

CITY OF WHITESBORO COUNCIL MEETING
111 W. MAIN STREET, WHITESBORO, TEXAS
TUESDAY, APRIL 16, 2024 4:00 P.M.

1. PLEDGE OF ALLEGIANCE AND INVOCATION
2. ROLL CALL
3. CITIZEN PRESENTATION. Any citizen wishing to address the council may do so after providing a written request to speak to the City Secretary; giving their name and address for the record. There is a three (3) minute time limit. The Council may not address any issues, but may receive information.
4. DEPARTMENT HEAD REPORTS.
5. RECOGNIZE LT. DOCKERY FOR HIS 16 YEARS OF SERVICE WITH THE CITY OF WHITESBORO POLICE DEPARTMENT.
6. PUBLIC HEARING TO DISCUSS AND CONSIDER A RE-PLAT FOR THE PROPERTY AT 208 TROLLINGER STREET, WHITESBORO TEXAS; LEGAL DESCRIPTION AS G-1041 RITCHEY WILLIAM A-G1041, ACRES .3228. THE PROPERTY OWNER IS REQUESTING TO DIVIDE THE PROPERTY INTO TWO (2) LOTS.
7. DISCUSS, CONSIDER AND POSSIBLE ACTION ON THE APPROVAL OF A RE-PLAT FOR THE PROPERTY AT 208 TROLLINGER STREET, WHITESBORO TEXAS; LEGAL DESCRIPTION AS G-1041 RITCHEY WILLIAM A-G1041, ACRES .3228. THE PROPERTY OWNER IS REQUESTING TO DIVIDE THE PROPERTY INTO TWO (2) LOTS.
8. PUBLIC HEARING TO DISCUSS AND CONSIDER A RE-PLAT AND RE-ZONE FOR THE PROPERTY AT 704 WHITE STREET, WHITESBORO TEXAS; LEGAL DESCRIPTION AS G-0491 HARTFIELD ASA A-G0491, ACRES 1.445. THE PROPERTY OWNER IS REQUESTING TO SEPARATE THE PROPERTY INTO TWO SEPARATE LOTS AND MAKING THE NEW LOT AN R-4 ZONING, BUT ALLOWING WHERE THE CURRENT HOUSE SITS TO REMAIN AN R-1 ZONING. THIS WILL ALLOW FOR THE NEW LOT TO POSSIBLY BE DEVELOPED.
9. DISCUSS, CONSIDER AND POSSIBLE ACTION ON THE APPROVAL OF A RE-PLAT AND RE-ZONE FOR THE PROPERTY AT 704 WHITE STREET, WHITESBORO TEXAS; LEGAL DESCRIPTION AS G-0491 HARTFIELD ASA A-G0491, ACRES 1.445. THE PROPERTY OWNER IS REQUESTING TO SEPARATE THE PROPERTY INTO TWO SEPARATE LOTS AND MAKING THE NEW LOT AN R-4 ZONING, BUT ALLOWING WHERE THE CURRENT HOUSE SITS TO REMAIN AN R-1 ZONING. THIS WILL ALLOW FOR THE NEW LOT TO POSSIBLY BE DEVELOPED.
10. DISCUSS, CONSIDER AND POSSIBLE ACTION ON AWARDED A DOWNTOWN BUILDING IMPROVEMENT GRANT FOR LOVEJOY'S.
11. DISCUSS, CONSIDER AND POSSIBLE ACTION ON AMENDMENTS TO THE PROJECT #76 AGREEMENT.
12. DISCUSS, CONSIDER AND POSSIBLE ACTION ON ORDINANCE 1220 AMENDING THE PRESERVATION BOARD.
13. DISCUSS, CONSIDER AND POSSIBLE ACTION ON AN ORDINANCE 1222 FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

14. DISCUSS, CONSIDER AND POSSIBLE ACTION ON THE CONTRACT FOR THE PURCHASE LAND.
15. DISCUSS AND CONSIDER UPDATES ON THE FOLLOWING ONGOING PROJECTS.
 - a) Water Tower project. Possible action.
 - b) 12" Water Line. Possible action.
 - b) Texoma Street project. Possible action.
 - c) 4th Street project. Possible action.
16. DISCUSS, CONSIDER AND POSSIBLE ACTION ON THE APPROVAL AND/OR RATIFICATION OF EXPENDITURES EXCEEDING THE CITY ADMINISTRATOR'S AUTHORITY.
17. ADJOURN

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberation about Real Property), 551.073 (Deliberation about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development).

Persons with disabilities who plan to attend this meeting and who may need assistance or interpretation should contact the office of the City Secretary at 903-564-4000 two (2) days prior to the meeting so that appropriate arrangements can be made.

Las personas con discapacidad que pretenden asistir a esta reunion y que necesite avuda o interpretacion deben pongase en contacto con la oficina de la Secretaria de la ciudad en 903-564-4000, 2 dos dias anties de la reunion para que so pueden hacer arreglos apropiados.

REVENUE STATEMENT
AS OF: APRIL 12TH, 2024

106-GENERAL FUND
REVENUES

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
TAXES						
5110 CURRENT TAXES	1,312,609.00	0.00	1,457,411.80	111.03	0.00	(144,802.80)
5111 DELINQUENT TAXES	19,053.93	0.00	7,023.41	36.86	0.00	12,030.52
5112 FRANCHISE PAYMENTS	87,524.18	0.00	75,315.35	86.05	0.00	12,208.83
5113 ECONOMIC DEVELOPMENT	570,000.00	0.00	398,166.66	69.85	0.00	171,833.34
5120 GENERAL SALES TAX	1,244,035.96	0.00	530,888.91	42.67	0.00	713,147.05
5121 PROPERTY TAX RELIEF	210,750.00	0.00	132,722.23	62.98	0.00	78,027.77
5123 MIXED BEVERAGE TAX	1,520.17	0.00	599.32	39.42	0.00	920.85
5130 PENALTY & INTEREST	8,200.00	0.00	3,981.59	48.56	0.00	4,218.41
5131 DELINQUENT TAXES COLLECT/P&I	6,970.80	0.00	2,093.21	30.03	0.00	4,877.59
5133 TAX ATTORNEY'S FEE	4,276.35	0.00	2,469.43	57.75	0.00	1,806.92
*** REVENUE CATEGORY TOTALS ***	3,464,940.39	0.00	2,610,671.91	75.35	0.00	854,268.48
LICENSE & PERMITS						
5210 DOG LICENSE	150.00	0.00	70.00	46.67	0.00	80.00
5220 OCCUPATION LICENSE	17,000.00	1,650.00	10,700.00	62.94	0.00	6,300.00
5225 ALCOHOL PERMIT	1,822.50	235.00	385.00	21.12	0.00	1,437.50
5230 ALARM SYSTEM PERMIT	2,000.00	0.00	2,107.50	105.38	0.00	(107.50)
5260 BUILDING PERMITS	256,793.94	608.70	61,142.66	23.81	0.00	195,651.28
*** REVENUE CATEGORY TOTALS ***	277,766.44	2,493.70	74,405.16	26.79	0.00	203,361.28
CHARGES FOR SERVICES						
5410 CEMETERY	23,000.00	0.00	14,750.00	64.13	0.00	8,250.00
5411 CEMETERY FILING FEE	500.00	0.00	75.00	15.00	0.00	425.00
5417 ANIMAL CONTROL/POUND FEES	500.00	20.00	295.00	59.00	0.00	205.00
5420 SWIM POOL ADMISSIONS	20,000.00	0.00	0.00	0.00	0.00	20,000.00
5425 SWIM LESSON FEES	13,500.00	285.00	350.00	2.59	0.00	13,150.00
5430 POOL CONCESSIONS	9,500.00	0.00	0.00	0.00	0.00	9,500.00
5435 ATHLETIC INCOME	57,850.80	745.00	43,023.00	74.37	0.00	14,827.80
5440 P & R REVENUE	15,500.00	340.00	12,340.50	79.62	0.00	3,159.50
5443 SERVICE CHARGE FEE	0.00	0.00	46.56	0.00	0.00	(46.56)
5460 GAMEROOM REVENUE	50.00	0.00	0.00	0.00	0.00	50.00
5480 LIBRARY/COUNTY SUBSIDY	2,960.00	0.00	2,960.00	100.00	0.00	0.00
5493 PLANNING & ZONING FEES	2,000.00	0.00	1,615.47	80.77	0.00	384.53
5495 FIRE CONTRACT-GRAYSON COUNTY	39,600.00	4,083.00	24,498.00	61.86	0.00	15,102.00
*** REVENUE CATEGORY TOTALS ***	184,960.80	5,473.00	99,953.53	54.04	0.00	85,007.27

REVENUE STATEMENT
AS OF: APRIL 12TH, 2024

106-GENERAL FUND
REVENUES

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
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FINES & FORFEITURES						
5510 LIBRARY FINES	100.00	0.00	0.00	0.00	0.00	100.00
5570 TRAFFIC/CRIMINAL FINES	240,000.00	4,170.69	126,497.03	52.71	0.00	113,502.97
*** REVENUE CATEGORY TOTALS ***	240,100.00	4,170.69	126,497.03	52.69	0.00	113,602.97
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OTHER REVENUES						
5608 WEDCO/WIDC IMPROVEMENTS	0.00	0.00	24,223.00	0.00	0.00	(24,223.00)
5611 LIBRARY DONATIONS	300.00	0.00	0.00	0.00	0.00	300.00
5613 FIRE DEPARTMENT DONATIONS	0.00	6.00	26.00	0.00	0.00	(26.00)
5614 OAKWOOD CEMETERY DONATIONS	100.00	0.00	100.00	100.00	0.00	0.00
5617 PROPERTY LEASES	75,193.78	0.00	35,438.17	47.13	0.00	39,755.61
5618 COURT COLLECTION FEE	13,500.00	228.30	4,921.65	36.46	0.00	8,578.35
5625 INTEREST INCOME	285,829.51	0.00	108,159.65	37.84	0.00	177,669.86
5626 INSURANCE CLAIMS	0.00	0.00	80,092.00	0.00	0.00	(80,092.00)
5628 FIRE RECOVERY	9,693.00	0.00	0.00	0.00	0.00	9,693.00
5630 MISCELLANEOUS	65,000.00	15,087.55	27,138.63	41.75	0.00	37,861.37
5632 POLE CONTRACTS	18,547.00	0.00	0.00	0.00	0.00	18,547.00
5633 VERIZON POLE CONTRACTS	0.00	0.00	168.52	0.00	0.00	(168.52)
5636 PEACE OFFICER TRAIN.ALLOCATIO	0.00	0.00	1,194.62	0.00	0.00	(1,194.62)
5637 POST OFFICE LEASE	0.00	4,500.00	4,500.00	0.00	0.00	(4,500.00)
5638 MUN. COURT BLDG SECURITY	5,023.75	83.12	2,713.82	54.02	0.00	2,309.93
5639 MUN. COURT TECHNOLOGY	4,101.03	67.85	2,215.35	54.02	0.00	1,885.68
*** REVENUE CATEGORY TOTALS ***	477,288.07	19,972.82	290,891.41	60.95	0.00	186,396.66
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TRANSFER FROM OTHER FUNDS						
5711 TRANSFER FROM UTILITY FUND	1,411,719.12	0.00	0.00	0.00	0.00	1,411,719.12
5712 TRANSFER FROM UNDESIGNATED BA	125,254.00	0.00	0.00	0.00	0.00	125,254.00
*** REVENUE CATEGORY TOTALS ***	1,536,973.12	0.00	0.00	0.00	0.00	1,536,973.12
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OTHER						
*** TOTAL REVENUES ***	6,182,028.82	32,110.21	3,202,419.04	51.80	0.00	2,979,609.78
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*** END OF REPORT ***						

FINANCIAL SUMMARY
AS OF: APRIL 12TH, 2024

106-GENERAL FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
REVENUE SUMMARY						
TAXES	3,464,940.39	0.00	2,610,671.91	75.35	0.00	854,268.48
LICENSE & PERMITS	277,766.44	2,493.70	74,405.16	26.79	0.00	203,361.28
CHARGES FOR SERVICES	184,960.80	5,473.00	99,953.53	54.04	0.00	85,007.27
FINES & FORFEITURES	240,100.00	4,170.69	126,497.03	52.69	0.00	113,602.97
OTHER REVENUES	477,288.07	19,972.82	290,891.41	60.95	0.00	186,396.66
TRANSFER FROM OTHER FUNDS	1,536,973.12	0.00	0.00	0.00	0.00	1,536,973.12
*** TOTAL REVENUES ***	6,182,028.82	32,110.21	3,202,419.04	51.80	0.00	2,979,609.78
EXPENDITURE SUMMARY						
11 - ADMINISTRATION	343,619.70	10,205.60	242,906.71	80.97	35,306.97	65,406.02
12 - CONTRACTS	1,177,683.92	2,833.97	702,746.15	60.06	4,556.00	470,381.77
13 - OFFICE	313,897.04	10,150.81	162,128.71	51.68	107.39	151,660.94
16 - COMMUNICATIONS	498,790.57	17,742.69	296,348.45	59.43	79.68	202,362.44
17 - POLICE	950,246.43	30,575.83	520,216.11	62.28	71,643.22	358,387.10
18 - MUNICIPAL COURT	106,313.43	3,185.68	65,084.38	61.26	38.05	41,191.00
20 - FIRE	652,061.99	20,822.63	1,132,688.41	249.41	493,648.63	(974,275.05)
22 - RESCUE	45,000.00	1,395.40	25,617.43	60.46	1,590.50	17,792.07
25 - INSPECTION	120,152.32	3,197.48	59,371.64	49.13	(341.91)	61,122.59
30 - STREETS	676,776.38	47,275.36	396,653.93	76.44	120,667.38	159,455.07
34 - ANIMAL CONTROL	52,205.60	0.00	9,565.05	18.42	53.45	42,587.10
40 - SUPPORT SYSTEMS	189,446.45	2,660.67	148,429.31	78.35	0.00	41,017.14
45 - CEMETERY	2,674.67	0.00	1,069.84	40.00	0.00	1,604.83
50 - RECREATION	377,035.08	9,077.27	224,798.23	62.01	8,987.62	143,249.23
52 - COMPETITIVE LEAGUES	0.00	0.00	0.00	0.00	0.00	0.00
54 - PARK MAINTENANCE	314,592.15	6,323.03	144,058.98	49.09	10,380.49	160,152.68
58 - SWIMMING POOL	152,546.32	3,700.00	18,448.16	98.30	131,499.57	2,598.59
70 - LIBRARY	234,743.27	4,696.85	104,033.51	51.96	17,932.36	112,777.40
99- NON DEPARTMENT	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL EXPENDITURES ***	6,207,785.32	173,843.27	4,254,165.00	82.97	896,149.40	1,057,470.92
*** END OF REPORT ***						

