire hydrant.
 - (4) Within 20 feet of a crosswalk at an intersection.
 - (5) Within 20 feet of the driveway entrance of any fire station and the opposite side of the street within 75' of said entrance.

- (C) Stand or park a vehicle in a permanent or semi-permanent condition in any of the locations referenced in Sec. 8.03.001 of this article.

Sec. 8.03.002 Parking of motor vehicles on public/private street prohibited (Ordinance 2021-1)

- (A) It shall be unlawful for any person to store or park a motor vehicle in a permanent or semi-permanent way on the public/private streets,

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

alleys or sidewalks of the city, in a way to obstruct two-way traffic flow.

- (B) For the purposes of this section, a vehicle shall be considered stored if it has remained parked at the same location for a period of time in excess of three (3) days. A stored vehicle shall be subject to removal and disposal as an abandoned vehicle as allowed by law.
- (C) No vehicle in dilapidated, abandoned, inoperative or unlicensed condition shall remain on public/private street in excess of seventy-two (72) hours or private property (improved or unimproved) in excess of thirty (30) days. For the purpose of this section, a vehicle without current registration and a current motor vehicle license plate will be deemed to be an unlicensed vehicle. Removal of vehicle will conform to article 3.04 of this code.

Sec. 8.03.003 Parking of motor vehicles, trailers, boats and other commercial vehicles in front yards and side yards of areas zoned residential (Ordinance 2021-1)

It shall be illegal for any person to park or to allow to be parked on any property under his control any automobile, bus, truck, tractor, motorcycle, motor home, recreational vehicle, camper, trailer, boat, or any other vehicle on any portion that impedes two-way traffic flow in a front yard or side yard of any area which is zoned residential under the zoning ordinance or on any premises which is used for single-family or multifamily dwelling purposes.

Sec. 8.03.004 Towing and impoundment of certain vehicles authorized ((Ordinance 10, 10a, 10b, 10c, 10d, 10e, 10f) and Ordinance 2020-_____)

- (A) Any vehicle found on any private property, public/private street or other public place under any circumstances hereinafter set forth shall be deemed to be a nuisance per se, and may be towed away or impounded conforming with section 3.04.002 in the manner herein provided:
 - (1) When any vehicle on any other property constitutes an obstruction to traffic by being left unattended on any roadway public or private.
 - (2) When any vehicle upon a street or thoroughfare is so disabled so that it's normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or

**Village of Palisades
Municipal Code
Chapter VIII
Traffic and Vehicles**

- custody, or are not in the immediate vicinity of the disabled vehicle.
- (3) When a police officer reprimands any person driving or in control of a vehicle and places him in custody for alleged offense.
 - (4) When any vehicle is stopped or parked in violation of any official sign or other traffic-control device.
 - (5) When any vehicle is stored on a public/private street, sidewalk, parkway or alley.
- (B) Whenever the provisions of this section provide for the towing away and impoundment of any vehicle, such service shall be performed either by the city or its duly authorized agent.
- (C) Whenever a vehicle is towed away or impounded under the provisions of this document, all costs, storage fees, notices, sales costs and any and all other fee's incurred shall be the responsibility of the owner of said vehicle.

Sec. 8.03.005 Owner prima facie responsible for illegal parking (Ordinance 2021-1)

If any vehicle is found in violation of any provision of this article or of state statute regulating the stopping, standing, or parking of a vehicle and the identity of the driver cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such action.

Sec. 8.03.006 Violation; penalties (Ordinance 2021-1)

Any violation of the provisions of this article shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation in accordance with section 1.01.006 of this code. Each day that a violation is permitted to exist constitutes a separate offense.

**Village of Palisades
Municipal Code
Chapter IX
Building**

Chapter 9 – Building

Article 9.01 – General Provisions

Sec 9.01.001 Statement of Purpose (Ordinance 2021-1)

The Village of Palisades believes that it is in the public interest to promote the health, safety and general welfare of the residents of the Village of Palisades, Texas through the equitable regulation of building and other construction activities within the Village. Accordingly, the Village has adopted the following regulations concerning construction activities within the corporate limits.

Sec 9.01.002 Penalties and Enforcement (Ordinance 2021-1)

- (A) Violation of a provision of this Code shall be considered a Class C misdemeanor and shall be punishable by a fine up to the maximum amount allowed by State Law at the time of the offense and each and every day of violation shall be considered a separate violation and penalties may be cumulative.
- (B) Commencement of construction activities prior to the receipt of an approved building permit shall be punishable by Sec 9.02.001 (E).
- (C) Injunction and Restraining Order – construction activities without a valid building permit or activities which deviate from the activities approved in a valid building permit shall be subject to a temporary injunction and/or restraining order from the Municipal Court of the Village of Palisades to cause such activities to cease and desist until a permit is issued or activities are brought into compliance with a valid building permit.
- (D) Enforcement – the Village Police Chief and his/her designees shall be the enforcement officer for the terms and conditions of this Code and separately or together with certified information from the Building Committee shall be authorized to act upon any apparent violations.

