



May 6, 2025

AMENDED

Notice is hereby given of a Regular Meeting of Nacogdoches City Council to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, beginning at 5:30 p.m. for the purpose of considering the following agenda items.

Some City Council Members may attend via videoconference but a quorum of the City Council and the Presiding Officer will be present at the above-stated physical location. The meeting will be streamed live at: <https://www.nactx.us/21>. There will be an opportunity for the public to comment on agenda items in person in Council Chambers.

**PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)**

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. OPEN FORUM. Open Forum is an opportunity for citizens to address the City Council about items listed on the agenda, as well as on matters that are not specifically listed on the agenda. Alternatively, a citizen may address the City Council about an agenda item when the item comes up for consideration during the meeting. In order to address the City Council, please complete the Public Comment Form and submit it to the City Secretary prior to the start of the meeting. In accordance with the Texas Open Meetings Act, the City Council will not discuss, deliberate, or make any decisions on items not listed on the agenda. Comments are limited to 3 minutes per person.
4. ITEMS TO BE REMOVED FROM CONSENT AGENDA.
5. CONSENT AGENDA: Items included under Consent Agenda require little or no deliberation by Council. Approval of Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.
 - A. Consider approval of minutes for the April 15, 2025, City Council Regular meeting.
(City Secretary)
6. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.
 - A. Revenue bond update on future borrowing for capital projects. (Interim Director of Finance)

- B. **Public Hearing:** Discuss and consider action regarding Specific Use Permit Case SUP2025-01 for an Accessory Apartment in an R-1 Single-Family district on one parcel of land approximately 1 acre $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel 26489; and located at 521 East Parker Road, Nacogdoches, Texas. (Interim City Planner)
- C. **Public Hearing:** Discuss and consider action on Zoning Case ZON2025-03 regarding a zone change from A, Agriculture to B-2, General Business district for two parcels of land approximately 2.27 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel(s) 81424; and located at 7013 North Street, Nacogdoches, Texas. (Interim City Planner)
- D. **Public Hearing:** Consider amending the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118– “Zoning”; including Article I, Section 118-1 “Definitions” – Adding definitions for Beauty Salon and Tattoo Studio and amending the definition for Piercing Studio., Article III, Section 118-273 “Land Use Schedule” – Updating the classification of Beauty Salon, Body Piercing Studio, and Tattoo Studio to align with the correct definitions. (Executive Director of Development & Infrastructure)
- E. **Public Hearing:** Consider amending the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118– “Zoning”; Article I-Section 118-5– “Fees”; Article II–Section 118-67–“Public Hearing Postponement, Recess and Continuations”; and Article IV–Section 118-325–“Urban Core Overlay District Sidewalks”, to clarify where the fee and fee amounts are specified in the Code of Ordinances. (City Attorney)
- F. Consider approval of an Ordinance of the City of Nacogdoches, Texas Amending Chapter 6 – “Animals”, Chapter 10 – “Aviation”, Chapter 14 – “Buildings and Building Regulations”, Chapter 18 – “Businesses”, Chapter 22 – “Cemeteries”, Chapter 26 – “Charitable Solicitations”, Chapter 28 – “Taxicabs”, Chapter 38 – “Fire Protection and Prevention”, Chapter 62 – “Library”, Chapter 72 – “Oil and Gas Wells”, Chapter 74 – “Parks and Recreation”, Chapter 78 – “Signs”, Chapter 82 – “Solid Waste”, Chapter 86 – “Streets, Sidewalks and Other Public Places”, Chapter 90 – “Subdivisions”, Chapter 98 – “Telecommunications”, Chapter 102 – “Traffic and Vehicles”, Chapter 106 – “Utilities”, Chapter 110 – “Vehicles for Hire”, and Chapter 114 – “Waterways”, of the Code of Ordinances of the City of Nacogdoches, Texas to Reference the Master Fee Schedule and Repeal All Ordinances or Parts of Ordinances in Conflict Therewith; Providing a Severability Clause; Providing a Continuation Clause; Providing a Repeal Clause; and Providing an Effective Date. (City Attorney)
- G. Hold a discussion and provide the Nacogdoches City Council Members an update on the 2025 Legislative Priorities for the 89th State Legislative Session.

7. ADJOURN.



Rhonda Lewis
City Secretary



This agenda is posted as required under G. C. Section 551.041. For more information or a copy of the Open Meetings Act, please contact Attorney General of Texas at 1-800-252-8011; City Secretary at (936) 559-2506 or visit City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

This meeting will be conducted pursuant to Chapter 551 of the Texas Government Code. The Council reserves the right to adjourn into Executive Session at any time during the meeting to discuss any of the above posted agenda, as authorized by Texas Local Government Code Sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of interest in real property], 551.073 [prospective gift to city], 551.074 [certain personnel deliberations], 551.076 [deployment/implementation of security personnel or devices], or 551.087 [deliberations regarding economic development negotiations]. The City of Nacogdoches is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications may be provided upon request. Please contact the City Secretary at (936) 559-2506 for information. I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas 75961, on Friday, May 2, 2025, by 12:00 p.m., pursuant to Chapter 551 of the Texas Government Code.