REVENUE STATEMENT
AS OF: APRIL 12TH, 2024

206-UTILITY FUND
REVENUES

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
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<u>TAXES</u>						
*** REVENUE CATEGORY TOTALS ***	0.00	0.00	0.00	0.00	0.00	0.00
<u>LICENSE & PERMITS</u>						
<u>CHARGES FOR SERVICES</u>						
5409 BULK WATER SALES	500.00	0.00	69.62	13.92	0.00	430.38
5411 WATER SALES	1,274,024.40	56,434.63	711,928.40	55.88	0.00	562,096.00
5412 SEWER SALES	780,929.80	36,482.82	432,401.25	55.37	0.00	348,528.55
5413 GARBAGE	787,838.40	41,749.97	458,841.12	58.24	0.00	328,997.28
5414 WATER MISC.REVENUE	979.20	0.00	1,000.00	102.12	0.00	(20.80)
5415 WATER TAP FEE	27,540.00	0.00	10,375.00	37.67	0.00	17,165.00
5416 SEWER TAP FEE	27,480.00	0.00	11,550.00	42.03	0.00	15,930.00
5418 CONTAINER DUMP/WILSON STREET	2.40	0.00	0.00	0.00	0.00	2.40
5419 PENALTIES	136,672.80	1,408.84	78,356.58	57.33	0.00	58,316.22
5442 CONNECT FEES	16,806.00	585.00	7,345.00	43.70	0.00	9,461.00
5443 SERVICE CHARGE FEE	57,254.40	1,743.59	34,136.58	59.62	0.00	23,117.82
5444 ELECTRIC SALES	4,956,195.60	209,478.55	2,908,175.23	58.68	0.00	2,048,020.37
5447 ELECTRIC MISC. REVENUE	8,748.00	0.00	7,117.58	81.36	0.00	1,630.42
5491 CITY TAX COLLECTED	89,606.00	4,018.03	57,127.68	63.75	0.00	32,478.32
5492 STATE TAX COLLECTED	0.00	5,854.70	64,549.37	0.00	0.00	(64,549.37)
*** REVENUE CATEGORY TOTALS ***	8,164,577.00	357,756.13	4,782,973.41	58.58	0.00	3,381,603.59
<u>FINES & FORFEITURES</u>						
<u>OTHER REVENUES</u>						
5624 CD INTEREST/UTILITY DEPOSITS	7,500.00	0.00	1,510.40	20.14	0.00	5,989.60
5630 MISCELLANEOUS	3,288.00	0.00	3,398.45	103.36	0.00	(110.45)
5631 BAD DEBT RECOVERY	1,322.40	93.11	186.50	14.10	0.00	1,135.90
*** REVENUE CATEGORY TOTALS ***	12,110.40	93.11	5,095.35	42.07	0.00	7,015.05

REVENUE STATEMENT
AS OF: APRIL 12TH, 2024206-UTILITY FUND
REVENUES

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

TRANSFER FROM OTHER FUNDS						
*** REVENUE CATEGORY TOTALS ***	0.00	0.00	0.00	0.00	0.00	0.00
OTHER						
*** REVENUE CATEGORY TOTALS ***	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL REVENUES ***	8,176,687.40	357,849.24	4,788,068.76	58.56	0.00	3,388,618.64
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*** END OF REPORT ***						

FINANCIAL SUMMARY
AS OF: APRIL 12TH, 2024

206-UTILITY FUND

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
TAXES	0.00	0.00	0.00	0.00	0.00	0.00
CHARGES FOR SERVICES	8,164,577.00	357,756.13	4,782,973.41	58.58	0.00	3,381,603.59
OTHER REVENUES	12,110.40	93.11	5,095.35	42.07	0.00	7,015.05
TRANSFER FROM OTHER FUNDS	0.00	0.00	0.00	0.00	0.00	0.00
OTHER	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL REVENUES ***	8,176,687.40	357,849.24	4,788,068.76	58.56	0.00	3,388,618.64
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EXPENDITURE SUMMARY						
90 - WATER	91,664.92	1,751.00	866,315.19	945.68	544.79	(775,195.06)
91 - SEWER	382,784.26	4,337.05	137,696.92	36.17	741.20	244,346.14
94 - DISTRIBUTION & COLLE	935,569.18	71,947.35	576,945.82	63.28	15,096.26	343,527.10
95 - CONTRACTS	5,248,468.86	(73,190.52)	1,752,389.60	33.39	0.00	3,496,079.26
96 - ELECTRIC	897,844.53	5,044.21	438,883.89	49.87	8,874.42	450,086.22
99- NON DEPARTMENT	0.00	0.00	0.00	0.00	0.00	0.00
00 - NON DEPARTMENTAL	0.00	0.00	0.00	0.00	0.00	0.00
*** TOTAL EXPENDITURES ***	7,556,331.75	9,889.09	3,772,231.42	50.26	25,256.67	3,758,843.66
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*** END OF REPORT ***						

REVENUE STATEMENT
AS OF: APRIL 12TH, 2024

700-EMS
REVENUES

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE
<u>TAXES</u>						
<u>LICENSE & PERMITS</u>						
<u>CHARGES FOR SERVICES</u>						
5408 GRAYSON COUNTY SUBSIDY	455,400.00	37,167.00	264,252.00	58.03	0.00	191,148.00
5409 COLLINSVILLE SUBSIDY	54,996.00	0.00	32,430.86	58.97	0.00	22,565.14
5412 SADLER SUBSIDY	24,028.00	833.33	8,202.61	34.14	0.00	15,825.39
5413 SOUTHMAYD SUBSIDY	28,432.00	2,369.30	14,215.80	50.00	0.00	14,216.20
5420 MEDICARE	175,000.00	0.00	76,083.09	43.48	0.00	98,916.91
5430 VA INSURANCE	0.00	0.00	56,477.82	0.00	0.00	(56,477.82)
5441 MEDICAID	0.00	0.00	640.92	0.00	0.00	(640.92)
5442 PRIVATE INSURANCE	300,000.00	0.00	179,223.40	59.74	0.00	120,776.60
5443 PRIVATE PAY	35,000.00	0.00	24,424.12	69.78	0.00	10,575.88
5444 TRANSFERS	647,132.78	0.00	0.00	0.00	0.00	647,132.78
5447 ISD	7,500.00	0.00	6,300.00	84.00	0.00	1,200.00
*** REVENUE CATEGORY TOTALS ***	1,727,488.78	40,369.63	662,250.62	38.34	0.00	1,065,238.16
<u>FINES & FORFEITURES</u>						
<u>OTHER REVENUES</u>						
*** REVENUE CATEGORY TOTALS ***	0.00	0.00	0.00	0.00	0.00	0.00
<u>TRANSFER FROM OTHER FUNDS</u>						
<u>OTHER</u>						
*** TOTAL REVENUES ***	1,727,488.78	40,369.63	662,250.62	38.34	0.00	1,065,238.16
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*** END OF REPORT ***						

FINANCIAL SUMMARY
AS OF: APRIL 12TH, 2024

700-EMS

	ANNUAL BUDGET	CURRENT PERIOD	Y-T-D ACTUAL	% OF BUDGET	Y-T-D ENCUMB.	BUDGET BALANCE

REVENUE SUMMARY						
CHARGES FOR SERVICES	1,727,488.78	40,369.63	662,250.62	38.34	0.00	1,065,238.16
OTHER REVENUES	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
*** TOTAL REVENUES ***	1,727,488.78	40,369.63	662,250.62	38.34	0.00	1,065,238.16
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EXPENDITURE SUMMARY						
21 - EMS	<u>1,752,488.12</u>	<u>31,467.71</u>	<u>1,309,197.04</u>	<u>76.87</u>	<u>37,916.16</u>	<u>405,374.92</u>
*** TOTAL EXPENDITURES ***	1,752,488.12	31,467.71	1,309,197.04	76.87	37,916.16	405,374.92
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*** END OF REPORT ***						

Department Reports:

D & C

Sewer

Animal Control

Streets

Electric

Dept 94.

7 Water leaks repaired.

6 new water taps

4 new sewer taps

Quarterly filing of TCEQ paperwork. Water loss, gallons pumped.

Cleared south union of tress inside fence

Mowed all wells & lift stations.

8 meters replaced due to screen issues.

Located and camared 2 existing sewer taps.

Wilson GST punch list nearing completion.

Fixed collapsed sewer main on Mineral st. Repaired/replaced 8' of sewer main

Cleaned up some outstanding work orders and job sites. Kept fleet cleaned & restocked with parts

Daily maintenance of system

Dept 34. picked up 4 dogs at large.. all returned to owners

Dept 91. Daily maintenance and pressing and dewatering of solids.

Dept 30 put out 36.5 tons of asphalt over last month. on D st., depot, Wainwright and Center St.

Filled multiple pot holes around town.

Mowed right of ways and allies in town.

Kept storm drains cleared during rain

Cleaned shop and organized.

Completed several outstanding work orders.

Hired a new employee.

Kelly street rebuild is underway. 2 new 4' tin horns were replaced due to rust & age

Council Meeting Department Update

Electric Utility Updates

1. Continually performing system maintenance based off of LCRA system study
 - a. Pole Change Outs – Moving Pole line down Wilson due to storm water erosion of poles
2. Regular work order service calls
 - a. Customer Bill complaints
 - b. Solar meter maintenance
 - c. Trouble calls for voltage discrepancy due to fault in wire or failure of equipment customer or utility
 - d. Installation of metering equipment at First State Bank and permanent service is completed
3. Meter maintenance
 - a. Regular evaluation of metering points to find revenue shortages due to deteriorating instruments. Ex. Victorian Inn had a Current Transformer failure that created a shortfall on capturing meter data. Issue has been resolved to insure more accurate capture of usage.

SCADA

- a. Objective- Visibility into Electric load dynamic. Supervisory Control of System
- b. Direct communication to Relays at substation/ safer operation of relay offsite
- c. Visibility to peak KW load based off phase/feeder/system to help analyze potential financial implications
- d. Ability to remotely manipulate relay controls during emergency situation or potential safety risk
- e. **Second Phase of Project:** downstream touchpoints
 1. Ability to isolate faults in storm or load shedding obligations
 2. Visibility of pf on a realistic scale down line.
 3. Integrate Capacitor Bank upgrade with SCADA controls to improve system reliability
 4. Upgrade Capacitor Banks and increase KVA rating based off of base load increases. (LCRA System Study)
 - a. Keeps electric utility in compliance with ERCOT reliability standards (97% power factor)
 5. Project Completion 2022-2024.

Schooling

Morgan Rupert

- a. Level 1 Training Module for Apprentice Lineman
 1. Pole Climbing/Fundamentals of Electricity / **Completed** Personal Protective Grounding / **Completed** Rigging and Digger Bucket Truck operations
 2. Will Complete final module in September

Jacob Villareal

- a. Level 2 Training Module for Apprentice utilizing specific training Modules
 - 1. **Completed** Rubber Gloving 1- Extended training on utilizing PPE in our work environment
 - 2. Goal is to get specific training for more tenured employees

Clint Mitcheson

- a. Level 3 Training Program for Apprentice
 - 1. **Completed** Module- 3Phase Transformers and Metering
 - 2. Goal is to improve efficiency of installation and design of 3 phase transformer banks

Planning & Zoning Commission Minutes
March 7, 2024

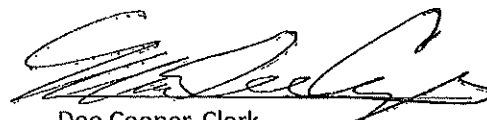
The Planning & Zoning Commission met in Special Session in the Council Chambers at the City Hall, 111 W. Main St., Whitesboro, Texas 76273. The matters discussed were as follows:

1. **Call to Order:** The meeting was called to order by Chairman Bertino at 6:02pm.
2. **Roll Call:** Present: Commissioner John Young
Commissioner Russ Wilson
Chairman David Bertino
Commissioner Cladene Belcher
Absent: Commissioner Jerry Patterson
3. **Approve Minutes of the December 7, 2024 Meeting and the February 29, 2024 Meeting:** Motion was made by Russ Wilson to approve minutes of the December 7, 2024 and February 29, 2024 meetings; seconded by Cladene Belcher. All approved. Minutes passed.
4. **Discuss, Consider and Possible Action on the Approval of a Preliminary Re-Plat Change for an 11.989-Acre Property Located at Sadler Road Just to the West of Turkey Farm Road, Whitesboro, Texas. Legal Description G-1458 Bradley B W A-G1458, Acres 11.989:**

Discussion presented by Julie Arrington regarding changes made by the State regarding a 30-day window in which the Planning & Zoning Board has to either approve or disapprove any re-plats or zoning changes that are brought before the board. Discussion ensued regarding the preliminary re-plat change for the 11.989- acre property located at Sadler Road just to the west of Turkey Farm Road, Whitesboro, Texas. Julie Arrington presented a training session to the Board members. Motion made by John Young to approve the preliminary re-plat change for the 11.989- acre property located at Sadler Road just to the west of Turkey Farm Road, Whitesboro, Texas; seconded by Russ Wilson. All approved. Motion passed.
5. **Motion to Adjourn:** David Bertino made the motion to adjourn the meeting; Russ Wilson seconded the motion. All approved.