Sec 9.01.002 International Residential Code (Ordinance 2021-1)

**Village of Palisades
Municipal Code
Chapter IX
Building**

The Village of Palisades operates under the 2015 of the International Residential and International Building Codes as adopted by the International Code Council and its terms and provisions shall govern all relevant activities unless otherwise specified in this chapter. If conflicts arise between any provisions of the International Residential Code and the Palisades Building Regulations, then the Palisades Building Regulations shall govern.

Sec 9.01.003 Definitions (Ordinance 2021-1)

The following definitions shall apply to the terms and provisions of this Article:

Abatement of substandard structures – Refer to Article 10.04 to all definitions regarding abatement of substandard structures.

Board- the Mayor and Aldermen as the governing body of the Village.

Police Officer – a Village Police Officer or any officer charged with the keeping of the peace and enforcement of the Village Ordinances and Code.

Owner - Any person, firm, or corporation who is owner of any lot within the boundaries of the Village, or said person, firm or corporation's heirs, representatives, or assigns.

Structure - Any building, whether residential or non-residential in function, either attached to or detached from any existing building or separate building.

Alteration - Any change to the exterior of a structure.

Front Lot Setback - Shall be the smallest distance from the front property line or to the edge of the road to the front line of any building, covered porch or terrace, or attached accessory building.

Side and Back Lot Setbacks - Shall be the shortest distance from the side or back property line(s) to the side or back line of any building, covered porch or terrace, or attached accessory building.

Outbuildings and Accessory Buildings - for the purpose of this definition, Outbuildings and Accessory Buildings are synonymous. They are defined as any structure on a lot that is intended to house anything other than persons. I.E: being designed, adapted, modified, or used for vehicles, carports, tools, or other articles or purposes other than as a permanent residence.

Completed Construction - shall be defined as having the structure in a finished state, ready for final inspection by the Building Committee or lending institution, with all building materials, scrap and waste removed from the site.

Building Committee - the Board of Aldermen has created a

**Village of Palisades
Municipal Code
Chapter IX
Building**

Building Committee consisting of no more than 5 members appointed by the Board for two-year terms. The Building Committee is specifically authorized and charged with the implementation of zoning and building regulations. This Committee's authority shall specifically include the authority to consider and issue building permits, conduct or arrange for the conduct of required or necessary inspections, and other items directly related to the implementation of the Zoning and Building regulations of the Village.

Zoning Board of Adjustment - the Village Board of Aldermen has been designated as the Zoning Board of Adjustment and shall hear and consider requests related to: a claim of error in the interpretation of zoning regulations; a request for a special exception from a condition of the zoning regulations; a request for a variance from a condition of the zoning regulations; a request for any item specifically noted in the zoning regulations.

Living Area - shall be defined as the total square footage of the residential structure that is heated and/or air conditioned.

Square Footage - for the purpose of issuing permits and/or calculating fees, square footage of a structure shall be defined as the total square footage of the structure contained within the exterior walls.

Remodeling – remodeling shall be defined as work on a structure that causes the existing walls to be opened, moved or otherwise physically altered. Removal, replacement, or addition of common items such wall coverings, paint, tile, etc are not considered remodeling.

Article 9.02 - Permitting

Sec 9.02.001 Permits and Village Inspections Required (Ordinance 19, 19a, 19b, 19c, 2021-)

(A) General Conditions

No one shall erect, construct, add to or remodel any building or structure without first applying to and obtaining a permit from the Building Committee. No permit shall be issued unless the application is in conformity with the requirements of this Article. Construction or work for which a permit is required shall be subject to inspection by the Village Inspector and such construction or work shall remain accessible and exposed for

**Village of Palisades
Municipal Code
Chapter IX
Building**

inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the Owner or owner's authorized agent or owner's registered builder to cause the work to remain accessible and exposed for inspection purposes. Neither the Village Inspector, the Building Committee nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- (1) Permits and Village Inspections Shall Be Required for the following activities:
 - (a) New home construction
 - (b) Remodeling of existing home
 - (c) Permanent fences (fences over 3' in height and to remain for more than 6 months or that are permanently attached to the ground surface)
 - (d) Construction of any outbuilding or accessory building of more than 200 square feet. (2015 IRC 105.2)
 - (e) Construction of swimming pools and permanent, in-ground spas
 - (f) Any item not specifically mentioned that is regulated by the International Residential Code
 - (h) Retaining Walls
 - (i) Decks of more than 200 square feet (2015 IRC 105.2)
 - (j) Above or Below Ground Storm Shelters/Safe Rooms
 - (k) Carports

(B) Permit Time Limits

Every permit issued in accordance with this chapter shall become void unless the work authorized by the permit is commenced within 30 days, or if the work authorized by the permit is suspended or abandoned for the time period. The Building Committee may grant extensions of time for additional periods not

**Village of Palisades
Municipal Code
Chapter IX
Building**

exceeding the time periods. Requests for extensions shall be in writing and justifiable cause demonstrated to the Building Committee. If the permit is not commenced in the time specified, the permit becomes void and a new permit is required, except for special, unusual or justifiable causes submitted in writing and demonstrated to the Building Committee. All new structures must have exteriors finished within one (1) year from the issuance of the permit. Permit extensions will be considered by the building committee and will require a separate filing fee as provided for in Appendix A to this code.