Rhonda Lewis, City Secretary



City Council Meeting

Date: May 6, 2025

Agenda Item: 5.A.

PRESENTER:

ITEM/SUBJECT: Consider approval of minutes for the April 15, 2025, City Council Regular meeting. (City Secretary)

SUMMARY/BACKGROUND:

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Rhonda Lewis, City Secretary
lewisr@nactx.us
(936) 559-2506

ATTACHMENTS: 1. City Council Minutes 04.15.25



Regular Session
Nacogdoches City Council
April 15, 2025 – 5:30 p.m.
City Council Chambers
202 E. Pilar Street, Nacogdoches, TX

City Council present: Mayor Randy Johnson; Council Members, Kathleen Belanger; Blane Williams; Brad Maule; and Chad Huckaby

1. Called to order at 5:30 p.m.

2. Pledge of Allegiance.

3. Open Forum:

There were no comments in Open Forum.

4. ITEMS TO BE REMOVED FROM THE CONSENT AGENDA:

There were no items removed from the Consent Agenda.

5. CONSENT AGENDA:

Councilwoman Belanger moved to approve the Consent Agenda as presented. Councilman Huckaby duly seconded the motion, and the motion carried unanimously.

6. REGULAR AGENDA:

- A. Consider approval of an Interlocal Agreement between the City of Nacogdoches, Nacogdoches County, and Nacogdoches Independent School District for Sale of tax-foreclosed properties.

Jerry Baker, City Attorney, introduced Patrick Woods, of Perdue, Brandon, Fielder, Collins, & Mott, LLP, to discuss this item with Council. As the tax attorney and delinquent property tax collector for the City, he asked that Council consider and approve the inter-local agreement that would place all trust properties that are struck off a tax sale into the trusteeship of the City of Nacogdoches, lending more control and opportunities to develop programs for these types of properties. These properties have been in the care of the school district.

Councilman Maule asked what the school district did with properties that were struck off. Mr. Woods stated that as the trustee, the school district would maintain the mowing and ensure that there was no negligence associated with the properties.

Mr. Woods also stated that in the past, Perdue, Brandon, would receive private bids on properties that sat for a length of time. In this case, the City would be the sole decider on those bids.

Councilman Huckaby made a motion to approve Item 6.A. as presented. Councilman Maule duly seconded the motion, and the motion carried unanimously.

- B. Consider approval of a contract by and between the City of Nacogdoches and Capital Underground Utilities for the ARPA Collection System Improvements Project for a not-to-exceed amount of \$1,305,902.00.

Case Opperman, Director of Public Works and City Engineer, refreshed Council on the receipt of 8MM in American Rescue Plan Act (ARPA) funds, of which 1.5MM was allocated to sanitary sewer improvements. Mr. Opperman and staff received six (6) contractor bids for this current project, with some falling under budget. Capital Underground Utilities was the lowest qualifying bid.

Mayor Johnson asked how much money was left in the fund. Mr. Opperman stated the various accounts and the amounts left and also stated that he and his staff are working to spend the required percentage of monies required by the state.

Councilwoman moved to approve the contract outline in 6.B. as presented. Councilman Maule duly seconded the motion and the item was approved unanimously.

7. EXECUTIVE SESSION:

Council concluded the regular agenda and convened in Executive Session at 5:40 p.m.

Council reconvened in regular session at 6:04 p.m.

Councilwoman Belanger made a motion that Council approve the acquisition of a portion of 802 East Main Street and the portion of 900 East Main Street as outlined in item 7.A. subject to the inclusion of retaining the properties that the City is requesting. Councilman Huckaby duly seconded the motion, and the motion carried unanimously.

Councilwoman Belanger made a motion give the City Manager and City Attorney the ability to negotiate the acquisition of the property located on North Stallings Drive (Westward Subdivision). Councilman Williams duly seconded the motion, and the motion carried unanimously.

8. **ADJOURNED:** 6:04 p.m.

A full recording of the Regular City Council Meeting for April 15, 2025, may be viewed here: [Regular City Council Meeting - 20250415](#)

ATTEST:

Randy Johnson, Mayor
City Council
City of Nacogdoches

Rhonda Lewis, City Secretary



City Council Meeting

Date: May 6, 2025

Agenda Item: 6.A.