Meeting adjourned at 6:22pm.


Chairman Bertino


Dee Cooper, Clerk



Agenda Item: Discuss, consider and possible action on the approval of a re-plat for a property located at 208 Trollinger Street., Whitesboro, Texas; legal description as G-1041 Ritchey William A-G1041, Acres .3228; so as to divide the property into two (2) lots.

Date: March 28, 2024

The property owner has applied for a re-plat of a property in order to divide it into two (2) separate lots.

Kathleen Ann Coulson
22 March 2013
Vol.5293 Pg.568 D.R.





WHITESBORO

TEXAS

Permit # 651224
Fee Paid 3/6/04

DEVELOPMENT SERVICES APPLICATION

- | | | | |
|--|--|--|--|
| <input checked="" type="checkbox"/> Zoning | <input type="checkbox"/> Preliminary Plat | <input checked="" type="checkbox"/> Replat | <input type="checkbox"/> Plat Vacation |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Civil Plan Review | <input type="checkbox"/> Minor Plat | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Amending Plat | <input type="checkbox"/> _____ |

PROJECT INFORMATION

Project Name or Address 208 TROLLINGER
Brief Description for Request RE-PLAT TO DIVIDE INTO TWO LOTS

Location 208 TROLLINGER or Parcel Tax ID# 169967
Water Service: ☒ Whitesboro ☐ Two-Way Sewer Service ☒ Public ☐ Private
Subdivision/Survey WILLIAM RITCHIE JR - 1041 Block/Abstract # _____ Lot/Tract # _____
Current Zoning R2 ☐ ETJ Proposed Zoning _____ Acreage .325
Proposed Plat Name _____ Proposed # Lots 2

CONTACTS	OWNER	APPLICANT
		<input type="checkbox"/> Developer <input type="checkbox"/> Surveyor <input type="checkbox"/> Engineer
Key Contact	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Name	<u>KENNY WILLIAMS</u>	
Company		
Address	<u>2369 BRITT DR.</u>	
City/State/Zip	<u>ARGYUE, TX 76226</u>	
Phone	<u>(214) 536-6405</u>	
Email	<u>KENNY@SPECTRUMFULLSERVICE.COM</u>	

State of Texas

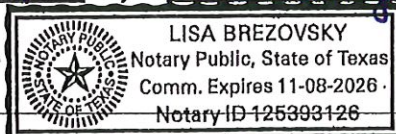
County of BRAYSON

BEFORE ME, a Notary Public, on this day personal appeared Kenny Williams, the undersigned applicant, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

Kenny Williams
Owner or Representative

SUBSCRIBED AND SWORN TO before me, this the 9th day of February, 2004.

Notary Public in & for the State of Texas
Lisa Brezovsky



Issue Date : 2/12/2024

TAX CERTIFICATE**Office of Bruce Stidham Assessor-Collector**

100 W. Houston, Suite 11

P.O. Box 2107

Sherman, TX 75091-2107

Phone: (903)892-8297 Fax: (903)893-4973

This certificate includes tax years up to 2023

Entities to which this certificate applies:JRC - Grayson College
SWB - Whitesboro SchoolGRA - Grayson County
CWB - Whitesboro City**Property Information**

Property ID : W005-1041026

Quick-Ref ID : R169967

Value Information

208 TROLLINGER ST	Land HS	:	\$52,303.00
WHITESBORO	Land NHS	:	\$0.00
	Imp HS	:	\$62,697.00
	Imp NHS	:	\$0.00
G-1041 RITCHEY WILLIAM	Ag Mkt	:	\$0.00
A-G1041, ACRES .3228	Ag Use	:	\$0.00
	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$0.00
	Assessed	:	\$115,000.00

Owner Information

Owner ID : 00482432

WILLIAMS KENNY
2369 BRITT DR
ARGYLE, TX 76226-2992

Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
GRA	2023	350.86	0.00	0.00	0.00	0.00
JRC	2023	167.89	0.00	0.00	0.00	0.00
CWB	2023	458.90	0.00	0.00	0.00	0.00
SWB	2023	1,095.38	0.00	0.00	0.00	0.00

Total for current bills if paid by 2/29/2024 : \$0.00

Total due on all bills 2/29/2024 : \$0.00

2023 taxes paid for entity GRA \$350.86

2023 taxes paid for entity JRC \$167.89

2023 taxes paid for entity CWB \$458.90

2023 taxes paid for entity SWB \$1,095.38

2023 Total Taxes Paid : \$2,073.03

Date of Last Payment : 02/06/24

This certificate is issued
on real estate only. It
does not include minerals
and/or personal property.



If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate.

[Signature]
Signature of Authorized Officer of the Tax Office

Date of Issue : 02/12/2024

Requestor : WILLIAMS KENNY

Receipt : SH-2024-1818202

Fee Paid : \$10.00

Payer : WILLIAMS KENNY

Grayson CAD Property Search

Property ID: 169967 For Year 2024

 Map

453278
CITY OF WHITESBORO

City of Whitesboro

208301
TREGO ALICE J

169967
WILLIAMS KENNY
A-1041
W.M. RITCHIE

170297
PATTERSON DAVID RYAN

170298
BRUCE JEFFERY ETUX

Property Details

Account

Property ID: 169967

Geographic ID: W005 1041026

Type: Real

Zoning:

Property Use:

Condo:

Location

Situs Address: 208 TROLLINGER ST WHITESBORO, TX

Map ID: W005

Mapsco: 1

Legal Description: G-1041 RITCHEY WILLIAM A-G1041, ACRES .3228

Abstract/Subdivision: G-1041 - RITCHEY WILLIAM A-G1041

Neighborhood: WBC1-2FOLD

Owner

Owner ID: 302962

Name: WILLIAMS KENNY

Agent:

Mailing Address: 2369 BRITT DR
ARGYLE, TX 76226-2992



Copy

March 5, 2024

Alice Trego

Whitesboro, TX. 76273

RE: Certified Mail:

Dear Property Owner:

A Property owner has made a formal application to the City of Whitesboro, Texas for a preliminary re-plat at 208 Trolinger to divide into two lots.

According to the County Tax Records, you are the owner of property which is located within 200 feet of the area of the requested re-plat. This is a Notice of the Public Hearing at which any interested persons will be given an opportunity to be heard. The City Council may approve the request or may deny the request.

Notice is hereby given that a Public Hearing will be held by the Planning and Zoning Board on Thursday, March 28, 2024 at the Whitesboro City Hall Council Chambers, located at 111 W. Main St. at 6:00 p.m. There will be a final meeting with City of Whitesboro City Council on Tuesday, April 2, 2024 at Whitesboro City Hall Council Chambers, located at 111 W. Main St., at 6:00 pm.

Please circle one and return to the City of Whitesboro:

1. In Favor
2. Opposed
3. Neutral

Or, you may scan this letter and email your answer to: permits@whitesborotexas.com

Please call or come by if you need to discuss the matter at City Hall from 8:00 a.m. to 5:00 p.m., Monday through Friday. Should you have any questions, feel free to call the City of Whitesboro at 903-564-3311.

Sincerely,

The City of Whitesboro



Agenda Item: Discuss, consider and possible action on the approval of a re-plat and re-zone for a property located at 704 White Street, Whitesboro; legal description as G-0491 Hartfield ASA & HRS A-G0491, Acres 1.445; allowing two (2) separate properties and allowing where current house sits to remain R-1.

Date: March 28, 2024

The property owner has applied for a re-plat and re-zone change from R-1 to R-4, but allowing the parcel that the current house sits to remain as R-1. Allowing for this change will enable the property owner to possibly develop the other lot.



Permit # 652201
Fee Paid 3/12/24

DEVELOPMENT SERVICES APPLICATION

- | | | | |
|--|--|--|--|
| <input checked="" type="checkbox"/> Zoning | <input type="checkbox"/> Preliminary Plat | <input checked="" type="checkbox"/> Replat | <input type="checkbox"/> Plat Vacation |
| <input type="checkbox"/> Variance | <input type="checkbox"/> Civil Plan Review | <input type="checkbox"/> Minor Plat | <input type="checkbox"/> Site Plan |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Final Plat | <input type="checkbox"/> Amending Plat | <input type="checkbox"/> _____ |

PROJECT INFORMATION

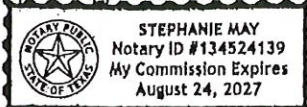
Project Name or Address 704 White Street Whitesboro TX
Brief Description for Request Rezone 1.076 of Land to R4, and the parcel the house sits on to remain as R1.

Location _____ or Parcel Tax ID# R168980
Water Service: ☒ Whitesboro ☐ Two-Way Sewer Service ☒ Public ☐ Private
Subdivision/Survey Asa Hartfield Block/Abstract # 491 Lot/Tract # N-A
Current Zoning R1 ☐ ETJ Proposed Zoning R4 Acreage 1.076 ac. 1.446 ac
Proposed Plat Name Percival short Plat Proposed # Lots 2

CONTACTS	OWNER	APPLICANT
		<input type="checkbox"/> Developer <input type="checkbox"/> Surveyor <input type="checkbox"/> Engineer
Key Contact	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Name	<u>Mark Percival</u>	
Company		
Address	<u>704 White Street</u>	
City/State/Zip	<u>Whitesboro, TX 76273</u>	
Phone	<u>253-232-7267</u>	
Email	<u>Mark-Percival@outlook.com</u>	

State of Texas
County of Grayson

BEFORE ME, a Notary Public, on this day personal appeared Mark Percival, the undersigned applicant, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."



Mark Percival
Owner or Representative

SUBSCRIBED AND SWORN TO before me, this the 8th day of February, 2024. Notary Public in & for the State of Texas

Stephanie May

Issue Date : 3/12/2024

TAX CERTIFICATE

Office of Bruce Stidham Assessor-Collector

100 W. Houston, Suite 11

P.O. Box 2107

Sherman, TX 75091-2107

Phone: (903)892-8297 Fax: (903)893-4973

This certificate includes tax years up to 2023

Entities to which this certificate applies:JRC - Grayson College
SWB - Whitesboro SchoolGRA - Grayson County
CWB - Whitesboro City**Property Information**

Property ID : W001-0491012

Quick-Ref ID : R168980

Value Information

704 WHITE ST	Land HS	:	\$125,259.00
WHITESBORO 76273	Land NHS	:	\$0.00
	Imp HS	:	\$204,216.00
	Imp NHS	:	\$0.00
G-0491 HARTFIELD ASA &	Ag Mkt	:	\$0.00
HRS A-G0491, ACRES 1.445	Ag Use	:	\$0.00
	Tim Mkt	:	\$0.00
	Tim Use	:	\$0.00
	HS Cap Adj	:	\$31,225.00
	Assessed	:	\$298,250.00

Owner Information

Owner ID : 00596709

PERCIVAL MARK ETUX MARY
704 WHITE STREET
WHITESBORO, TX 76273-4874

Ownership: 100.00%

This is to certify that after a careful check of the tax records of this office, the following delinquent taxes, penalties, interest and any known costs and expenses as provided by Tax Code Section 33.48 are due on the described property for the following taxing unit(s)

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
GRA	2023	625.18	0.00	5.21	0.00	0.00
JRC	2023	375.76	0.00	3.13	0.00	0.00
CWB	2023	1,014.65	0.00	8.46	0.00	0.00
SWB	2023	1,347.81	0.00	11.23	0.00	0.00

Total for current bills if paid by 3/31/2024 : \$0.00

Total due on all bills 3/31/2024 : \$0.00

2023 taxes paid for entity GRA \$630.39

2023 taxes paid for entity JRC \$378.89

2023 taxes paid for entity CWB \$1,023.11

2023 taxes paid for entity SWB \$1,359.04

2023 Total Taxes Paid : \$3,391.43

Date of Last Payment : 03/08/24

This certificate is issued
on real estate only. It
does not include minerals
and/or personal property.



If applicable, the above-described property has / is receiving special appraisal based on its use, and additional rollback taxes may become due based on the provisions of the special appraisal (Comptroller Rule 9.3040) or property omitted from the appraisal roll as described under Tax Code Section 25.21 is not included in this certificate.