(C) Inspections, additional inspections, re-inspections

- (1) *Fees.* Fees will be imposed on all new home construction only. If inspections, additional inspections or re-inspections are required, the fee for each inspection, additional inspection or re-inspection shall be in accordance with Appendix A's inspection fee amount.
- (2) *Notification responsibility.* The Contractor or Homeowner shall be responsible for notification that construction is ready for inspection or re-inspection in a timely manner; no work shall be concealed prior to inspection and approval. The Inspector shall not inspect or re-inspect construction until the required fee/re-inspection fee has been paid. Failure to notify for inspection will result in an offense under Sec 10.02.001 (E) or Sec 1.01.006 of this Code.

(D) Authority to withhold and suspend contractor registrations, permits, and inspections

- (1) The Building Committee or Village Inspector is authorized to withhold and suspend permits and inspections to any contractor who(se):
 - (a) License and Permit Surety Bond or Certificate of Insurance required by this section has expired;
 - (b) License, license endorsement, or certification with the State in the respective trade has expired, has been suspended, or which has become invalid for any reason;

**Village of Palisades
Municipal Code
Chapter IX
Building**

- (c) Fails to correct a defect, error or deficiency in work installed under the authority of a permit within thirty (30) calendar days after written notification from the Building Committee of Village Inspector or his authorized agents;
- (d) Fails to pay any indebtedness, when due, to the Village for inspection fees or permit fees;
- (e) Allows unlicensed construction trades persons, who are required to be licensed by the State in their respective trade, to perform work in that trade on a building, structure, or construction site.

(E) Late fee; offense

- (1) When work for which a permit is required is begun prior to obtaining such permit, or otherwise receiving approval from the Building Committee to begin work, a late fee of two hundred fifty dollars (\$250.00) shall be assessed in addition to the required permit fee. A person who fails or refuses to obtain a required permit on a second or subsequent occasion within a twenty-four month period shall pay a late fee of five hundred dollars (\$500.00) in addition to triple the required permit fee for each subsequent violation occasion.

EXCEPTION: A person who owns and occupies a single-family dwelling will not be charged the above late fee for work on their dwelling provided such owner makes an application for the required permit by the end of the next work day following notification of the requirement to obtain a permit. However, this exception does not apply to a person who fails or refuses to obtain a required permit on a second or subsequent occasion within a twenty-four month period. Such person shall be subject to the above late fee provisions.

- (a) Unless specifically excepted, it is an offense, punishable in accordance with Section 1.01.006 and Section

**Village of Palisades
Municipal Code
Chapter IX
Building**

10.01.002 to perform any construction for which a permit is required, before having obtained the appropriate permit.

- (b) Unless specifically excepted, it is an offense punishable in accordance with Section 1.01.006 and Section 10.01.002, either to perform any construction without being registered, or to otherwise not comply with the requirements of this Article. The purpose of this Article is to preserve public health, safety, and welfare.
- (c) Unless specifically excepted, it is an offense punishable in accordance with Section 1.01.006 and Section 10.01.002, for failure to notify the Village or Village Inspector by the time of permit expiration to conduct a required inspection, or to otherwise not comply with the requirements of this Article. The purpose of this Article is to preserve public health, safety, and welfare.

Sec 9.02.002 Permit Applications, Fees & Prerequisites (Ordinance 19, 19a, 19b, 19c)

- (A) Building Permits are issued by the Building Committee
- (B) Before groundbreaking of any structure or the commencement of any alteration, the owner or registered builder shall present one set of plans and sketches of such structure or alteration to one or more members of the Building Committee and shall present a completed Application for a Building Permit in the form adopted and approved by the Committee. The plans and sketches must contain sufficient information to allow the Building Committee to verify the elevation difference between the existing grade and the proposed grade for all structures.
- (C) All plans and sketches must be accompanied by a plot plan certified by a registered surveyor of the land upon which the

**Village of Palisades
Municipal Code
Chapter IX
Building**

improvements are to be erected, which shall show the exact location of all proposed structures, setbacks, fences, retaining walls, patios, driveways, sidewalks, culverts, well, septic tank, septic field and any proposed removal of natural flora or boulders or any proposed fill.

- (1) Permits shall be valid for one (1) year from the date of issuance. To continue with any building or construction after the one (1) year initial permit time, the owner shall, prior to the expiration of the original permit, reapply to the Building Committee for a six (6) month extension. An application for a six (6) month extension shall be accompanied by a fee as laid out in Appendix A of this Code. Prior to the expiration of the six (6) month extension, the owner may apply to the Building Committee for a permit renewal on a month to month basis, paying the full permit amount each month.
- (2) Posting – all building permits shall be clearly posted in a location visible from the nearest roadway at all times. Construction shall be stopped at the order of the Village Police or Mayor in any location where a valid permit is not clearly displayed in a location visible from the nearest roadway.
- (3) Fees – Building Permit fees shall be charged in accordance with the latest schedule of fees adopted and approved by Ordinance by the Board of Aldermen and shall be attached to this municipal code of ordinances as Appendix A.