PRESENTER: Todd Simoneaux, Interim Finance Director

ITEM/SUBJECT:

Revenue bond update on future borrowing for capital projects. (Interim Director of Finance)

SUMMARY/BACKGROUND: Current revenue bond update on future borrowing for capital projects.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Todd Simoneaux, Interim Director of Finance
simoneauxt@nactx.us
936-559-2526

ATTACHMENTS:

PRESENTER: Juan Pollette, Interim City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action regarding Specific Use Permit Case SUP2025-01 for an Accessory Apartment in an R-1 Single-Family district on one parcel of land approximately 1 acre ± in size, more particularly described by Nacogdoches Central Appraisal District Parcel 26489; and located at 521 East Parker Road, Nacogdoches, Texas. (Interim City Planner)

SUMMARY/BACKGROUND: The request is for a Specific Use Permit (SUP) for an accessory apartment on the property located at 521 East Parker Road. The property is zoned R-1 Single Family and is developed as a single-family residence with a detached guest house. Per the Zoning Ordinance, an accessory apartment is allowed in the R-1 zoning district with approval of an SUP. The SUP process allows Staff, the Commission, and City Council the opportunity to review and impose conditions on such development, if necessary.

The purpose of the request is to convert an existing guest house previously damaged by a fallen tree into an accessory apartment. The difference between a guest house and an accessory apartment is that accessory apartments have cooking facilities, which prompts SUP approval (i.e. more closely defined as a dwelling unit). The existing guest house is 510 square feet with an attached 169-square-foot storage area on the east side of the structure. The guest house is located to the east of the main house with a carport connecting the two structures. The applicant is proposing to repair the guest house and connect the 169-square-foot storage area with an interior doorway for a total of 679 square feet of livable space. Although the attached P&Z Exhibit shows elevation drawings with a 142-square-foot screened-in porch, the applicant has since removed the porch from consideration of this SUP. The modified floor plan on page two (2) of the P&Z Exhibit shows the layout without a screened-in porch. There will be no separate utility meters or connections for the new dwelling unit. The applicant stated that they plan to use the accessory apartment for their parents.

Adjacent Land Use & Zoning

The subject property is zoned R-1, Single Family and is currently being developed as Single Family Residential. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan - Future land use	Current Zoning	Current Use
North	Single Family Residential	R-1, Single Family	Single Family
South	Single Family Residential	R-1, Single Family	Single Family
East	Single Family Residential	R-1, Single Family	Single Family

West	Single Family Residential	R-1, Single Family	Single Family
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The surrounding areas are zoned and developed as single-family residences. The proposed SUP will not change the uses permitted under the current R-1 zoning district.

Per Section 118.139 of the Zoning Ordinance, the following conditions shall be considered when reviewing an application for a Specific Use Permit:

Compatibility: The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The existing guest house will be converted into an accessory apartment, maintaining its current location east of the main home. The property itself is approximately 1 acre, well exceeding the minimum lot size required for a single dwelling in the R-1 zoning district. Given this substantial lot size, the addition of an accessory dwelling unit will not meaningfully increase density or alter the neighborhood's established development pattern. Additionally, because the unit is accessory in nature, it remains secondary to the principal single-family home and will not introduce a new independent use. The existing neighborhood consists of single-family homes, and the proposed suite is consistent with that pattern while providing a practical housing option for extended family members.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
There is no surrounding vacant property.

Supporting Facilities: Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject property has direct access from East Parker Road, a local street with a 20-foot right-of-way, which functions as primary access to the property. The roadway is adequate to accommodate the accessory dwelling unit.

Drives and Parking: The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

The applicant is maintaining the carport between the primary residence and the accessory apartment, which can accommodate three covered off-street parking spaces. Two for the primary residence and one for the accessory apartment.

Nuisances: Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

The proposed Accessory Apartment will be single-story and adjacent to the existing carport, which will be surrounded by existing vegetation.

Lighting: Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

Outdoor lighting must meet the City's lighting ordinance restrictions, i.e., only downlighting, no spillover lighting onto neighboring properties.

Landscaping: Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

The property has several large mature trees in the front and backyards. Single-family

development is not required to comply with commercial district landscaping requirements.

Comprehensive Plan: The proposed use is in accordance with the comprehensive plan. The proposed Specific Use Permit for an accessory dwelling unit aligns with the Comprehensive Plan's designation of this area for single-family residential use.

Future Land Use

The Future Land Use Map designates this area for single-family residential development, and the existing R-1 zoning is consistent with this designation. An accessory apartment serves as an accessory residential use that supports the primary dwelling without altering the predominant land use pattern.

Furthermore, the Comprehensive Plan encourages well-planned mixed uses which are compatible within established neighborhoods to meet the evolving needs of residents. This proposal achieves that goal by allowing an extended family living arrangement while maintaining the integrity of the surrounding single-family neighborhood.

PUBLIC ENGAGEMENT:

- January 21, 2025 – Staff mailed 37 neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- February 5, 2025 – Staff coordinated a neighborhood meeting at City Hall on behalf of the applicants to receive input from surrounding property owners. There were 2 neighboring residents who attended the meeting with general questions but were not opposed to the request.
- February 18, 2025 – Staff mailed 9 public meeting notice letters to property owners within 200 feet and 28 postcard notices to property owners within 200–500 feet. Staff has not received any letters in opposition or in favor of the request from the neighboring residents.
- February 23, 2025 – Legal ad published in the Daily Sentinel newspaper.
- March 18, 2025 – The Planning & Zoning Commission postponed the item until the next scheduled meeting due to the absence of a quorum.
- April 14, 2025 - Planning & Zoning Commission voted unanimously (4-0) to recommend approval of the SUP without additional conditions.

NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Juan Pollette, Interim City Planner
pollettej@nactx.us
(936) 559-2559

ATTACHMENTS: 1. Aerial Map

2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. P&Z Exhibit
6. Site Photos
7. Ordinance

SUP2025-01 Aerial Map

Legend

- Buildings
- City Limit
- Parcels
- Area of Interest

Scale: 0 70 140 210 280 Feet

North Arrow

Date Created: 02/10/25 11:22 | Document Generated Automatically

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Nacogdoches
Engineering Department
420 Division

Page 12 of 205

SUP2025-01 Zoning Map

Legend

- Buildings
- City Limit
- Parcels
- A - Agriculture
- B-1 - Local Business
- B-2 - General Business
- B-3 - Central Business
- DA - Development Agreement
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- M - Medical
- PD - Planned Development
- R-1 - Single Family
- R-2 - Single Family
- R-3 - Two Family
- R-4 - Multi-Family
- Area of Interest

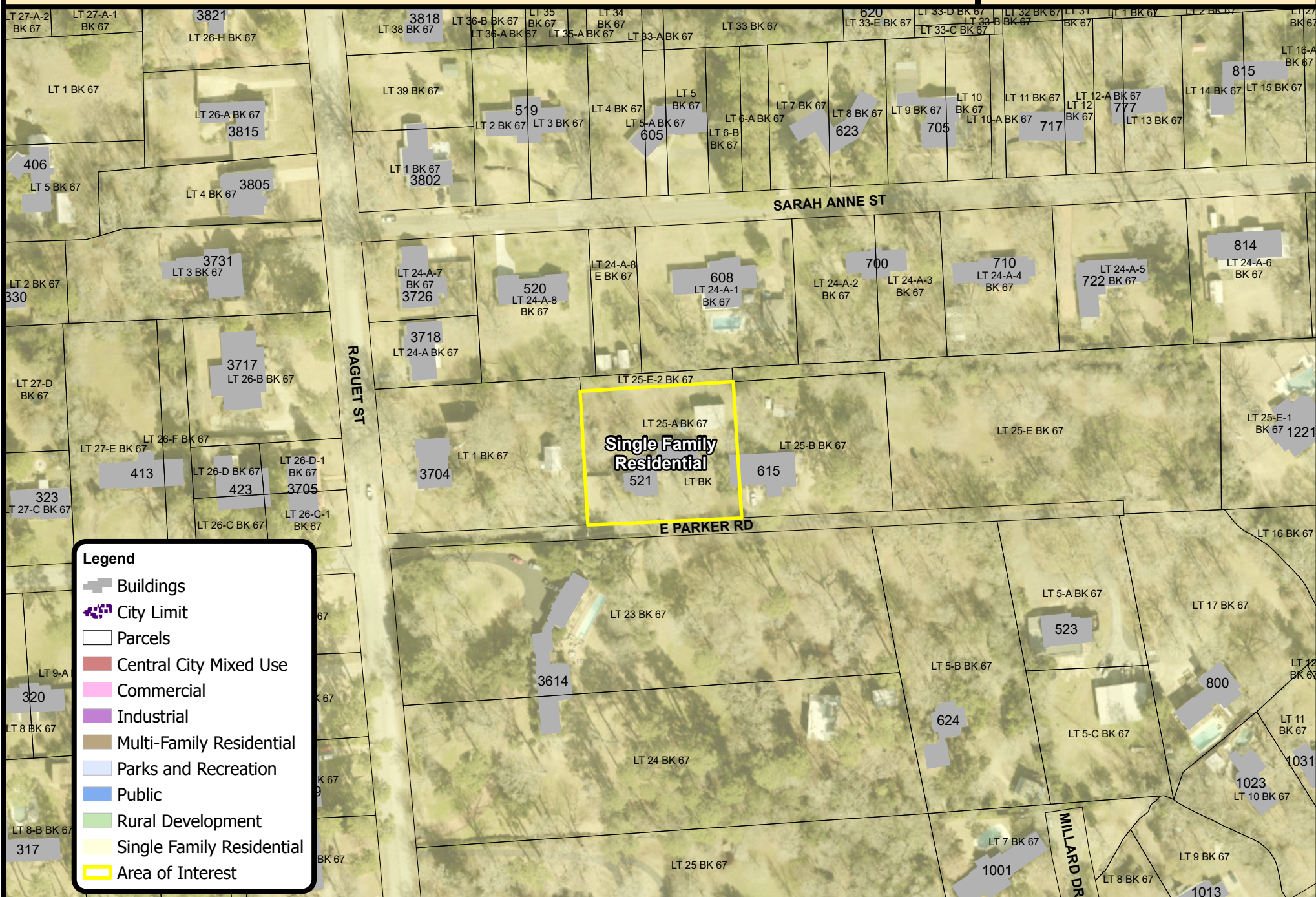
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Nacogdoches Engineering Department
City of Nacogdoches