[Signature]
Signature of Authorized Officer of the Tax Office

Date of Issue : 03/12/2024

Requestor : PERCIVAL MARK ETUX MARY

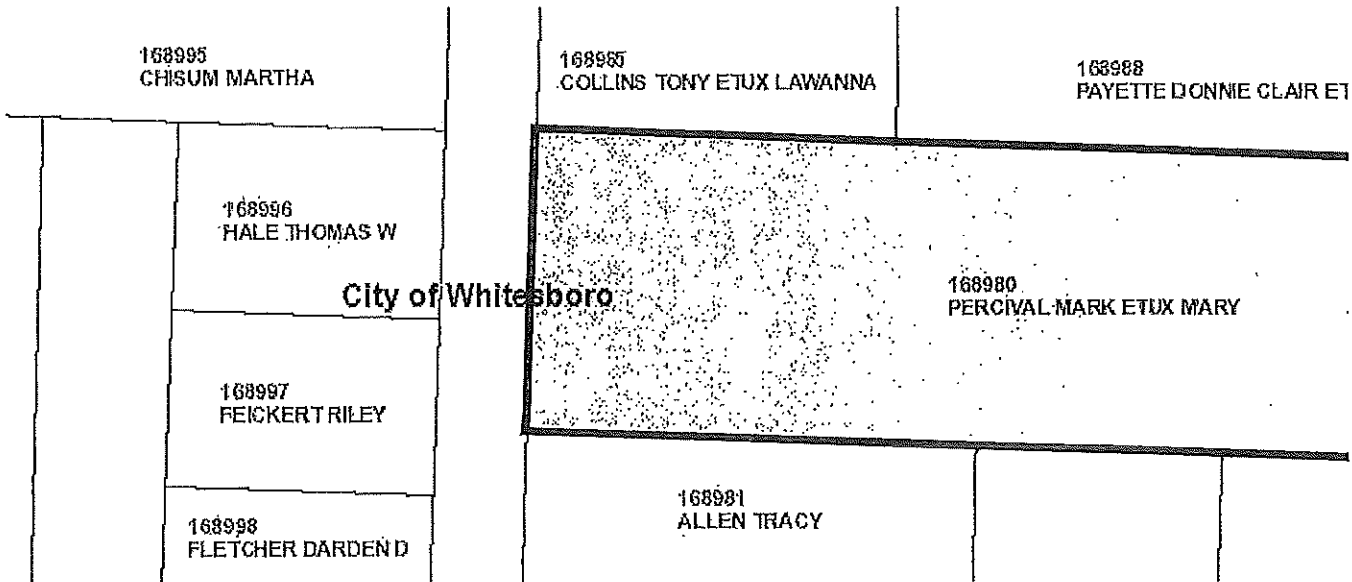
Receipt : SH-2024-1822473

Fee Paid : \$10.00

Payer : PERCIVAL MARK ETUX MARY

Grayson CAD Property Search

Property ID: 168980 For Year 2024



Property Details

Account

Property ID:	168980	Geographic ID: W001 0491012
Type:	Real	Zoning:
Property Use:		Condo:

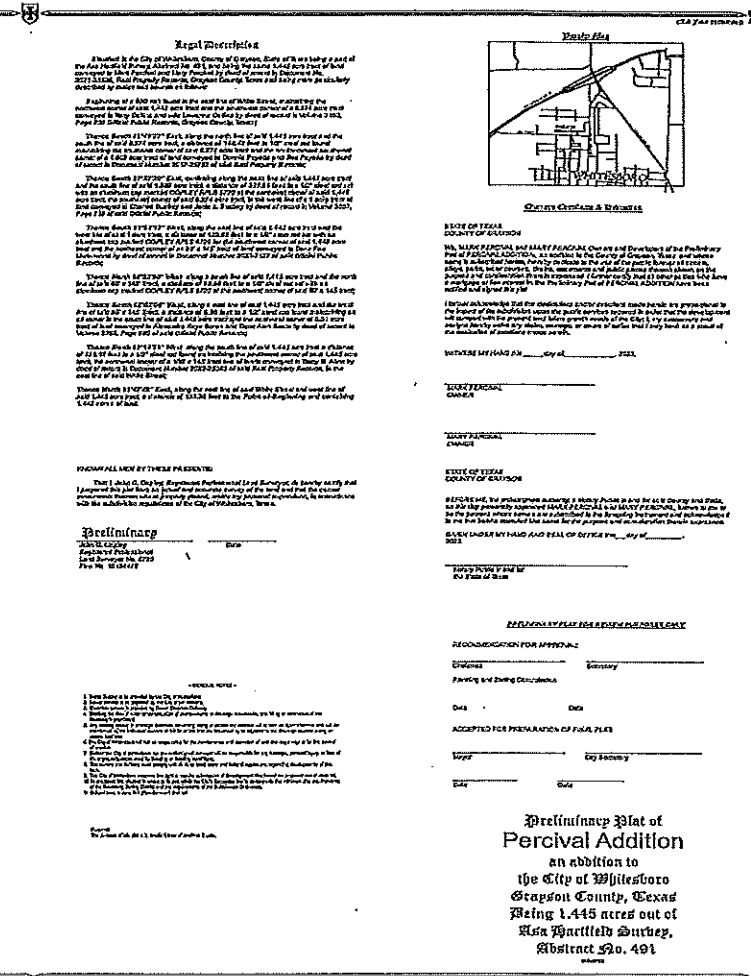
Location

Situs Address:	704 WHITE ST WHITESBORO, TX 76273	
Map ID:	W001	Mapsco: 1
Legal Description:	G-0491 HARTFIELD ASA & HRS A-G0491, ACRES 1.445	
Abstract/Subdivision:	G-0491 - HARTFIELD ASA & HRS A-G0491	
Neighborhood:	WBC3FOLD	

Owner

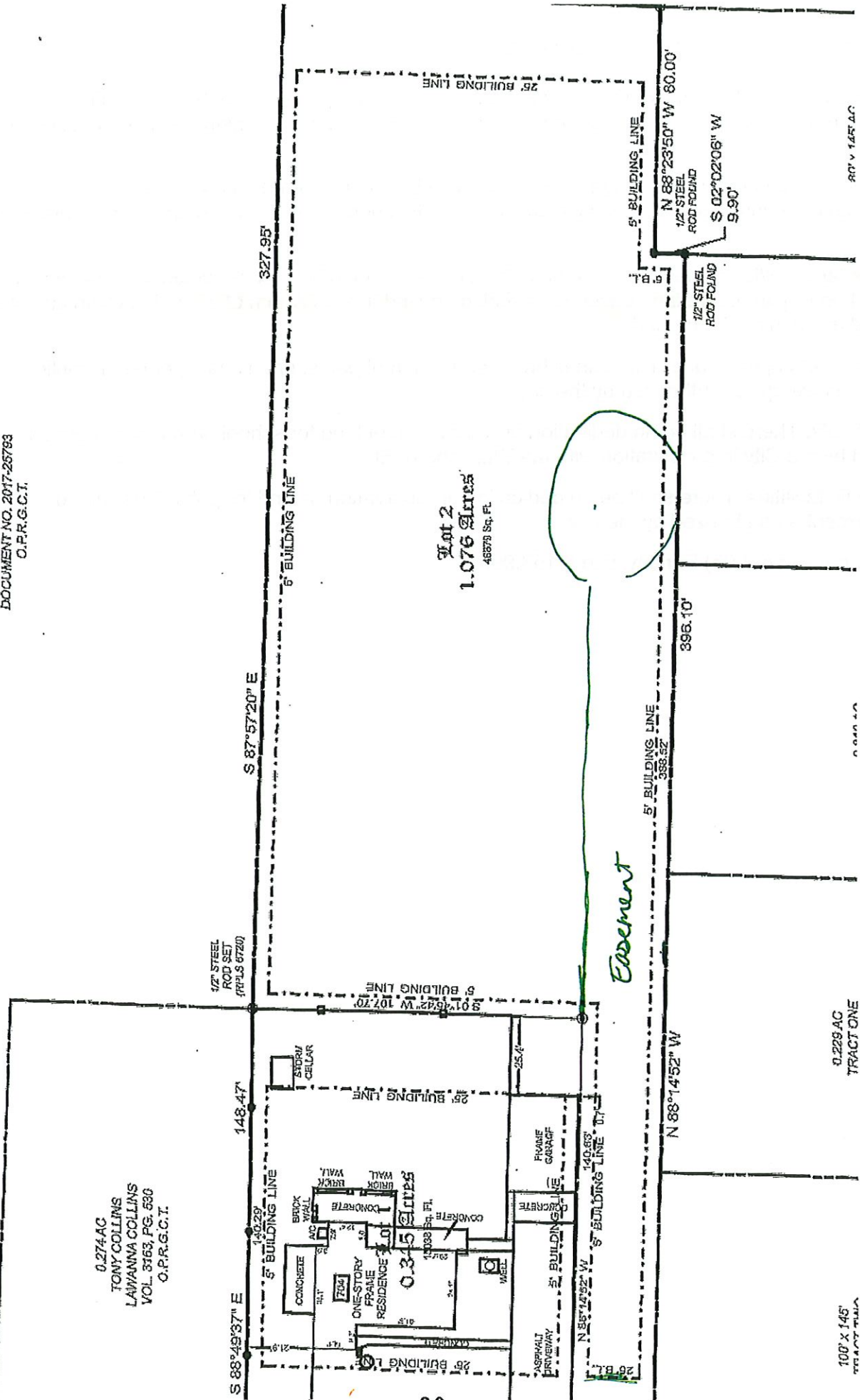
Owner ID:	476954
Name:	PERCIVAL MARK ETUX MARY
Agent:	

Mailing Address:	704 WHITE STREET WHITESBORO, TX 76273-1330
------------------	---



SECTION 370.491

1.669 AC
DONNIE PAYETTE
RAE PAYETTE
DOCUMENT NO. 2017-26783
O.P.R.G.C.T.



§ 153.062 EASEMENTS AND DEDICATIONS.

(A) Utility easements. Ten feet wide utility easements shall be provided on the rear lot line of each lot. Easements shall be provided at all other locations necessary for the construction and maintenance of utilities.

(B) Drainage easements. Drainage easements shall be provided for the construction and maintenance of drainage systems of such size and location necessary as determined by the drainage plans.

(C) **Fire lanes.** Where adequate access for fire fighting is not otherwise provided, easements for fire lanes shall be required. **Fire lane easements shall be paved to a minimum of 20 feet in width** and shall be marked as such on the ground.

(D) Parks and open space. There shall be no dedication of parks, open space, or other public access areas except as authorized by the city.

(E) Schools. There shall be no dedication or reservation of land for school purposes except as authorized by the City in consultation with the Whitesboro ISD.

(F) Public facilities. There shall be no dedication or reservation of land for public buildings or facilities except as authorized by the city.

(Ord. 933, passed 8-9-05) Penalty, see § 153.999



March 12, 2024

Red's Electrical Service
611 N. Union St.
Whitesboro, TX 76273

RE: Certified Mail: 9589 0710 5270 1432 0158 50 and regular mail

Dear Property Owner:

A Property owner has made a formal application to the City of Whitesboro, Texas for a preliminary re-plat at 704 White Street to divide into two lots.

According to the County Tax Records, you are the owner of property which is located within 200 feet of the area of the requested re-plat. This is a Notice of the Public Hearing at which any interested persons will be given an opportunity to be heard. The City Council may approve the request or may deny the request.

Notice is hereby given that a Public Hearing will be held by the Planning and Zoning Board on Thursday, March 28, 2024 at the Whitesboro City Hall Council Chambers, located at 111 W. Main St. at 6:00 p.m. There will be a final meeting with City of Whitesboro City Council on Tuesday, April 2, 2024 at Whitesboro City Hall Council Chambers, located at 111 W. Main St., at 6:00 p.m.

Please circle one and return to the City of Whitesboro:

1. In Favor
2. Opposed
3. Neutral

Or, you may scan this letter and email your answer to: permits@whitesborotexas.com

Please call or come by if you need to discuss the matter at City Hall from 8:00 a.m. to 5:00 p.m., Monday through Friday. Should you have any questions, feel free to call the City of Whitesboro at 903-564-3311.

Sincerely,

The City of Whitesboro

Applicant: Laurie Hilliard
Business: Lovejoys on Main St.
Project: New Facade
Date Submitted: 4-10-24
Contact Number: 903-436-3182

Eligible Application

Yes Located within the designated district of Whitesboro
Yes Will this project preserve or enhance the historic character
Yes Does this project comply with all local, state, and federal regulations
Yes Is the project proposal a clear and viable project
Yes Is the Application complete
Yes Did the applicant apply for a Fee Waiver
4-16-24 Date of the Council review

Notes:

This application has been reviewed by the City Secretary and deemed eligible for council review on the above date. Applicant has been duly notified of the date for the council review.

Teresa Niño, City Secretary

Date



Downtown Building Improvement Grant Application

The information requested below will be used to process your application under the terms and conditions of the City of Whitesboro's Downtown Building Improvement Grant. All grant applications must include pictures of the current building, designs or renderings of the finished product, if available.

I. Applicant Information

1. Applicant(s) name: Lorejoy on Main St
Mailing address: 13 P.O. Box 680
City: Whitesboro State: TX Zip: 76273
2. Applicant's daytime telephone number: 903-436-3182
E-mail address: lorejoyonmain@gmail.com
3. Status of applicant (please check one)
☐ Property owner with vacant facility
☐ Property owner with tenant business
☒ Property owner/operator of existing business on property
☐ Property deed, lease, or other document evidencing applicant's status
5. Length of ownership: 54 yrs
Date purchased: 1983 - in family since 70's

II. Property Information

1. Address of property to be improved: 138 E Main St, Whitesboro, TX
2. Legal description of subject property:
G-1042 Ritchey William A 41x209, Undivided
3. Grayson County Tax Assessor Parcel Number(s):
170001
4. Year built: 1890's Square footage: 5000 sq ft

6. What are the current types of businesses or other uses occupying the building?
Retail & Restaurant
7. Name and phone number of tenant(s), if applicable: 903-744-5082 Hank
Laure 903-436-3182, Sharon 903-651-1013
(Attach additional names/numbers, if needed)
8. Use of building after construction: Same
9. Number of parking spaces provided: _____ Proposed: _____ Total: _____
10. Current zoning: Commercial
11. Is a zoning amendment required? Yes _____ No ✓

III. Project Description

1. Description of Proposed Improvements. Please provide a detailed description of your proposed improvements. Attach a copy of your architectural or design plans if possible.

Description: New Facade to match historical design

☒ Designs Attached

☐ "Before" Picture(s) Attached

2. How many jobs will be **retained** once the project is completed?

2 Full-time positions 22 Part-time positions

3. How many **new positions** will result from this project?

_____ Full-time positions _____ Part-time positions

IV. Work Estimates

Please attach independent contractor estimates for the proposed improvements. Eligible costs shall be the cost of materials, equipment, and contracted labor to complete eligible improvements.