Article 9.03 – Building Regulations

Sec 9.03.001 Building - General Conditions (Ordinance 2021-1)

(A) Single Family Residential Construction

- (1) Any new or modified permanent structure as defined as a Single Family Residence must be construction with a minimum of 1,200 square feet under roof.
- (2) No tract/lot shall be used for more than one Single Family Residence

Village of Palisades
Municipal Code
Chapter IX
Building

- (3) Structures within the Village of Palisades shall be of new, permanent construction only with the exception of the use of used brick for building veneers. Nothing in this regulation shall be construed to prohibit or interfere with the application of the United States Department of Housing and Urban Development Manufactured Housing Act.
- (4) Only building materials and construction methods as referenced in the International Building Code or International Residential Code as adopted by the Village of Palisades are permitted within the Village limits. Variance requests for use of non-conforming materials or construction methods which are not listed in the International Building Code or International Residential Code must be accompanied by engineering and structural data supporting the use of the material or method.
- (5) Each Single Family Residence must have approved utility connections in the form of water well system, septic system, portable water tank, gas and/or electrical connection.
- (6) Mobile homes, travel trailers, recreation vehicles, trailer houses, camp trailers, and manufactured housing will not be allowed to move onto any properties located within the boundaries of the Village of Palisades for the purpose of habitation. Storage of recreational vehicles or camp trailers is permitted in areas outside of Flood Plain A as defined in Chapter 8 Flood (Something). Those residing in Flood Plain A must find an alternative location for storage of recreational vehicles and camp trailers.
- (7) Building pads for all structures shall not be elevated above the natural grade more than what is actually necessary and justifiable for the proposed construction. Those properties located within a

**Village of Palisades
Municipal Code
Chapter IX
Building**

floodplain or subject to the provisions of Chapter VII Flood Damage Prevention are exempted from this item.

- (8) Not more than three (3) outbuildings shall be constructed on the total acreage of contiguous property.

(B) New Construction Only

All Construction within the Village shall be of new material only. Upon receipt of permit for new construction and prior to final inspection, all homeowners will be required to install at least one reflective address sign showing home number for emergency identification purposes (Address Identification – See Section 9.03.001 (J)).

(C) Permanent Construction Only

All construction within the Village shall be of a permanent nature only with no moved-in or portable structures being allowed. In order to comply with the requirements of the Manufactured Housing Act, any manufactured housing shall be installed in a permanent fashion and the owner shall provide to the Village a certification from the Texas Department of Housing and Community Affairs that such manufactured housing is installed in a permanent fashion.

(D) Sanitary Facilities

During construction activities, workers shall have permanent sanitary facilities available on-site or shall have access to an approved, portable chemical toilet. No portable chemical toilet facility shall remain on-site for longer than 30 days past completion of construction. The owner of the lot being improved shall be responsible to ensure that any portable chemical toilets in use are in compliance with the relevant laws and regulations of the State of Texas and the Amarillo Area Health District.

(E) Refuse

During construction activities of any type, all construction sites shall be kept clear of refuse, trash, rubbish, or other unsightly debris.

(F) Retaining Walls

All retaining walls to be constructed within the Village that are:

**Village of Palisades
Municipal Code
Chapter IX
Building**

- (1) over four feet in height above grade; and,
- (2) are for structural purposes must be permitted and must have an Engineers Seal on the plans for the retaining wall when presented for a permit.

(G) Docks and Piers

Any and all docks and/or piers constructed in the Village shall meet the following requirements:

- (1) All docks and/or piers must seek and receive a building permit

(H) Above or Below Ground Storm Shelters/Safe Rooms

Storm Shelters/Safe Rooms – All above ground or below ground storm shelters/safe rooms shall be permitted and meet the following requirements:

- (1) Permit applicants must provide copy of documentation that shelter has been constructed to meet National Storm Shelter Association or American Tornado Shelter Association Standards
- (2) All setbacks must be observed

(I) Roofs

- (1) New construction - The roof covering will be Included in the permit issued for the new construction. A separate permit is not required.
- (2) Minor Roof Repair - A building permit and inspection is not required for minor roof repair totaling less than 100 square feet.
- (3) Roof replacement - A building permit is required for removing an existing roof covering, repairing any damaged substrate of 100 square feet or more and installing a new roof covering. One inspection (minimum) is required.
- (4) Roof recover - A roof recover shall be prohibited, with the exception of certain metal roofs.
- (5) Wood roof covers - A roof cover made of any type of wood shall be prohibited.
- (6) Metal roof covers – Metal roof coverings used on residential structures shall comply with the relevant provisions of the 2015 edition of the International Residential Code. Screws and/or threaded fasteners are the only approved attachment method for

**Village of Palisades
Municipal Code
Chapter IX
Building**

fastening metal roof coverings to residential structures.

All exterior metal panels used for roofs must meet the following specifications:

(J) Address identification

- (1) Any building permit which requires an inspection must include address identification.
- (2) The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102mm) in height with a stroke width of not less than 0.5 inch (12.7mm). Where required by the building committee, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the road/street, a monument, lighted (as complied by Light Ordinance), reflective lettering, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

(K) Building Pads

- (1) Building Pads shall not be elevated above the natural grade more than what is actually necessary and justifiable for the proposed construction.
- (2) Properties that are in a floodplain or subject to the regulations contained in Chapter VII Flood Damage Prevention are exempted from this item.

Sec 9.03.002 Building – Public Health – On-Site Sewage Facilities (Ordinance 2021-1)

- (A) All lots improved by the addition of a residence shall be required to install an on-site sewage facility (OSSF).