Page 12 of 205

SUP2025-01 Future Land Use Map

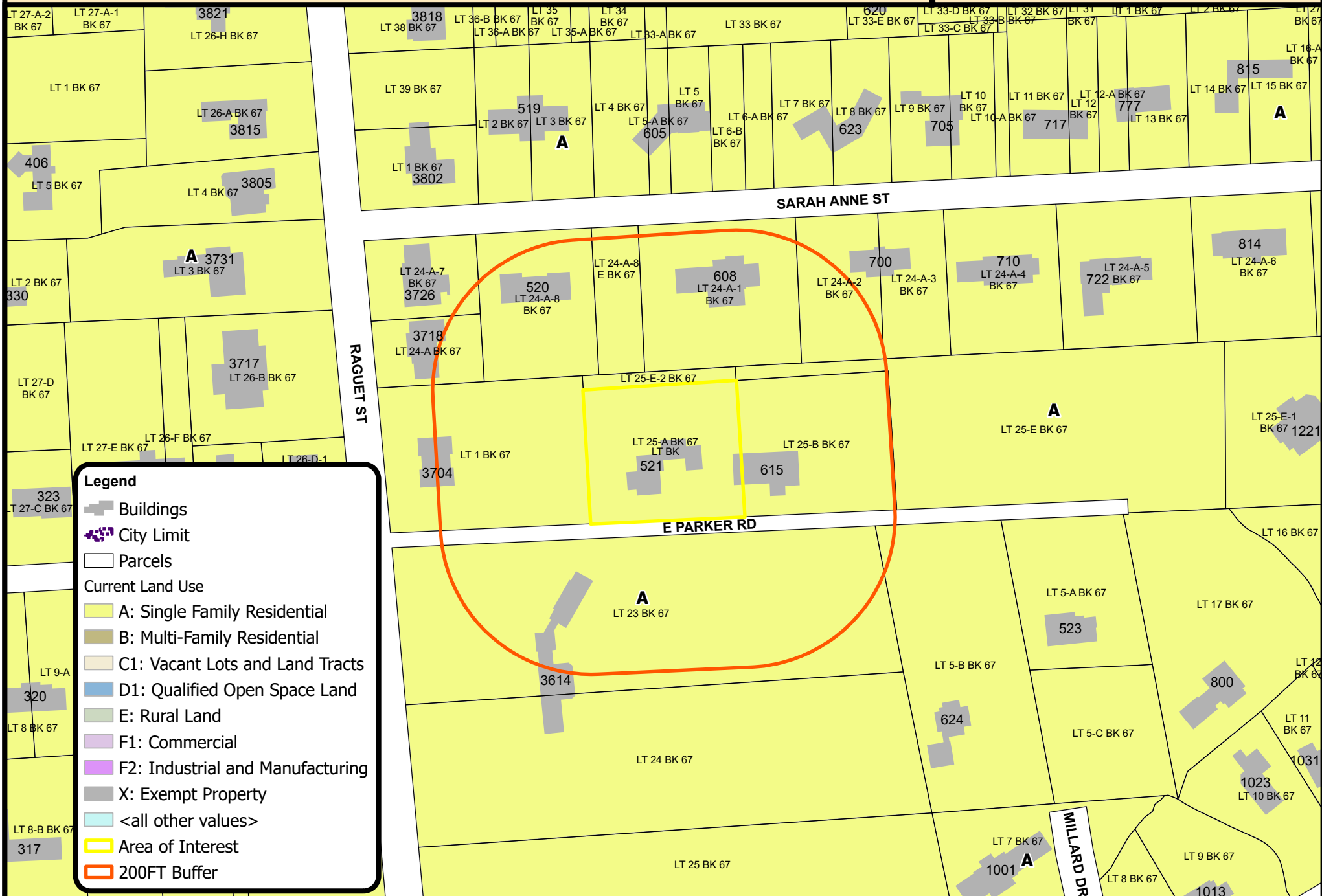