1. Name/company and phone number of preferred contractor:

Chris Brown Construction - 719-433-6058

waiting on bid-

Amount: 25-30K estimated

2. Name/company and phone number of second contractor (if obtained):

Brandt New Construction - 214-310-7940

Amount: 25-30 K estimated

3. Additional estimates/comments: (Please attach additional quotes, as required)

4. Total estimated costs of your improvements: 25-30K

4. Estimated completion date for your improvements? within a year

VI. Fee Waiver Request

1. Are you also requesting a fee waiver consideration for this project? Yes

VII. Agreement of Applicant and Property Owner

I/We, Lovejoy on Main, of the City of Whitesboro, County of Grayson, State of Texas, declare under penalty of perjury that the information contained in this application is true and correct and that the information contained in the documents that accompany this application is true, correct, and complete. I/We certify and warrant that the proposed work described in this Application meets the eligibility requirements of the City of Whitesboro Downtown Building Improvement Grant Program. In exchange for the City of Whitesboro's consideration of this application, I/We hereby agree to the following:

I/We hereby authorize City of Whitesboro employees and agents to perform inspections of my/our property if granted funds under the City of Whitesboro Downtown Building Improvement Grant Program, both before and during the work for which funds are granted under this Program and after completion of the work to ensure compliance with the terms and conditions of the Program and all other applicable ordinances and other laws.

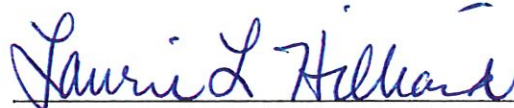
I/We acknowledge that any work carried out prior to written confirmation of grant approval may not be eligible for reimbursement.

I/We acknowledge receiving, understanding, and accepting the terms and conditions of the City of Whitesboro Downtown Building Improvement Grant Program, and agree to fully comply with the same along with all other applicable ordinances and other laws, all of which are incorporated herein by reference, if granted funds under the Program. I agree that the City of Whitesboro is entitled to the immediate return or reimbursement of any and all funds paid to the Applicant or other persons under

the Program, plus interest and collection costs, in the event the Applicant fails to complete the work for which the grant was approved or otherwise fails to comply with all applicable Program guidelines and requirements, ordinances and other laws. I/We Applicants further acknowledge and agree that, if funds provided by the City to the Applicant under the Program are determined at any time not to comply with applicable state laws relating to the authorized uses of such funds, all funds paid to the Applicant or other persons under the Program shall be immediately returned or reimbursed to the City.

Chapter 2264 Certification: Pursuant to Chapter 2264 of the Texas Local Government Code, I/We hereby certifies that the Applicant's business, or a branch, division, or department of the Applicant's business, does not and will not knowingly employ an undocumented worker. An undocumented worker means an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under the law to be employed in that manner in the United States. If after receiving this grant from the City of Whitesboro, Applicant, or a branch, division, or department of Applicant's business, is convicted of a violation under 8 U.S.C. Section 1324a(f), Applicant shall repay the amount of the grant with interest, at the rate and according to the terms provided by this Agreement under Section 2264.053 of the Texas Local Government Code, not later than the 120th day after the date the Applicant is notified of the violation. I/We agree that this document serves as an agreement under Chapter 380 of the Texas Local Government Code.

I/We agree to indemnify, release, defend and hold harmless the City of Whitesboro and its officers, employees and agents, from and against all claims, losses, liabilities, damages, suits, actions, or proceedings asserted or brought by any person, including Applicant and the property owner and their respective officers, employees, agents, contractors, and subcontractors, arising out of personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder.

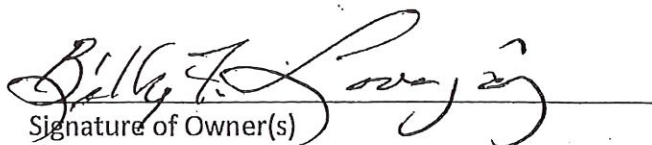


Applicant or Authorized Agent of Applicant

VIII. Consent of the Owner to the Use and Disclosure of Information

I/We, Loring on Main St., am the owner of the land that is the subject of this Application, and I/we authorize and consent to the use by or the disclosure to any person or public body, including the City of Whitesboro, of any personal or other information that is collected for the purposes of processing this application and administering the grant program. (Note: Information provided in this application will become a public record, subject to disclosure under the Texas Public Information Act and/or Texas Open Meetings Act.)

4/8/24
Date


Signature of Owner(s)



Downtown Building Improvement Grant **Fee Waiver** Application

The information requested below will be used to process your application under the terms and conditions of the City of Whitesboro's Downtown Building Improvement Grant.

The Fee Waiver Incentive provides a waiver from City fees for building owners and developers of new construction, expansion, or renovation in the downtown district.

(If you are also applying for the Downtown Building Improvement Grant, you may skip to step V, as this form will serve as an addendum to that application.)

I. Applicant Information

1. Applicant(s) name: Lovejoy on Main St
Mailing address: P.O. Box 680
City: Whitesboro State: TX Zip: 76273
2. Applicant's daytime telephone number: 903-436-3182
E-mail address: lovejoysonmain@gmail.com
3. Status of applicant (please check one)
☐ Property owner with vacant facility
☐ Property owner with tenant business
☒ Property owner/operator of existing business on property
☐ Property deed, lease, or other document evidencing applicant's status
5. Length of ownership: 54 years-
Date purchased: _____

II. Property Information

1. Address of property to be improved: 138 E main st, whitesboro, TX 76273
2. Legal description of subject property:
G-1042 Ritchey William A 41x209, Undivided

3. Grayson County Tax Assessor Parcel Number(s):
170001
4. Year built: 1090's Square footage: 5000 sqf
6. What are the current types of businesses or other uses occupying the building?
Restaurant + Retail Boutique + Home decor
7. Name and phone number of tenant(s), if applicable: Same as above
Sharon Longo Aubry - 903-651-1013
(Attach additional names/numbers, if needed)
8. Use of building after construction: Same as current use
9. Number of parking spaces provided: _____ Proposed: _____ Total: _____
10. Current zoning: Commercial
11. Is a zoning amendment required? Yes ___ No ✓

III. Project Description

1. Description of Proposed Improvements. Please provide a detailed description of your proposed improvements. Attach a copy of your architectural or design plans if possible.

Description: We are planning to make the facade of stone
front match historic period of 1950's

☒ Designs Attached

☐ "Before" Picture(s) Attached

2. How many jobs will be **retained** once the project is completed?

2 Full-time positions

20 Part-time positions

3. How many **new positions** will result from this project?

NA Full-time positions

NA Part-time positions

IV. Work Estimates

Please attach independent contractor estimates for the proposed improvements. Eligible costs shall be the cost of materials, equipment, and contracted labor to complete eligible improvements.

1. Name/company and phone number of preferred contractor:

Brandt New Construction
214-310-7946
Amount: 25-30k

2. Name/company and phone number of second contractor (if obtained):

Dream Builders
Donna Parillo
Amount: 25-30k

3. Additional estimates/comments: (Please attach additional quotes, as required)

4. Total estimated costs of your improvements: 25-30k

4. Estimated completion date for your improvements? Before December 1st 2024

V. Agreement of Applicant and Property Owner

I/We, Lorey on Main, of the City of Whitesboro, County of Grayson, State of Texas, declare under penalty of perjury that the information contained in this application is true and correct and that the information contained in the documents that accompany this application is true, correct, and complete. I/We certify and warrant that the proposed work described in this Application meets the eligibility requirements of the City of Whitesboro Downtown Building Improvement Grant Program. In exchange for the City of Whitesboro's consideration of this application, I/We hereby agree to the following:

I/We hereby authorize City of Whitesboro employees and agents to perform inspections of my/our property if granted funds under the City of Whitesboro Downtown Building Improvement Grant Program, both before and during the work for which funds are granted under this Program and after completion of the work to ensure compliance with the terms and conditions of the Program and all other applicable ordinances and other laws.

I/We acknowledge that any work carried out prior to written confirmation of grant approval may not be eligible for reimbursement.

I/We acknowledge receiving, understanding, and accepting the terms and conditions of the City of Whitesboro Downtown Building Improvement Grant Program, and agree to fully comply with the same along with all other applicable ordinances and other laws, all of which are incorporated herein by

reference, if granted funds under the Program. I agree that the City of Whitesboro is entitled to the immediate return or reimbursement of any and all funds paid to the Applicant or other persons under the Program, plus interest and collection costs, in the event the Applicant fails to complete the work for which the grant was approved or otherwise fails to comply with all applicable Program guidelines and requirements, ordinances and other laws. I/We Applicants further acknowledge and agree that, if funds provided by the City to the Applicant under the Program are determined at any time not to comply with applicable state laws relating to the authorized uses of such funds, all funds paid to the Applicant or other persons under the Program shall be immediately returned or reimbursed to the City.

Chapter 2264 Certification: Pursuant to Chapter 2264 of the Texas Local Government Code, I/We hereby certifies that the Applicant's business, or a branch, division, or department of the Applicant's business, does not and will not knowingly employ an undocumented worker. An undocumented worker means an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under the law to be employed in that manner in the United States. If after receiving this grant from the City of Whitesboro, Applicant, or a branch, division, or department of Applicant's business, is convicted of a violation under 8 U.S.C. Section 1324a(f), Applicant shall repay the amount of the grant with interest, at the rate and according to the terms provided by this Agreement under Section 2264.053 of the Texas Local Government Code, not later than the 120th day after the date the Applicant is notified of the violation. I/We agree that this document serves as an agreement under Chapter 380 of the Texas Local Government Code.

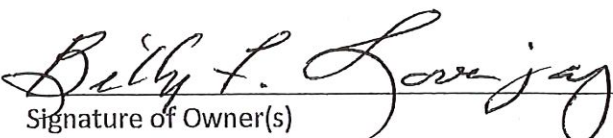
I/We agree to indemnify, release, defend and hold harmless the City of Whitesboro and its officers, employees and agents, from and against all claims, losses, liabilities, damages, suits, actions, or proceedings asserted or brought by any person, including Applicant and the property owner and their respective officers, employees, agents, contractors, and subcontractors, arising out of personal injury, death or property damage from any cause whatsoever in whole or in part arising out of this Agreement or the activities completed hereunder.

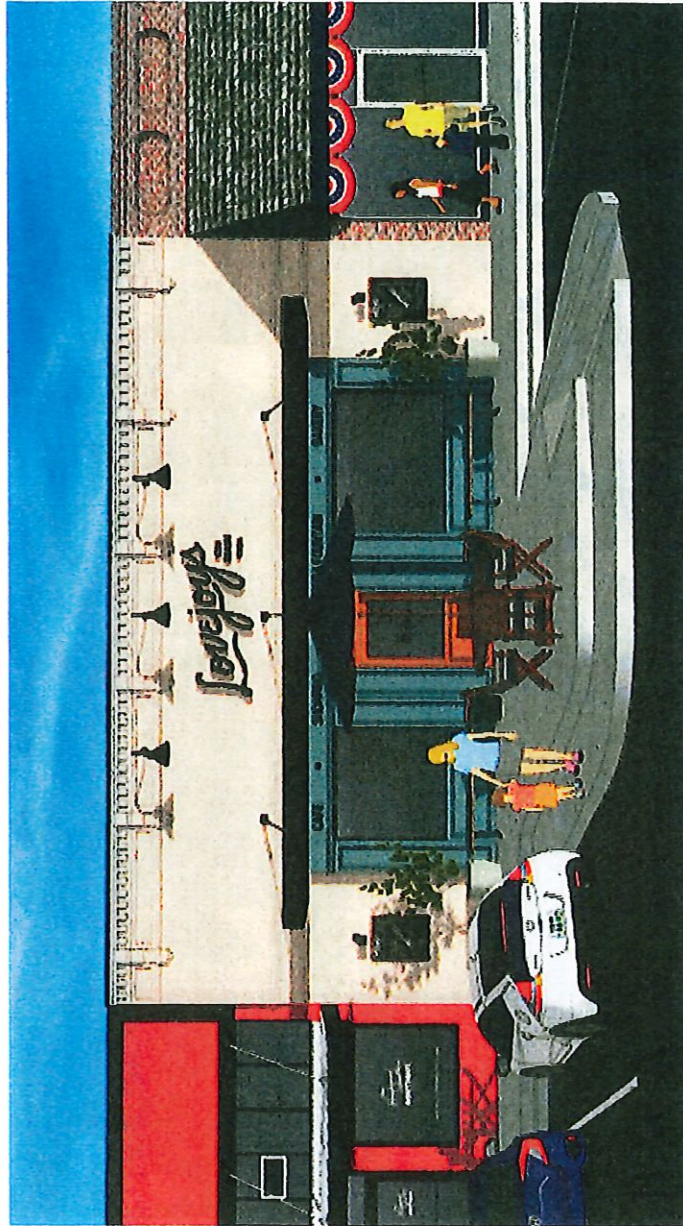

Applicant or Authorized Agent of Applicant

VI. Consent of the Owner to the Use and Disclosure of Information

I/We, Lorejon Main St, am the owner of the land that is the subject of this Application, and I/we authorize and consent to the use by or the disclosure to any person or public body, including the City of Whitesboro, of any personal or other information that is collected for the purposes of processing this application and administering the grant program. (Note: Information provided in this application will become a public record, subject to disclosure under the Texas Public Information Act and/or Texas Open Meetings Act.)

4/8/24
Date


Signature of Owner(s)







Agenda Background

Agenda Item: Discuss, consider and possible action on ordinance 1220 amending the preservation board.