**Village of Palisades
Municipal Code
Chapter IX
Building**

- (B) The OSSF shall be permitted through the Amarillo Area Health District and shall be constructed in strict compliance with the provisions governing OSSF installation.
- (C) Prior to occupancy, the owner shall provide to the Village a copy of the final inspection and approval of the OSSF.
- (D) In no instance shall a single OSSF be used by structures on more than one lot nor shall a single OSSF be used by multiple structures on a single lot without the prior approval of the Building Committee.

Sec 9.03.003 Setbacks (Ordinance 19, 19a, 19b, 19c)

To ensure the orderly development of property within Palisades and to protect and enhance the value of property, the following setbacks are required of all structures:

- (A) Front Lot Setback – Any structure located on a lot shall maintain a front lot setback of a minimum of ten (10) feet from the lot line or edge of the existing roadway if the roadway encroaches upon the lot line. The only instance in which a structure shall be located less than ten (10) feet from the lot line shall be in those instances where an existing improved roadway encroaches upon the lot line, in which case, the setback shall be ten (10) feet from the edge of the existing improved roadway.
- (B) The Front Lot Setback described in (A) above shall be required of any lot line that is adjacent to a roadway or street.
- (C) Side Lot Setback – Any structure located on a lot shall maintain a side lot setback of a minimum of ten (10) feet. However, in no case shall any structure other than a fence be located less than ten (10') feet from any side lot line.
- (D) Back Lot Setback – Any structure located on a lot shall maintain a back lot setback of a minimum of ten (10) feet. However, in no case shall any structure other than a fence be located less than ten (10') feet from any side lot line.

**Village of Palisades
Municipal Code
Chapter IX
Building**

- (E) Garages – in no case shall any structure designed, modified, or used for the parking or storing of a vehicle have its opening for such vehicle closer than ten (10) feet from any alley or existing roadway. For the purposes of this provision, any structure with a door or opening large enough to allow the entrance or partial entrance of a vehicle shall be considered a garage.

- (F) Outbuildings used for the housing or feeding of livestock – outbuildings used for the housing or feeding of livestock allowed under Section 2.01.001, 2.01.003, and 2.01.004 Village Code, shall not be constructed or modified for such purposes if located within ten (10) feet of a side lot line or back lot line. This clause specifically excludes existing or proposed outbuildings that may be used for the housing or feeding of domestic pets such as cats, birds and dogs. However, nothing in this clause shall allow or permit the operation of a kennel as such is defined in Chapter 2, Village Code.

Sec 9.03.004 Dumpsters and Similar Large Containers (Ordinance 2021-1)

- (A) Dumpsters or similar large containers (roll-offs) for the storage of trash, garbage, or refuse may be located on a property during construction activities if such container is necessary to control trash, blowing debris, and other refuse. Should such a container be located on a property during construction, the container must be removed within 10 business days following final inspection by a Village Approved Inspector. The term “dumpsters” is construed to mean any trash container not utilized for normal residential garbage containment. All trash must be contained within the dumpster and must not be allowed to blow out of the container.

**Village of Palisades
Municipal Code
Chapter IX
Building**

- (B) Dumpsters or similar large containers (roll-offs) for the storage of trash garbage, or refuse may be located in the Village limits as a part of a clean-up effort provided that a Building Committee member approves of the need for the container, when it will be placed, where it will be located, when it will be removed, and the purpose that necessitates the container. Private landowners using these dumpsters must place them on their own legal property. Should such a container be located in the Village for a civic clean-up effort, the container must not remain in the Village for more than two weeks per clean-up effort.

Article 9.04 – Substandard Structures

Sec 9.04.001 Abatement of substandard structures (Ordinance 2021-1)

(A) **Definitions; Declaration of Nuisance**

- (1) Definitions. The following definitions shall apply to the terms and provisions of this Article:

Good Repair - Means (1) that a premises is safe and habitable for its ordinary intended use; or, (2) that materials, equipment, and systems used in, on or under any structure are sound, stable, and performing the function for which intended without substantial defect that is detrimental to normal or intended operation or functionality. It does not mean or include purely cosmetic or aesthetic aspects of a structure, equipment, system, or material.

Interested Persons - Means jointly and severally any and all persons holding or claiming a legal interest in land or improvements thereon as either owner, tenant, occupant, lien holder, or other party with a legal interest discoverable by reasonable diligence.

Structure - That which is built or constructed or a portion thereof.

- (2) Declaration. All Structures are hereby declared to be Dangerous Structures which are:

**Village of Palisades
Municipal Code
Chapter IX
Building**

- (a) Structurally unsafe; or
- (b) Not provided with adequate egress; or
- (c) Which constitute a fire hazard; or
- (d) Are otherwise unfit for human habitation and are dangerous to human life, or which by way of existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, or dilapidation, or obsolescence, or fire hazard, or abandonment; or
- (e) Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or by children, animals, or vermin; or
- (f) Boarded up, fenced, or otherwise secured in any manner but: (1) the building constitutes a danger to the public even though secured from entry; or (2) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building.

All such Dangerous Structures are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this Article. This Declaration of Nuisance and all terms of this Article shall be applicable to and enforceable within the Village limits.