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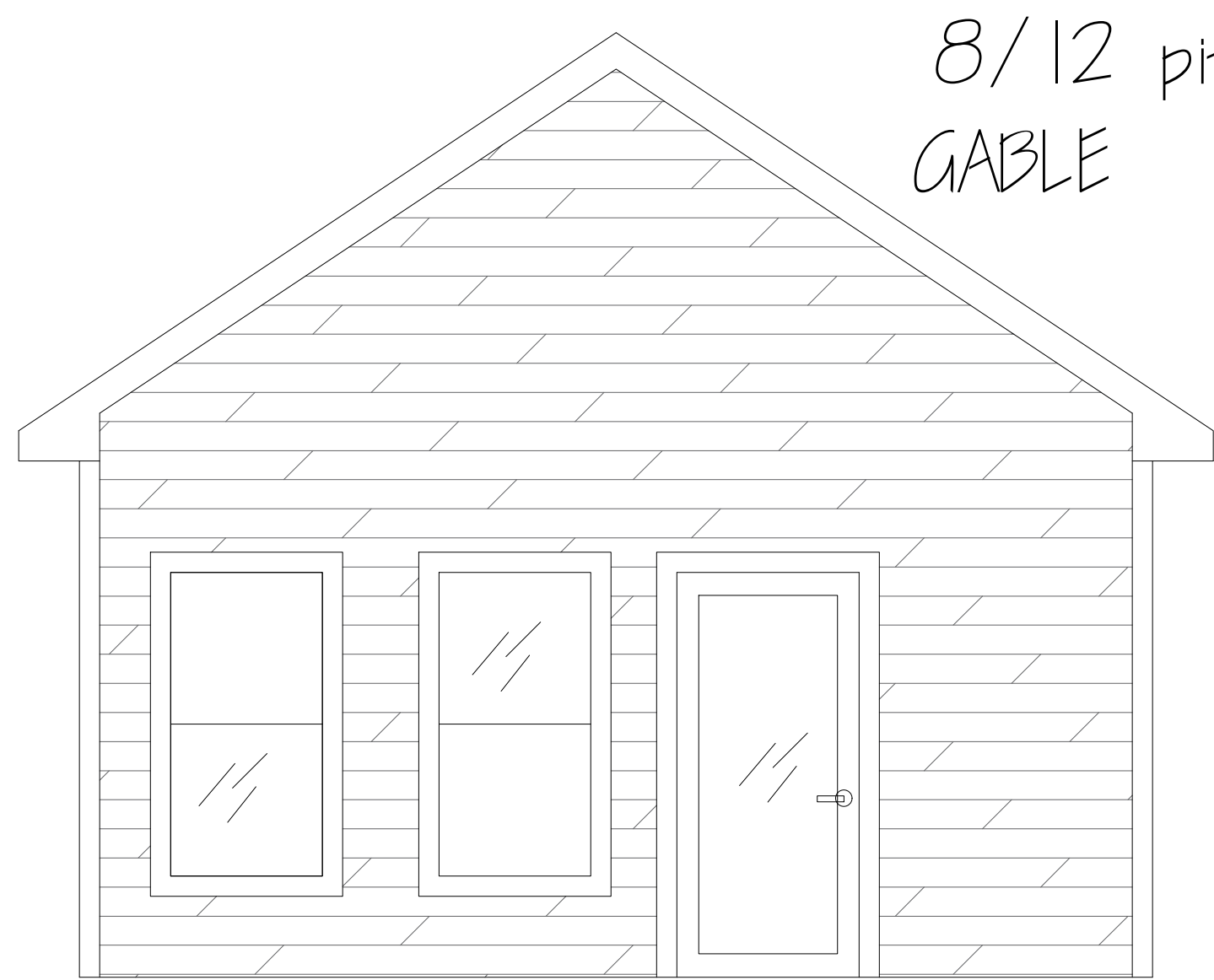
SUP2025-01 Notification Map