Date: April 16, 2024

All changes from my notes of the meeting and provided by Alderman Moore have been made. This was provided to the City Attorney for review. As of April 10th, I have not heard from the attorney. If his he has changes I will get those to council prior to the meeting.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITESBORO, TEXAS, AMENDING THE CODE OF WHITESBORO, THE CODE OF ORDINANCES OF THE CITY OF WHITESBORO, TEXAS, BY AMENDING SUBSECTIONS (B), (C), (D), (E), (F) AND (G) OF SECTION 33.02 OF CHAPTER 33 (DEPARTMENTS, BOARDS, AND COMMISSIONS), RESTRUCTURING THE WHITESBORO PRESERVATION BOARD TO ESTABLISH SEVEN MEMBERS TO SERVE FOR STAGGERED TERMS OF TWO YEARS, TO REDEFINE THE BOARD'S PURPOSES, TO CLARIFY MEMBERSHIP AND RESPONSIBILITIES OF MEMBERS, AND TO REVISE RULES OF PROCEDURE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has created the Whitesboro Preservation Board to aid and assist in the preservation and promotion of buildings of historic and architectural significance; and

WHEREAS, the ordinances pertaining to the Whitesboro Preservation Board have not been amended or supplemented since adoption in 1996, nearly 30 years; and

WHEREAS, a need exists to restructure Board membership and to redefine the scope and advisory authority of the Board, which the Council finds and determines to be in the best interests of the citizens of the City of Whitesboro.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITESBORO, TEXAS:

Section 1. That subsection (B) of Section 33.02 of Chapter 33, Departments, Boards, and Commissions, of the Code of Whitesboro, the Code of Ordinances of the City of Whitesboro, Texas, be and is hereby amended by adding new subparts (5) and (6), to further define and describe the purposes of the Whitesboro Preservation Board, said subparts (5) and (6) to read in their entirety as follows:

**"CHAPTER 33
DEPARTMENTS, BOARDS, AND COMMISSIONS**

...

§ 33.02 PRESERVATION BOARD

...

~~(5) The committee shall assist and participate in the establishment and maintenance of the City's status as a Certified Local Government (CLG) with the Texas Historical Commission by, among other activities, making recommendations to the City's governing body as to the development and maintenance of a successful preservation plan. This must include adherence to appropriate legislation for the designation and protection of historic properties, developing public participation in preservation efforts,~~

and utilizing a systematic approach to the survey of local historic properties. For further information on this program, see <http://www.thc.texas.gov/>.

(5 6) The Board shall be responsible for and shall establish procedures for the use and rental of the Sullivan property, subject to Council approval, which procedures shall not discriminate against any person, organization or entity because of race, color, religion, sex, handicap, familial status, or national origin. The Board shall do and perform such other acts and duties as it may be called upon to perform by the city manager/administrator or the city council.

(6 7) The Board is purely advisory in nature and shall function in an advisory capacity to the Council. Nevertheless, the Board may do and perform such administrative functions as may be delegated by the Council."

Section 2. That subsection (C) of Section 33.02 of Chapter 33, Departments, Boards, and Commissions, of the Code of Whitesboro, the Code of Ordinances of the City of Whitesboro, Texas, be and is hereby amended by replacing subsection (C) in its entirety and with the following subsection (C), reorganizing the structure and membership of the Board, such that subsection (C) of Section 33.02 shall read as follows:

**"CHAPTER 33
DEPARTMENTS, BOARDS, AND COMMISSIONS**

...

§ 33.02 PRESERVATION BOARD

...

(C) Appointment of Board members.

(1) The Board shall consist of seven (7) members appointed by the City Council with one appointee, in so far as possible, from each of the following five civic organizations which have expressed interest in the Board: Contemporary Woman's Club; History Club; Kiwanis Club of Whitesboro; ~~Lion's Club of Whitesboro~~; and PEO Chapter A. If these organizations are unavailable to furnish a representative to the Board, the City Council may designate a representative from a similar interested civic organization or any resident of the city.

(2) At least three (3) ~~two (2)~~ members of the Board shall be residents of the City. The City Administrator, or designee, and a Whitesboro Chamber of Commerce board member shall be a nonvoting ex officio member."

Section 3. That subsection (D) of Section 33.02 of Chapter 33, Departments, Boards, and Commissions, of the Code of Whitesboro, the Code of Ordinances of the City of Whitesboro, Texas, be and is hereby amended by replacing subsection (D) in its entirety and with the following subsection (D), setting the terms of office of members of the Board to two (2) year terms of office, such that subsection (D) of section 33.02 shall read as follows:

**"CHAPTER 33
DEPARTMENTS, BOARDS, AND COMMISSIONS**

...

§ 33.02 PRESERVATION BOARD

...

(D) Terms of Board Members. The members of the Board shall serve staggered two-year terms of office, and serve at the pleasure of the Council. Vacancies in office shall be filled by appointment by the Council for the remainder of the unexpired term(s) of office.

..."

Section 4. That subsection (E) of Section 33.02 of Chapter 33, Departments, Boards, and Commissions, of the Code of Whitesboro, the Code of Ordinances of the City of Whitesboro, Texas, be and is hereby amended by replacing subsection (E) in its entirety and with the following subsection (E), pertaining to the Board's selection of its officers, such that subsection (E) of section 33.02 shall read as follows:

**"CHAPTER 33
DEPARTMENTS, BOARDS, AND COMMISSIONS**

...

§ 33.02 PRESERVATION BOARD

...

(E) Selection of officers. After initial appointments of the Board, and thereafter at least annually, the Board shall select one of its members to serve as President for a term of one year. The members shall also select a Vice President to serve during the absence of the President. All records of the Board shall be kept and maintained by the City Secretary in accordance with the City's adopted records retention schedule.

..."

Section 5. That subsection (F) of Section 33.02 of Chapter 33, Departments, Boards, and Commissions, of the Code of Whitesboro, the Code of Ordinances of the City of Whitesboro, Texas, be and is hereby amended by replacing subsection (F) in its entirety and with the following subsection (F), pertaining to the Board's financial authority, such that subsection (F) of section 33.02 shall read as follows:

**"CHAPTER 33
DEPARTMENTS, BOARDS, AND COMMISSIONS**

...

§ 33.02 PRESERVATION BOARD

...

(F) Financial matters. The Board shall recommend to the Council an annual budget for restoration, improvements and maintenance of the Sullivan Property and other **city owned** historical sites in the City. The Board's proposed budget shall be presented to the Council for consideration and approval as part of the City's annual budget. The Board shall also have authority to seek gifts, donations and grants to the City for the purpose of acquiring, restoring, maintaining and operating such buildings or other properties as the Board may identify as being of historic, economic, cultural or social importance to the City. Any such funds or services actually received by the City shall be designated as restricted funds to be used only for the purposes provided in this section.

...

Section 6. That subsection (G) of Section 33.02 of Chapter 33, Departments, Boards, and Commissions, of the Code of Whitesboro, the Code of Ordinances of the City of Whitesboro, Texas, be and is hereby amended by replacing subsection (G) in its entirety and with the following subsection (G), pertaining to the Board's meetings and rules of procedure, such that subsection (G) of section 33.02 shall read as follows:

**"CHAPTER 33
DEPARTMENTS, BOARDS, AND COMMISSIONS**

...

§ 33.02 PRESERVATION BOARD

...

(G) Meetings and rules of procedure of Board. The Board shall meet at least quarterly or more often as necessary in order to satisfy the purposes of this section. The President shall preside at all meetings of the Board, and in the absence of the President, the Vice-President shall preside. The Board shall adopt such rules of procedure as are consistent with the orderly conduct of business. All meetings of the Board shall be conducted in compliance with the Texas Open Meetings Act, as amended.

...

Section 7. That the City Council of the City of Whitesboro, as soon as practical from and after the effective date of this Ordinance, shall select new members to serve as regular, voting members of the Whitesboro Preservation Board. Four members shall serve initial terms of two (2) years, and three (3) shall serve initial terms of one (1) year. Subsequent appointments to the one-year members' places shall be for terms of two (2) years.

Section 8. That all provisions of the Code of Whitesboro, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 9. That it is the intention of the city council of the City of Whitesboro that if any phrase, sentence, section, or paragraph of this ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remainder of this ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section, or paragraph.

Section 10. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Passed and Approved this ____ day of _____, 2024.

David Blaylock, Mayor

ATTEST:

Teresa Niño, City Secretary

APPROVED AS TO FORM:

David Berman, City Attorney



Agenda Background

Agenda Item: Discuss, consider and possible action on an ordinance for the adoption of the International Property Maintenance Code.

Date: April 16, 2024

This ordinance was introduced at the last council meeting. Council requested some changes. The city attorney over this ordinance has made those changes and is ready to bring this back before council.

ORDINANCE NO. 1222

AN ORDINANCE OF THE CITY OF WHITESBORO, TEXAS, AMENDING TITLE XV, LAND USAGE, CHAPTER 150 BUILDING REGULATIONS TO DELETE DUPLICATE PROVISIONS, REORGANIZE PROVISIONS RELATED TO DANGEROUS AND SUBSTANDARD BUILDINGS, AND ADOPT THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE WITH AMENDMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the International Code Council (ICC) has developed a set of comprehensive and coordinated international model construction codes (known generally as the "International Codes"); and

WHEREAS, the International Codes have been reviewed by the City staff and found to be a comprehensive code setting minimum property maintenance standards that are designed to protect the health, safety and welfare of the citizens of the City of Whitesboro; and

WHEREAS, the City Council of the City of Whitesboro has determined that it is in the best interest of the citizens of the City of Whitesboro to adopt the 2018 editions of the International Property Maintenance Code, as stated herein, as the minimum standards for the construction, use, occupancy and maintenance of buildings and structures within the City limits, as set forth herein, and to adopt local amendments to said codes in order to account for unique local practices and/or conditions relating to the design and construction of structures within the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITESBORO, TEXAS:

SECTION 1. The Code of Ordinances of the City of Whitesboro is hereby amended to delete Section 150.006 "International Residential Code, edition 2018 adopted" of Title XV, "Land Usage," Chapter 150 "Building Regulations", in its entirety and reserve said section for later replacement.

SECTION 2. The Code of Ordinances of the City of Whitesboro is hereby amended as follows to reorganize provisions related to dangerous and substandard buildings and adopt the International Property Maintenance Code, 2018 edition. at Title XV, "Land Usage," Chapter 150 "Building Regulations," by amending sections 3.04.001 and 3.04.002 thereof to read in their entirety as follows:

"CHAPTER 150 BUILDING REGULATIONS

..."

DANGEROUS AND SUBSTANDARD BUILDINGS, PROPERTY MAINTENANCE CODE

§ 150.060 PURPOSE.

This article is adopted pursuant to the Texas Local Government Code, Chapter 54 and Chapter 214 to establish minimum standards:

1. For the continued use and occupancy of all types of buildings and structures within the city, regardless of the date of their construction;
2. To safeguard the public health, safety and welfare;
3. To protect property; and
4. To provide the authority to address, and direct the method of addressing unsafe buildings and structures within the city.

~~The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit or rooming unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or rooming unit or premises which they occupy and control.~~

~~(B.) — All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.~~

§150.061. ENFORCEMENT AND PENALTY PROVISIONS

(A.) Any person who violates any provision of this chapter shall, upon conviction, be punished pursuant to section §10.99.

(B.) The building official and his inspectors and assistants shall have the right to enforce the provisions of this chapter and the right to inspect and enter upon all premises and buildings or structures within the city to make such inspections as are necessary for the protection of the property and surrounding property and the public as a whole.

~~§ 150.061 DUTIES AND POWERS OF INSPECTOR.~~

~~—(A) Inspections. The Building Inspector shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Inspector is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.~~

~~—(B) Right of entry. The Building Inspector is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches~~

and seizures. If entry is refused or not obtained, the Building Inspector is authorized to pursue recourse as provided by law.

~~—(C) Notices and orders. The Building Inspector or his assign shall issue all necessary notices or orders to ensure compliance with this code.~~

~~—(D) Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Inspector shall have the authority to grant modifications for individual cases, provided the Building Inspector shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.~~

§150.062. MINIMUM BUILDING STANDARDS CODE ADOPTED

(A.) In addition to the International Building Code, National Electric Code, International Residential Code, International Plumbing Code, International Mechanical Code, and International Energy Conservation Code adopted in this Title, and the International Fire Code adopted in Chapter 92, the 2018 International Property Maintenance Code is hereby adopted as the Minimum Building Standard Code of the City of Whitesboro.

(B.) Where a provision of the International Building Code, National Electric Code, International Residential Code, International Plumbing Code, International Mechanical Code, and International Energy Conservation Code adopted in this Title, and the International Fire Code, or the 2018 International Property Maintenance Code conflict with a section of this article, the language contained in a section of this article governs.

§ 150.062 DEFINITIONS.

~~—For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—APPROVED. Approved by the Building Inspector.~~

~~—BASEMENT. That portion of a building which is partly or completely below grade.~~

~~—BATHROOM. A room containing plumbing fixtures including a bathtub or shower.~~

~~—BEDROOM. Any room or space used or intended to be used for sleeping purposes.~~

~~—BUILDING INSPECTOR. The official who is charged with the administration and enforcement of this code or any duly authorized representative.~~

~~—CONDEMN. To adjudge unfit for occupancy.~~

~~—DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~

~~—EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.~~

~~—EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.~~

~~—EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.~~

~~—GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.~~

~~—GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.~~

~~—HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.~~

~~—IMMINENT DANGER. A condition which could cause serious or life-threatening injury or death at any time.~~

~~—INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.~~

~~—INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.~~

~~—LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.~~

~~—OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.~~

~~—OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building which is available for unobstructed ventilation and which opens directly to the outdoors.~~

~~—OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.~~

~~—OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.~~

~~—PERSON. An individual, corporation, partnership or any other group acting as a unit.~~

~~—PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.~~

- ~~—PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.~~
- ~~—ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.~~
- ~~—ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.~~
- ~~—RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.~~
- ~~—STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.~~
- ~~—STRUCTURE. That which is built or constructed or a portion thereof.~~
- ~~—TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.~~
- ~~—YARD. An open space on the same lot with a structure.~~

§150.063. Exceptions, amendments, and deletions to the International Property Maintenance Code, 2018 Edition.