(B) **Initial Notice; service**

- (1) The Building Committee will conduct a preliminary inspection and shall examine or cause to be examined every Structure or portion thereof suspected to be substandard and, if such is found to be a Dangerous Structure, the

**Village of Palisades
Municipal Code
Chapter IX
Building**

Building Committee shall report such to the Board of Aldermen for action in accordance with this section. The Board of Aldermen shall conduct an inspection by the Village Inspector to determine the violation status. The Village Inspector will submit an inspection report with the substandard deficiencies to the Board of Aldermen. Upon receipt of the inspection report, the Board of Aldermen shall give Interested Persons in such Dangerous Structure written notice stating the defects found to exist.

- (2) The Initial Notice from the Board of Aldermen shall require the Interested Persons in the Dangerous Structure or premises to temporarily secure the structure from entry by persons and animals and repair or abate the defects without delay and no later than the tenth (10th) day after receipt of the notice. Such notice may also require the Dangerous Structure or portion thereof to be vacated forthwith and not occupied until the required repairs and improvements are completed, inspected and approved by the Village Inspector. Failure to secure, repair, or abate defects within the specified time may result in the Village to cause the work to be done and charge the costs against the property or its owner.
- (3) Service of notice is sufficient if it is deposited into the U.S. mail with proper postage for certified mail return receipt requested or is personally delivered to the Interested Persons in the property. In addition, the Village shall file in the real property records of the county clerk in the county where the property is situated, a copy or summary of the Initial Notice and the existence of the proposed condemnation proceeding, in a form acceptable to the County Clerk.
- (4) The Police Chief or his/her agents shall cause to be posted at or on any Dangerous Structure ordered to be vacated, a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY, Police Chief,

**Village of Palisades
Municipal Code
Chapter IX
Building**

Village of Palisades." Such notice shall not be removed without written permission of the Board of Aldermen except for the purpose of making the required repairs or demolishing the building with proper permits. The Village may also cause the Dangerous Structure to be secured from unlawful entry if the Interested Persons who received the Initial notice fail, refuse or neglect to so secure the place by the tenth day after receipt of such notice.

(C) **Provisional permit; opportunity to cure or remove structure**

- (1) If the Interested Persons in the property cannot secure the Dangerous Structure and remedy the defects within ten (10) days after receipt of the notice, but desires more time to do so, then the Interested Persons must apply for a provisional permit within the ten (10) days from the date such notice is received. A provisional permit authorizes the Interested Persons to either remove the structure in accordance with this Code of Ordinances or take such corrective remedial work that can be substantially complete within sixty (60) days, as agreed in writing with the Building Committee.
- (2) The Building Committee shall issue a provisional permit for the agreed corrective work or removal of the structure when the Interested Persons:
 - (a) demonstrates the structure has been temporarily secured as required in the notice letter;
 - (b) tenders a plan and schedule of work that is feasible to accomplish within sixty (60) days or less, in consideration of: the season; availability of materials; skills of the owner or availability of skilled or licensed contractors in the local market; the scope and amount of work to be performed; and other

**Village of Palisades
Municipal Code
Chapter IX
Building**

objective factor reasonably bearing on likelihood of success of the endeavor; and,

- (d) pays the required fee of one hundred twenty-five dollars (\$125.00) for the permit.

(D) **Abatement Inspection**

Apart from any ordinarily required construction inspection as required by another applicable code, the Village shall cause an abatement re-inspection of the property after the 60th day, and shall issue a written determination that either: finds substantial completion of the work authorized by the provisional permit (and thereupon may grant an extension of the provisional permit as provided for above or issue a standard building permit and other permits for additional work to continue on the Structure); or, finds that there is not substantial compliance and the condemnation process provided in this Article shall continue.

(E) **Prosecution**

Failure, refusal or neglect of the Interested Persons in a Dangerous Structure to abate such a nuisance after the Initial Notice of violation is an offense punishable in accordance with Section 1.01.006 and Section 9.01.002. However, the Village or agents of the Village shall delay filing of any charges in municipal court until such as time as there is probable cause to believe that the Interested Persons shall fail, neglect or refuse:

- (1) to comply with the Initial Notice of violation and need to secure or to repair the Dangerous Structure; or
- (2) to demolish the Dangerous Structure or portion thereof; or,
- (3) to timely and substantially complete the terms of a provisional permit, then the Village may proceed to prosecute same in the Palisades Municipal Court.

(F) **Notice of Condemnation Hearing**

**Village of Palisades
Municipal Code
Chapter IX
Building**

- (1) In the event that the Interested Persons shall fail, neglect or refuse:
 - (a) to comply with the Initial Notice of violation to repair or rehabilitate; or
 - (b) to demolish the Dangerous Structure or portion thereof; or,
 - (c) to timely and substantially complete the terms of a provisional permit, then the Building Committee or Village Staff shall notify the Board of Aldermen of such fact.
- (2) The Building Committee or Village Staff shall cause to be presented to the Board of Aldermen a resolution setting a date for a condemnation hearing, which allows for not less than ten (10) days' notice to the Interested Persons in the property, and ordering that a written notice of such hearing be promptly sent to such person(s) at the last known address for such person(s), and by publication of a notice of such hearing on the official Village website prior to the date of such hearing. In addition, the Police Chief may post notice of the hearing on the property. The condemnation hearing will be held by the Board of Aldermen.