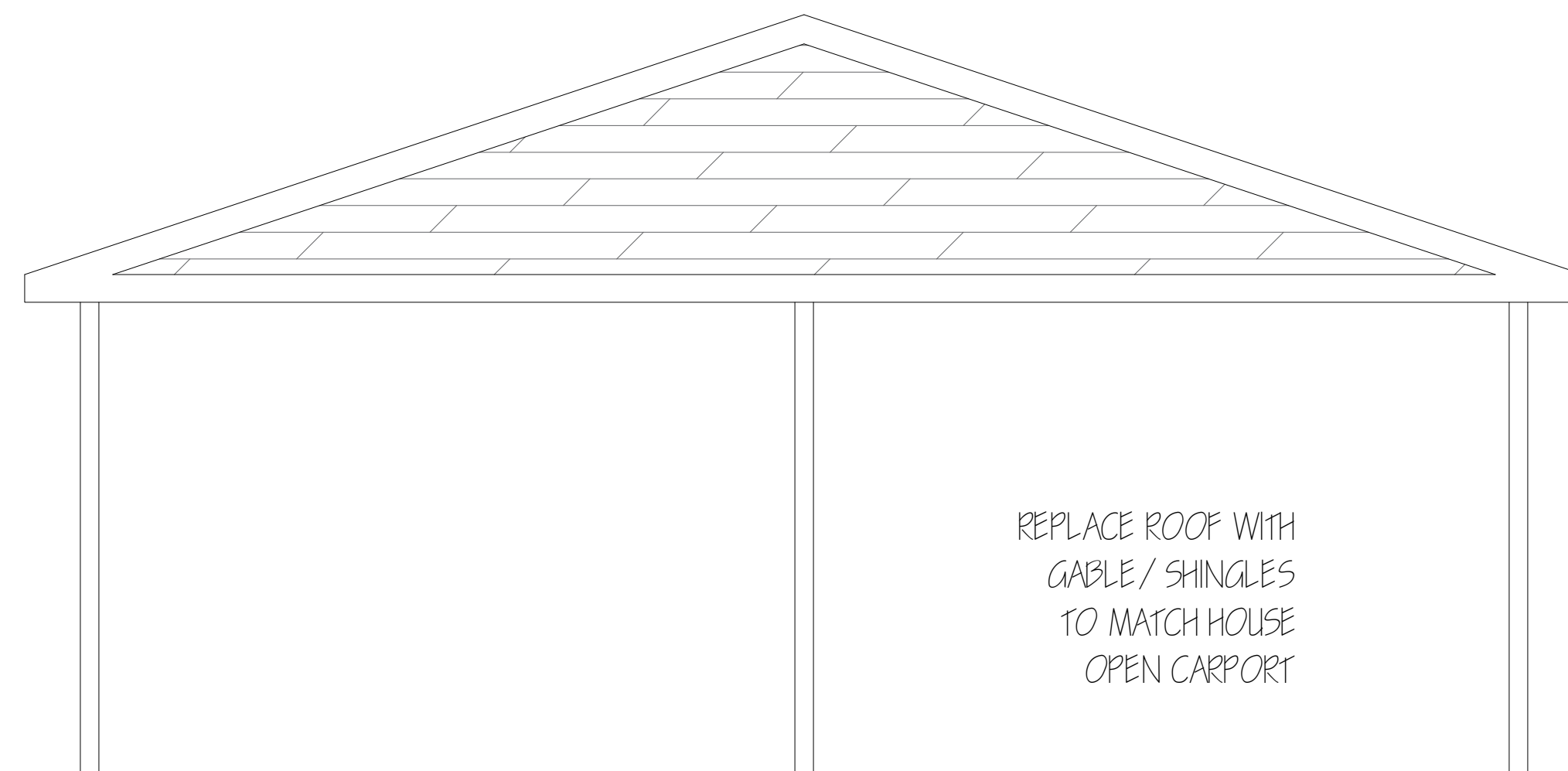
0 70 140 210 280 Feet

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FRONT ELEVATION INSIDE PORCH