- (A.) IPMC Section 103.5 *Fees* shall be deleted in its entirety.
- (B.) IPMC Section 111.1 *Application for appeal*, shall read:

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building Standards Commission, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of this code would cause an undue hardship.

- (C.) IPMC Sections 111.2—111.8 shall be deleted.
- (D.) IPMC Section 106.3 *Prosecution of violation*, shall read:

Any person failing to comply with the provisions of this code shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. The code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such estate.

- (E.) IPMC Section 112.4 *Failure to comply* shall be amended to read:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is subject to a fine of not less than one dollar (\$1.00) and no more than two thousand dollars (\$2,000.00), and each day work continues in violation of this section shall be a separate offense.

(F.) IPMC Section 108.2 *Closing of Vacant Structures*, shall read:

If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to have the structure closed. Upon the structure being closed, the code official will send a bill to the owner for the cost of the closure and inform the property owner of their right to appeal the closure of the structure to the Building Standards Commission pursuant to Chapter 150, Article V, Section 150.066 of the City of Whitesboro Code of Ordinances. The code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the closure shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

(G.) IPMC Section 107.2 *Form*, shall read:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

(H.) IPMC Section 108.4.1 *Placarding*, shall read:

The code official shall post on the premises or on defective equipment a placard and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(I.) IPMC Section 109.4 *Emergency repairs* shall be deleted.

(J.) IPMC Section 109.5 *Costs of emergency repairs* shall be deleted.

(K.) IPMC Section 110.1 *General* shall be amended to read:

The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure that is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation and occupancy, such that it is unreasonable to repair the structure, to demolish and remove such structure; to include but not be limited to, the removal of the concrete foundations and their components, porches, steps, walkways, and curbs. Lot must be left in a raked clean condition and must not pond water. The site must be graded to a smooth uniform condition that will provide adequate surface drainage without ponding.

(L.) IPMC Section 302.4 *Weeds* shall be deleted.

(M.) IPMC Section 302.8 *Motor vehicle* shall be deleted.

(N.) IPMC Section 302.9 *Defacement of property* shall be deleted.

(O.) IPMC Section 303.2 *Enclosures* shall be amended to read:

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at 72 inches (1830 mm) in height above the finished ground level measured on the side of the barrier away from the pool. The remainder of the section is unchanged.

Exception: When the yard in which the private swimming pool, hot tub, and spa is constructed is completely enclosed with an approved fence or barrier.

(P.) IPMC Section 304.3 *Premises Identification*, shall read:

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch (12.7mm). The numbers shall be on the building or a structure facing the main Right-of-Way. The curbs are not an acceptable location for addresses for 911 purposes.

(Q.) IPMC Section 304.5.1 *Ventilation* shall be added and shall read:

Crawl space under buildings without basements shall be ventilated by approved mechanical means or by openings in foundation walls. The minimum net area of ventilation openings shall not be less than 1 sq. ft. for each 150 sq. ft. of crawl space area. Ventilation openings shall be covered for their height and width with any of the following materials, provided that the least dimension of the covering shall not exceed 1/4 inch (6mm):

1. Perforated sheet metal plates not less than .070" (1.8mm) thick.
2. Expanded sheet metal plates not less than .047" (1.2mm) thick.
3. Cast iron grills or gratings.
4. Extruded load bearing vents.
5. Hardware cloth of .035" (.89 mm) wire or heavier.
6. Corrosion resistant wire mesh, with the least dimension not exceeding 1/8" (3.2mm).

(R.) IPMC Section 304.7.1 *Ventilation* shall be added and shall read:

For gabled and hipped roofs, ventilation shall be provided to furnish cross ventilation of each separate attic space with weather protected vents. All vents shall be screened to protect the interior from intrusion of birds. The ratio of total net free ventilating area to the area of the ceiling shall be not less than 1/150. That ratio may be reduced to 1/300 provided:

1. A vapor barrier having permeance not exceeding one perm is installed on the warm side of the ceiling, or
2. At least 50% and not more than 80% of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated (at least 3 ft. (914mm) above eave or cornice vents) with the balance of the required ventilation provided by eave or cornice vents.

For flat roofs, blocking and bridging shall be arranged so as not to interfere with the movement of air. Such roofs shall be ventilated along the overhanging eaves, with the net area of opening being not less than 1/150 of the area of the ceiling below.

All openings shall be covered with screening, hardware cloth or equivalent to prevent the entry of birds, squirrels, rodents, etc. The openings therein shall not exceed 1/4 inch (6.4mm).

(S.) IPMC Section 304.14 *Insect Screens*, shall read:

Every door, window, and other outside opening of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screens on exterior doors and windows shall not be required where a central air conditioning system is provided.

(T.) IPMC 308.2.2 *Refrigerators* shall be deleted.

(U.) IPMC 308.3.1 *Garbage facilities* shall be deleted.

(V.) IPMC 403.2 *Bathrooms and toilet rooms* shall be amended to read:

Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required in section 403.1, except that a window shall not be required in such spaces equipped by a mechanical ventilation system.

(W.) IPMC Section 602.3 *Heat Supply*, shall read:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68F in all habitable rooms, bathrooms, and toilet rooms.

IPMC Section 602.4 *Occupiable work spaces*, shall read:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

~~§ 150.063 GENERAL REQUIREMENTS.~~

~~—(A) Exterior property areas.~~

~~—(1) Sanitation. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.~~

~~—(2) Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.~~

~~—(3) Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.~~

~~—(4) Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.~~

~~—(5) Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.~~

~~—(6) Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.~~

~~—(7) Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.~~

~~—(8) Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.~~

~~—(9) Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.~~

~~—(B) Swimming pools, spas, and hot tubs.~~

~~—(1) Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.~~

~~—(2) Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.~~

~~—(C) Exterior structure.~~

~~—(1) The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.~~

~~—(2) All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.~~

~~—(3) Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property as specified in § 97.02, Street Numbering.~~

~~—(4) All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.~~

~~—(5) All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.~~

~~—(6) All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.~~

~~—(7) The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.~~

~~—(8) All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.~~

~~—(9) All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.~~

~~—(10) Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.~~

~~—(11) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.~~

~~—(12) Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.~~

~~—(13) Every window, other than a fixed window, shall be easily opened and capable of being held in position by window hardware.~~

~~—(14) All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.~~

~~—(15) Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock meeting specifications set forth herein. Such deadbolt locks shall be operated only by the turning of a knob or a key and shall have a lock throw of not less than one inch. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock. Such deadbolt locks shall be installed according to manufacturer's specifications and maintained in good working order. All deadbolt locks required by this section shall be designed and installed in such a manner so as to be operable inside of the dwelling unit, rooming unit or housekeeping unit without the use of a key, tool, combination thereof or any other special knowledge or effort.~~

~~—(16) Operable windows located in whole or in part within six feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking devices.~~

~~—(D) Interior structure.~~

~~—(1) The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.~~

~~—(2) All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.~~

~~—(3) All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.~~

~~—(4) Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.~~

~~—(5) Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.~~

~~—(6) Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.~~

~~—(E) Rubbish and garbage.~~

~~—(1) All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.~~

~~—(2) Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.~~

~~—(3) The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.~~

~~—(4) Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.~~

~~—(5) Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.~~

~~—(6) The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.~~

~~—(7) The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close fitting covers for the storage of such materials until removed from the premises for disposal.~~

~~—(F) Extermination.~~

~~—(1) All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.~~

~~—(2) The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.~~

~~—(3) The occupant of a one family dwelling or of a single tenant nonresidential structure shall be responsible for extermination on the premises.~~

~~—(4) The occupant of any structure shall be responsible for the continued rodent and pest free condition of the structure. Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.~~

§150.064 UNSAFE BUILDINGS.

All unsafe buildings or structures are hereby declared to be a nuisance and illegal and shall be abated by securing, repair, removal, or demolition in accordance with the procedures set forth in this code. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

(A.) All buildings or structures which are unsafe, unsanitary, unfit for human habitation, not provided with adequate egress, or which constitute a fire hazard,

otherwise dangerous to human life or which constitute a hazard to the safety, health or welfare of the public, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are considered unsafe buildings.

- (B.) All buildings regardless of its structural condition, which are unoccupied by its owners, lessees, or other invitees and are unsecured or inadequately secured from unauthorized entry to the extent that it could be entered or used by uninvited persons as a place of harborage or could be entered or used by children or otherwise constitute a danger to the public are considered unsafe buildings.

§ 154.064 VIOLATIONS.

~~—(A) Unlawful acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.~~

~~—(B) Notice of violation. The Building Inspector shall serve a notice of violation or order in accordance with § 150.065.~~

~~—(C) Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with § 150.065 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.~~

~~—(D) Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~—(E) Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.~~

§150.065 MINIMUM BUILDING STANDARDS ADOPTED.

Any building or structure whose condition has deteriorated or is operated or maintained in violation of the minimum standards for the continued use and occupancy of all types of buildings and structures within the city, as adopted and established in this chapter, is hereby subject to investigation by the building official or designated employee in accordance with Article 18.05 of the Texas Code of Criminal Procedure and may be deemed to be substandard and a hazard to the public health, safety and/or welfare by the building official

or employee thereof, building standards commission, municipal court or District Court of Grayson County, Texas.

§ 150.065 NOTICES AND ORDERS.

~~—(A) Notice to person responsible. Whenever the Building Inspector determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in division (B) and (C) of this section to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with § 150.066.~~

~~—(B) Form. Such notice prescribed in division (A) of this section shall be in accordance with all of the following:~~

- ~~—(1) Be in writing.~~
- ~~—(2) Include a description of the real estate sufficient for identification.~~
- ~~—(3) Include a statement of the violation or violations and why the notice is being issued.~~
- ~~—(4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.~~

~~—(5) Inform the property owner of the right to appeal.~~

~~—(6) Include a statement of the right to file a lien in accordance with § 150.064(C).~~

~~—(C) Method of service. Such notice shall be deemed to be properly served if a copy thereof is:~~

- ~~—(1) Delivered personally;~~
- ~~—(2) Sent by certified or first class mail addressed to the last known address; or~~
- ~~—(3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.~~

~~—(D) Penalties. Penalties for noncompliance with orders and notices shall be as set forth in § 150.064(D).~~

~~—(E) Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the Building Inspector and shall furnish to the Building Inspector a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.~~

§150.066 BUILDING AND STANDARDS COMMISSION

- (A.) Appointment. The Building Standards Commission is hereby created and shall consist of the five members and two alternates as follows:
- (1) One member shall be a general contractor;
 - (2) One member shall be a licensed electrician;
 - (3) One member shall be a licensed plumber;
 - (4) Two members and the alternates shall be residents or ad valorem tax payers of the City of Whitesboro, Texas.
- (B.) Appointments to the Building Standards Commission shall be for a term of two years or until replacements are appointed and qualified.
- (C.) Functions, Powers, and Duties. The Building and Standards Commission may:
- (1) Order the repair, within a fixed period, of buildings found to be in violation of an ordinance;
 - (2) Declare a building substandard in accordance with the powers granted by this article;
 - (3) Order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;
 - (4) Issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the commission panel;
 - (5) Determine the amount and duration of the civil penalty the city may recover;
 - (6) Exercise all powers and duties as authorized by the Texas Local Government Code, Chapter 54, Subchapter C, as amended.

§ 150.066 UNSAFE STRUCTURES AND EQUIPMENT.

~~—(A)—General. When a structure or equipment is found by the Building Inspector to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.~~

~~—(B)—Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.~~

~~—(C)—Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.~~

~~—(D)—Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the Building Inspector finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.~~

~~—(E)—Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Building Inspector is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Building Inspector shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.~~

~~—(F)—Notice. Whenever the Building Inspector has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with § 150.065(C). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in § 150.065(B).~~

~~—(G)—Placard. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Building Inspector shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.~~

~~—(H)—Placard removal. The Building Inspector shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Building Inspector shall be subject to the penalties provided by this code.~~

~~—(I)—Prohibited occupancy. Any occupied structure condemned and placarded by the Building Inspector shall be vacated as ordered by the Building Inspector. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or~~

~~any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.~~

§150.067 ADMINISTRATION AND ENFORCEMENT OF MINIMUM BUILDING STANDARDS

(A.) Notice of Violation.

- (1) Whenever it is determined that there are reasonable grounds to believe that there has been a violation of any provision of this article or of any rule or regulation adopted pursuant thereto, notice of such alleged violation shall be given to the owner, lienholder, or mortgagee and such alleged violations shall constitute a nuisance.
- (2) The notice shall contain:
 - i. The date, time, and location of the hearing before the building standards commission; and
 - ii. A statement that the owner, lienholder, or mortgagee will be required to submit proof, at the hearing, of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.
 - iii. Prior to conducting the hearing before the Building and Standards Commission, the city will make an effort to locate each lienholder and mortgagee having an interest in the building or in the property on which the building is located and give them a notice of and an opportunity to comment at the hearing.
 - iv. The city may file notice of the hearing in the official public records of real property in Grayson County.

(B.) Building and Standards Commission Hearing.

- (1) The Building and Standards Commission will require the owner, lienholder, or mortgagee of the building to within 30 days:
 - i. secure the building from unauthorized entry, and
 - ii. to repair, remove, or demolish the building, whichever is applicable, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days. The city will furnish a copy of the order to any lienholders or mortgagees in the event the owner fails to timely take the ordered action.
- (2) The Building and Standards Commission may allow the owner, lienholder, or mortgagee more than 30 days to repair, remove or demolish the building. However, if the Building and Standards Commission allows the owner, lienholder, or mortgagee more than 30 days to repair, remove or demolish the building, the Building and Standards Commission shall establish specific

time schedules, as determined by the Building and Standards Commission, in consultation with the city building official or his designee, for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The city will furnish a copy of the order to any lienholders or mortgagees in the event the owner fails to timely take the ordered action.