(G) **Conduct of Hearing**

- (1) The Mayor shall announce the case and administer an oath or affirmation to all persons desiring to testify in the matter.
- (2) The Building Committee, Police Chief, Village Staff Member or designee shall present photographs, documents, and other relevant and material testimony and evidence concerning
 - (a) the conditions existing on and at the property;
 - (b) problems and nuisances arising out of same;
 - (c) the notices sent or effort to locate Interested Persons; and

Village of Palisades
Municipal Code
Chapter IX
Building

- (d) the existence and status of any provisional permit or reasons for denial of same by the Building Committee.
- (3) At the conclusion of the Building Committee, Police Chief, Village Staff Member or designee's testimony, the Mayor shall admit the file into the record of the proceeding and for individual review and questioning by any Board of Aldermen Member.
- (4) The Interested Persons in the property shall then have the right to cross-examine the Building Committee, Police Chief, Village Staff Member or designee and challenge any aspect of the evidence or testimony offered by the Village Representative. The Interested Persons shall then be allowed to offer direct testimony, photos, and other relevant and material evidence in support of that person's position or in opposition to the Village Representative.
- (5) Any other person desiring to offer testimony about the matter shall then be heard by the Board of Aldermen.
- (6) If the Interested Persons who were sent notice of the hearing fails, refuses, or neglects to appear at the hearing, then such person is deemed to admit liability for the defects and violations stated in the initial notice.
- (7) The Board of Aldermen may adopt such other procedural rules it deems reasonable and helpful for the conduct of such hearings. The Mayor shall, in consultation with the Village Attorney as needed, rule on all procedural questions in order to do substantial justice with due regard for notions of fair play, judicial efficiency, private property rights, and public health and safety concerns posed by the condition of property.
- (8) Upon conclusion of all testimony from interested persons, the Mayor shall close the hearing. The Board of Aldermen shall publicly deliberate its decision, giving due consideration to and weighing the following factors: validity of the

**Village of Palisades
Municipal Code
Chapter IX
Building**

violations as alleged by the Village Staff Representative; the severity of such violations and any corresponding danger to the public; due regard for private property rights; fair opportunity for the Interested Persons to have been notified of the problems and a corresponding opportunity to repair, remediate, or remove the defects or Dangerous Structure; weighing the private property interests of neighbors affected by further delay or deterioration of the subject property; and any other relevant consideration unique to the circumstances of that case but which may materially affect due process and equal protection of involved persons. The Board of Aldermen shall then announce its decision during that meeting and issue its resolution order:

- (a) Finding that the Structure is not a dangerous one or one marked by accumulation of vegetation, debris or trash, and ordering the matter be dismissed and Village to dismiss the notice filed in the county real property records; or,
- (b) Finding the Structure or any other Improvement of any kind, or any part thereof, is dangerous and ordering its removal ten (10) days after notice of decision; or,
- (c) Finding the Structure is a danger and ordering its removal ten (10) days after notice of decision, however, further finding that good cause exists to grant a reprieve on that order to allow the Interested Persons in the property to seek to qualify for and obtain a provisional permit during that period, and if obtained then the reprieve shall continue for the duration of such permit or successor permit, as provided in this Section. The reprieve granted under this subsection

**Village of Palisades
Municipal Code
Chapter IX
Building**

shall expire upon the later of the expiration of time to apply for and obtain a provisional permit or the expiration of such permit. If at expiration of the reprieve the Building Committee finds that the defects that gave rise to the finding of a Dangerous Structure have been abated, then the prior order of the Board of Aldermen to remove the Structure is moot; or, if the defects remain, then the Building Committee or Village Staff shall proceed to carry out the Board of Aldermen's prior order to remove the Dangerous Structure; or,

(d) Finding good cause exists to defer the adjudication of the case and directing reinstatement or extension of a prior provisional permit, for a period of time determined by the Board of Aldermen not exceeding sixty (60) days from date of the hearing. If at the end of the deferral period, the Building Committee or Village Staff finds that there has been no substantial progress toward abatement of the defects, then such fact shall be reported to the Mayor who shall request the Board of Aldermen to set a new hearing and proceed with an adjudication of whether the Structure is dangerous or not, in accordance with the procedures of subsection (E).

(H) **Notice of Decision**

A copy of the decision (resolution, order, or other document) of the Board of Aldermen shall be promptly sent to the Interested Persons in the Dangerous Structure or Premises in the same manner provided in subsection (B) of this Section.