(3) The Building and Standards Commission may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or to fully perform all work required to comply with the order unless at the hearing the owner, lienholder, or mortgagee submits:

- i. a detailed plan and time schedule for the work, and
- ii. establishes that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

(4) If the Building and Standards Commission allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the Building and Standards commission shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the city building official to demonstrate that the owner, lienholder, or mortgagee has complied with the time schedules established for commencement and performance of the work. The city will furnish a copy of the order to any lienholders or mortgagees in the event the owner fails to timely take the ordered action.

(5) Burden of Proof. In the hearing to determine whether a building complies with the standards set out in the minimum building standards code, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the minimum building standards code and the time it will take to reasonably perform the work.

(C.) Procedure After Building and Standards Commission Hearing. After the hearing before the Building and Standards Commission the city shall deliver a copy of the order by personal delivery or by certified mail, return receipt requested, to the record owners of the affected property and to any lienholder or mortgagee of the affected property. Within ten days after the date the order from the Building and Standards Commission is issued the city will:

- (1) File a copy of the order in the office of the city secretary; and
- (2) Publish in the city's official newspaper a notice containing:
 - i. The street address or legal description of the property;
 - ii. The date of the hearing;

- iii. A brief statement indicating the results of the hearing or order; and
- iv. Instructions stating where a complete copy of the order may be obtained.

(D.) Enforcement.

- (1) After the expiration of the time granted by the Building and Standards Commission for the repair, removal, securing, demolition of a building, or the relocation of occupants of a building, whichever is applicable, the city will either:

- i. Refer the building to municipal court for criminal prosecution; or
- ii. Vacate, secure, remove, or demolish the building, or relocate the occupants, whichever is applicable, and assess the expenses against the property on which the building is located unless it is homestead property protected by the Texas Constitution; or
- iii. Repair the building and assess the expenses on the land on which the building stands or to which it is attached; or
- iv. Assess a civil penalty against the property owner for failure to repair, remove, or demolish the building.

- (2) The city will not repair residential buildings with 11 or more dwelling units.

- (3) The Building and Standards Commission by order, may assess and recover a civil penalty against the property owner in an amount not to exceed \$1,000.00 per day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10.00 per day for each violation, if the city proves:

- i. The property owner was notified of the requirements of this article; and
- ii. After notification, the property owner committed an act in violation of this article or failed to take an action necessary for compliance with this article.

- (4) Effect of Notice to Mortgagee and Lienholders. If the notice is given and the opportunity to relocate the tenants of the building or to repair, remove, or demolish the building is afforded to each mortgagee and lienholder as authorized in this Article, the lien is a privileged lien subordinate only to tax liens.

(E.) Notice and Right to Secure Substandard Structures.

- (1) The city may secure a building the city determines violates the minimum standards set forth in the minimum building standards code and is unoccupied or is occupied only by persons who do not have a right of possession to the building.

- (2) Before the eleventh day after the date the building is secured, the city will give notice to the owner of the building by either:
- i. Personally serving the owner with written notice; or
 - ii. Depositing the notice in the United States mail addressed to the owner at the owner's post office address; or
 - iii. If personal service cannot be obtained and the owner's post office address is unknown:
 - a. Publishing the notice at least twice within a ten-day period in the official newspaper of the city; or
 - b. Posting the notice on or near the front door of the building.
- (3) The notice will contain:
- i. An identification of the building and the property on which it is located; and
 - ii. A description of the violation of the minimum building standards code standards that is present at the building; and
 - iii. A statement that the city will secure or has secured, as the case may be, the building; and
 - iv. The owner's right to request a hearing about any matter relating to the city's securing of the building.
- (4) If, within 30 days after the date the city secures a building secured as provided in this sub-section, the owner files with the city a written request for a hearing, the Building and Standards Commission will conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building.
- (5) The building standards commission will conduct the hearing within 20 days after the date the request is filed.
- (6) After the hearing relating to the city's securing of the building, or the expiration of the time allowed for the owner to request a hearing and no hearing has been requested, the city will mail by certified mail, return receipt requested, a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. Within ten days after the date the order from the Building and Standards Commission is issued the city will:
- i. File a copy of the order in the office of the city secretary; and
 - ii. Publish in the city's official newspaper a notice containing;
 - iii. The street address or legal description of the property;
 - iv. The date of the hearing;
 - v. A brief statement indicating the results of the hearing or order; and
 - vi. Instructions stating where a complete copy of the order may be obtained.

- (7) The city may assess the expenses incurred to secure a building pursuant to this sub-section against the property on which the building is located unless it is homestead property protected by the Texas Constitution.
- (8) Demolition regulations extended to cover site clearance, leveling, and grading. In addition to the building regulations contained in this article, the regulations concerning the demolition of buildings and permits therefore are extended to cover and include the grading and leveling and clearance of the site of the demolition where the removal of structures makes such grading, leveling or clearance necessary, or where such grading, leveling or clearance is necessary to protect adjacent property for the public safety.

§150.068-.079 RESERVED

~~§ 150.067 EMERGENCY MEASURES.~~

~~—(A) Imminent danger. When, in the opinion of the Building Inspector, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Inspector is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building Inspector shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Building Inspector." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.~~

~~—(B) Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the Building Inspector, there is imminent danger due to an unsafe condition, the Building Inspector shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Building Inspector deems necessary to meet such emergency.~~

~~—(C) Closing streets. When necessary for public safety, the Building Inspector shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.~~

~~—(D) Emergency repairs. For the purposes of this section, the Building Inspector shall employ the necessary labor and materials to perform the required work as expeditiously as possible.~~

~~—(E) Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.~~

~~—(F) Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Council, be afforded a hearing as described in this code.~~

~~§ 150.068 MEANS OF APPEAL.~~

~~—(A) General procedures. Any person directly affected by a decision of the Building Inspector or a notice or order issued under this code shall have the right to appeal to the City Council, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted;~~

the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. Building Inspector shall set the matter for hearing before the Council. Notice of the date, hour and place of the hearing shall be posted and published in the newspaper at least ten days prior to the meeting and shall order all interested parties who desire to be heard to appear and show cause, if any they have, why the building or structure, or portion thereof, involved in the proceedings should not be repaired, vacated and repaired, or demolished.

—(B) Open hearing. Hearings shall be open to the public. The appellant, the appellant's representative, the Building Inspector and any person whose interests are affected shall be given an opportunity to be heard.

—(C) Council decision. The Council shall modify or reverse the decision of the Building Inspector only by a concurring vote of a majority of the Council. If, from a full and fair consideration of the evidence and testimony received at the hearing, the City Council shall determine that the building or structure, or any portion thereof, is unsafe and a public nuisance, then it shall deny the appeal and issue an order, certified by the City Clerk:

—(1) That the building or structure must be repaired, vacated and repaired, or demolished;

—(2) Particulars which render the building or structure unsafe and a public nuisance and the things required to be done;

—(3) Specify the time within which the work required must be commenced, which shall not be less than ten days after the issuance of the order;

—(4) Specify a reasonable time within which the work shall be completed.

—(D) Records and copies. The decision of the Council shall be recorded. Copies shall be furnished to the appellant and to the Building Inspector. The Building Inspector shall cause copies of the order rendered to be posted on the building or structure involved and served in the manner upon the persons specified in § 150.065.

—(E) Stays of enforcement. Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Council.

~~§ 150.069 FAILURE TO COMPLY WITH ORDERS.~~

—(A) The owner or other person having charge and control over any building or structure determined by the Building Inspector or, upon appeal, by the City Council to be unsafe and a public nuisance who shall fail to comply with any order to repair, vacate and repair, or demolish such building or structure, or any portion thereof, shall be punished as provided in § 10.99.

—(B) The occupant or lessee in possession who fails to comply with any order to vacate any building or structure, or any portion thereof, in accordance with any order given as provided for in this subchapter, shall be punished as provided in § 10.99.

—(C) Action by city.

—(1) Authority to vacate or demolish. Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been complied with within the time set by the City Council, the city shall have the power, in addition to any other remedy herein provided, to:

—(a) Cause the building or structure ordered to be repaired to be vacated until such time as the necessary repairs have been made. No person shall thereafter occupy or permit to be occupied any such building until and unless the necessary repairs have been made and the Building Inspector has approved same and issued a certificate of occupancy for such building or structure.

—(b) Request the Building Inspector to cause the building or structure to be demolished, and the land restored to a reasonable clear and level condition, including the filling of any excavation to the finished grade of the surrounding area. The demolition of any building or structure, and the sale of the materials thereof, shall be by a contract conforming to all applicable state and federal bidding laws. The Building Inspector may sell any such building or structure singly or otherwise. Any proceeds from the sale of any building or structure, or group of buildings or structures, over and above the cost of demolition, and cleaning the site, shall be retained to be distributed to the parties or persons lawfully entitled thereto.

~~—(2) Report of demolition. Upon completion of the demolition of any building or structure, or any portion thereof, under this section, the Building Inspector shall cause to be prepared and filed with the City Council a report specifying:~~

- ~~—(a) The work done;~~
- ~~—(b) The cost of the work and incidental expenses;~~
- ~~—(c) A description of the real property upon which the building or structure was located;~~
- ~~—(d) The names and addresses of the persons entitled to notice pursuant to § 150.065; and~~
- ~~—(e) The assessment against each lot or parcel or land proposed to be levied to pay the cost thereof.~~
- ~~—(f) Any such report may include demolition work on any number of buildings or structures on any number of parcels of property, whether contiguous to each other or not. The term INCIDENTAL EXPENSES shall include, but not be limited to, the expenses and costs of the city in preparation of notices, specifications and contracts, inspection of the work, and the costs of printing and making required hereunder.~~

~~—(3) Hearing on report and assessment of costs.~~

~~—(a) Upon filing of the report of the Building Inspector, the City Council shall, by resolution, fix the day, hour and place when it will hear and pass upon the report, together with any objections or protests which may be raised by demolition, and any other interested persons. At least ten days before the date set for the hearing, the Building Inspector shall cause copies of his or her report and notice of the filing of his or her reports and of the day, hour and place when the City Council will hear and pass upon the report, and any objections or protests thereto, to be posted and served in the manner and upon the persons specified in § 150.065. A copy of the notice shall be published once at least ten days prior to the date set for the hearing in the official newspaper of the city.~~

~~—(b) Any person interested in and affected by the proposed assessment may file written protests or objections with the City Clerk at any time prior to the hour set for the hearing on the report of the City Superintendent. Each such protest or objection must contain a description of the property in which the signer thereof is interested and grounds of such protest or objection. Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the Building Inspector, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the cost of the demolition and other interested persons. The Council may make such revisions, corrections or modifications in the report as it may deem just, and the report as submitted or as revised, corrected and modified, together with the assessment, the report and the assessment and all protests or objections shall be final and conclusive. The City Council may adjourn the hearings from time to time.~~

~~—(4) Contest of assessment. The validity of any assessment levied under the provisions of this section shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is confirmed.~~

~~—(5) Assessment as lien on property.~~

~~—(a) The amount of the cost of abating such nuisance upon lots or parcels of land, including incidental expenses, as confirmed by the City Council, shall constitute special assessments against the respective lots or parcels of land, and as thus made and confirmed shall constitute a lien on such property for the amount of such assessments, respectively, until paid. Such lien shall, for all purposes, take priority, until paid. Such lien shall, for all purposes, take priority over all other liens except tax liens or paving assessment liens.~~

~~—(b) Within a reasonable length of time after the special assessment liens are created by action of the City Council under this section, the City Clerk shall cause a certified copy of such special assessment lien to be filed with the County Clerk in the deed records of Grayson County. Such special assessment liens shall bear interest at the rate of 8% per annum from the date of filing of the same with the County Clerk and such lien shall be collected in the same manner as other assessment liens are collected under the laws of the state.~~

~~§ 150.070 REMOVAL OF ORDERS OR NOTICES POSTED.~~

~~—Any person who removes any notice or order posted as required in this subchapter shall be punished as provided in § 10.99.~~

~~§ 150.071 INTERFERING WITH ENFORCEMENT OF SUBCHAPTER.~~

~~—It shall be unlawful for any person to obstruct, impede or interfere with any officer, agent or employee of the city or with any person who owns or holds any estate or interest in any building or structure, or any portion thereof, which has been ordered to be repaired, vacated and repaired, or demolished, or with any person to whom such building or structure has been lawfully sold pursuant to the provisions of this subchapter, whenever any such officer, agent, employee, purchaser or person having an interest or estate in such building or structure is engaged in repairing, vacating and repairing, or demolishing any such building or structure pursuant to the provisions of this subchapter, or in performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant thereto.~~

SECTION 3. All provisions of the Ordinances of the City of Whitesboro, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended and repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. If any article, paragraph or subdivision, clause or provision of this Ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be valid or unconstitutional.

SECTION 5. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Ordinances of the City of Whitesboro, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose

SECTION 6. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances, as amended, and upon conviction in the municipal court shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. This ordinance shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITESBORO, TEXAS ON THIS THE ____ DAY OF APRIL, 2024.

APPROVED:

David Blaylock, Mayor

ATTEST:

Teresa Niño, City Secretary

APPROVED AS TO FORM:

Courtney Goodman-Morris, City Attorney
4880-0016-9392, v. 1



Agenda Background

Agenda Item: Discuss, consider and possible action on the contract for the purchase of land.

Date: April 16, 2024

The City Attorney is still working out some of the finer details. I expect to have the contract complete later this week. When the final comes in, I will provide it to you. If we do not receive it before the meeting we will table this item.



Agenda Background

Agenda Item: Discuss and consider updates on the on-going capital improvement projects.

Date: April 16, 2024

I have no real updates.

I met with a representative with Billy Wolf. We are still in discussions. We were able to present to him the survey from Kelly St.

We are still accepting bids for the Texoma Rehabilitation project.