(I) **Default; assessment of costs; lien; law suit**

(1) If the Interested Persons shall fail, refuse, or neglect:

Village of Palisades
Municipal Code
Chapter IX
Building

- (a) to remove or remedy the Dangerous Structure in accordance with the Board of Aldermen's resolution order not later than ten (10) days after notice of same is sent or posted; or
 - (b) either to apply for or to timely and substantially perform the terms of a provisional permit or extended provisional permit as ordered by the Board of Aldermen,
 - (c) or to timely and fully comply with the terms of a deferred adjudication, then the Building Committee or Village Staff shall proceed to execute the Board of Aldermen's finding and order to remove the Dangerous Structure.
- (2) All expenses incurred by the Village in the course of sending notices, removing and disposing of the Dangerous Structure or other improvements, as well as any other work performed on the premises or Structure, shall be invoiced to the owner of the property, with notice to any occupant and lien holder of record.
- (a) If the Interested Persons in the Premises shall fail, refuse, or neglect for a period of thirty (30) days to pay or discharge the expenses assessed by the Village, then the Village shall have a privileged lien second only to tax liens, and may file a record of such lien against such property in the appropriate county deed records, which shall bear interest at the rate of ten (10) percent per annum or as otherwise allowed by law. In no case shall the Village foreclose such lien by forced sale, except as may otherwise be prescribed by applicable state law.
- (3) Apart from any other action, right, or remedy mentioned in this section, the Village Attorney may file a civil law suit for any or all of the following: injunctive relief, declaratory judgment

**Village of Palisades
Municipal Code
Chapter IX
Building**

against the nuisance, for recovery of expenses incurred with interest.

(J) **Appeal**

(1) The findings and decision of the Board of Aldermen may be appealed to district court within thirty (0) days after rendering of the decision, for a trial in accordance with City of Dallas v. Stewart, No. 09-0257 (Tex.) (op. on reh., Jan. 2012).

(K) **Other Authority**

(1) Nothing in this section is intended as and shall not be construed as any limitation on the legal authority, right to enter, right to abate, or the procedures related thereto, that may be exercised by the Building Committee, Police Chief, or other government official acting in the scope of duty, as to any substandard building, or other condition existing on a premises that poses a clear and imminent hazard to human life, health, or safety.

State Law reference— Authority to define and prohibit nuisances, V.T.C.A., Local Government Code § 217.042, and § 54.04 pertaining to alternate adjudication procedures.

Article 9.05 – Variance Procedure

Sec 9.05.001 VariANCES (Ordinance 2021-1)

VariANCES to this Code shall be granted only upon a finding by the Board of Aldermen that a unique situation exists where substantial justice and preservation of the spirit and intent of this Code can be found by the granting of such a variance. All variANCES considered and granted shall be considered the result of a careful study of the specific facts and circumstances regarding each individual situation. Further, the existence or granting of a particular variance shall in no way be considered a precedent for the granting of other variANCES. Each variance request shall be a separate request that will be studied and judged on its own merits. Self-Induced hardships shall not be considered a unique hardship for the purpose of considering a variance request.

Sec 9.05.002 Procedure

**Village of Palisades
Municipal Code
Chapter IX
Building**

- (A) An application for a variance must be filed in writing with the Building Committee together with a non-refundable fee in the amount currently in effect and approved by the Board of Aldermen. The written request for a variance must specifically state the provision(s) from which the variance is requested and must clearly identify the unique hardship or special circumstance that exists which causes the variance to be necessary. In addition, the requestor should provide sufficient detail in the request to allow the Board of Aldermen to consider all relevant facts in the matter.
- (B) The Mayor shall cause a Notice of Public Hearing to be posted at least ten (10) days prior to the next meeting of the Board of Aldermen which allows for time to satisfy this requirement and shall ensure that all owners of properties adjacent to the property subject to the variance are notified in writing of the public hearing.
- (C) The Board of Aldermen shall conduct a Public Hearing on the variance request and shall allow those members of the public present to provide testimony to the Board regarding the request. In addition, the Board shall cause any written comments received to be read into the record during the public hearing.
- (D) The Board of Aldermen, after receipt of oral and written comments, shall consider the variance request in open session. Variances must be approved by a majority of the total members of the Board of Aldermen. In the event a written protest from the owners of at least twenty (20) percent of the lots or land located adjacent to the location subject to the variance is received, the variance shall not be granted except by three quarters (3/4) majority of the total members of the Board of Aldermen.
- (E) Any approved variance shall be granted in the form of an ordinance and shall be a permanent part of the Village record.
- (F) The Village Board of Aldermen shall not consider the same or substantially same request for a variance more than once in any twelve (12) month period.

**Village of Palisades
Municipal Code
Appendix A
Fee Schedule**

Appendix A – Fee Schedule

1. Permanent Structures over 64 square feet - \$100.00 Flat Filing Fee
2. Portable Structures less than 200 square feet with skids - \$100.00 Flat Filing Fee
3. Remodel Existing Structure costing more than \$10,000 – \$50.00 Flat Filing Fee
4. Roofs and Fences - \$25.00 Flat Filing Fee
5. Decks and Patios - \$25.00 Flat Filing Fee
6. Variance Fee - \$75.00 to be Paid Prior to Variance Submission and Decision
7. Building Permit Inspections – Current rate for new homes approved by the Board of Aldermen with a minimum of \$125.00 per inspection. All inspections must be completed by a Village Contracted Inspector.
8. Building Permit Extension - \$250.00 Flat Filing Fee
9. Multi-Pet Permit - \$15.00 Flat Filing Fee
10. Overweight Load Permit - \$25.00 Single Trip Fee, \$40.00 Round Trip or Multiple Trip Fee
11. UTV, ATV, Golf Cart, etc. Permit - \$15.00 Flat Filing Fee
12. Pump Permit - \$25.00