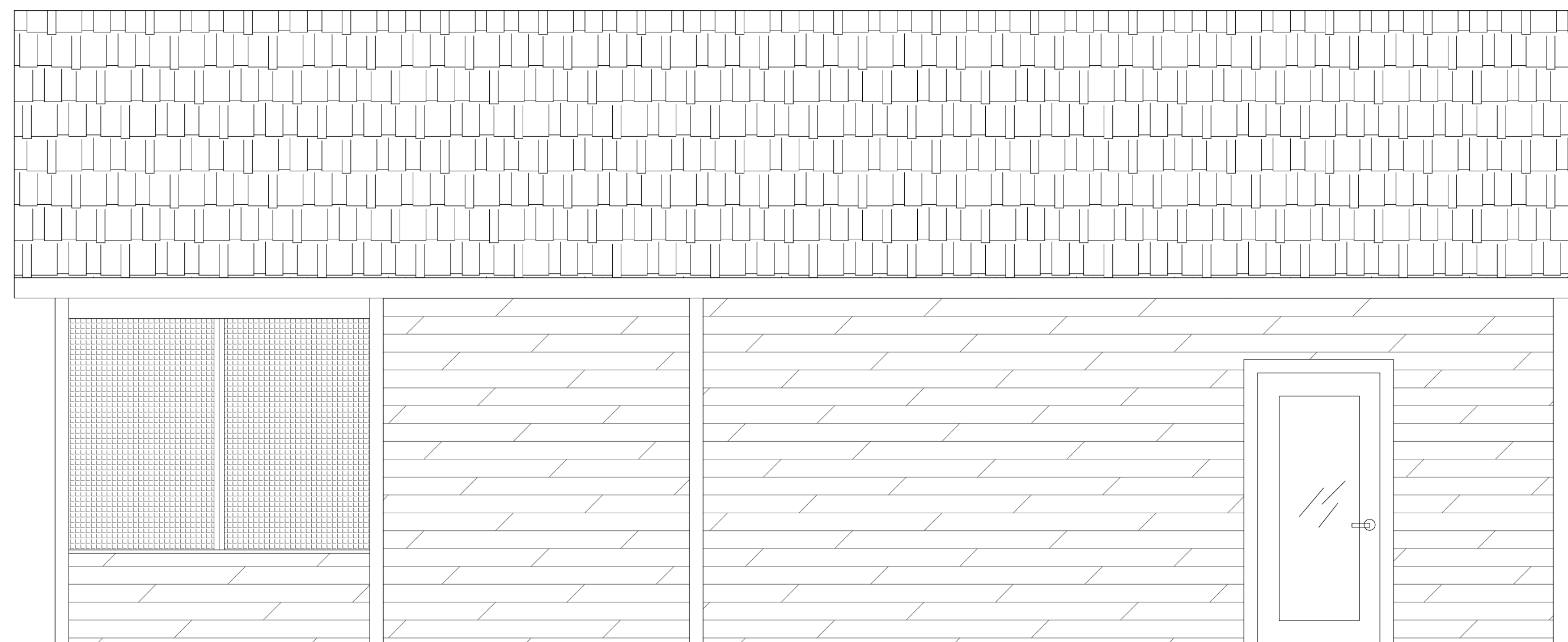
CARPORT

DATE: 1/ 29/ 25
679 S.F. HEATED & COOLED EXTERIOR WALL LEDGE
142 SQ. FT. ADDED CONCRETE FOR SCREENED PORCH
821 SQ FT COVERED FOUNDATION

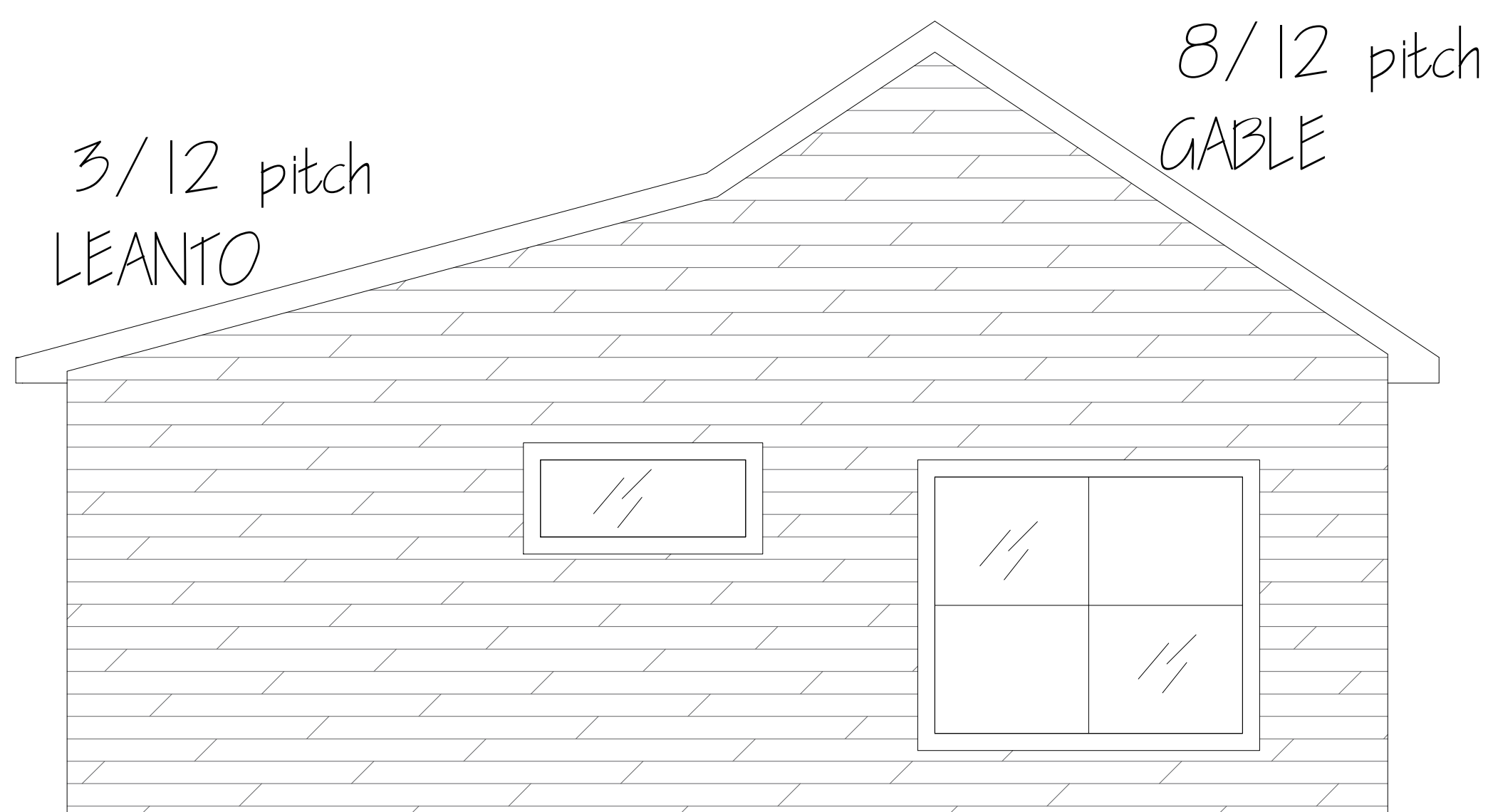
REMODEL EXISTING BUILDING PER FLOOR PLAN
REPLACE VINYL SIDING WITH HARDIE, NEW DOORS, NEW WINDOWS
NEW ROOF DO TO STORM DAMAGE 30 YR SHINGLES



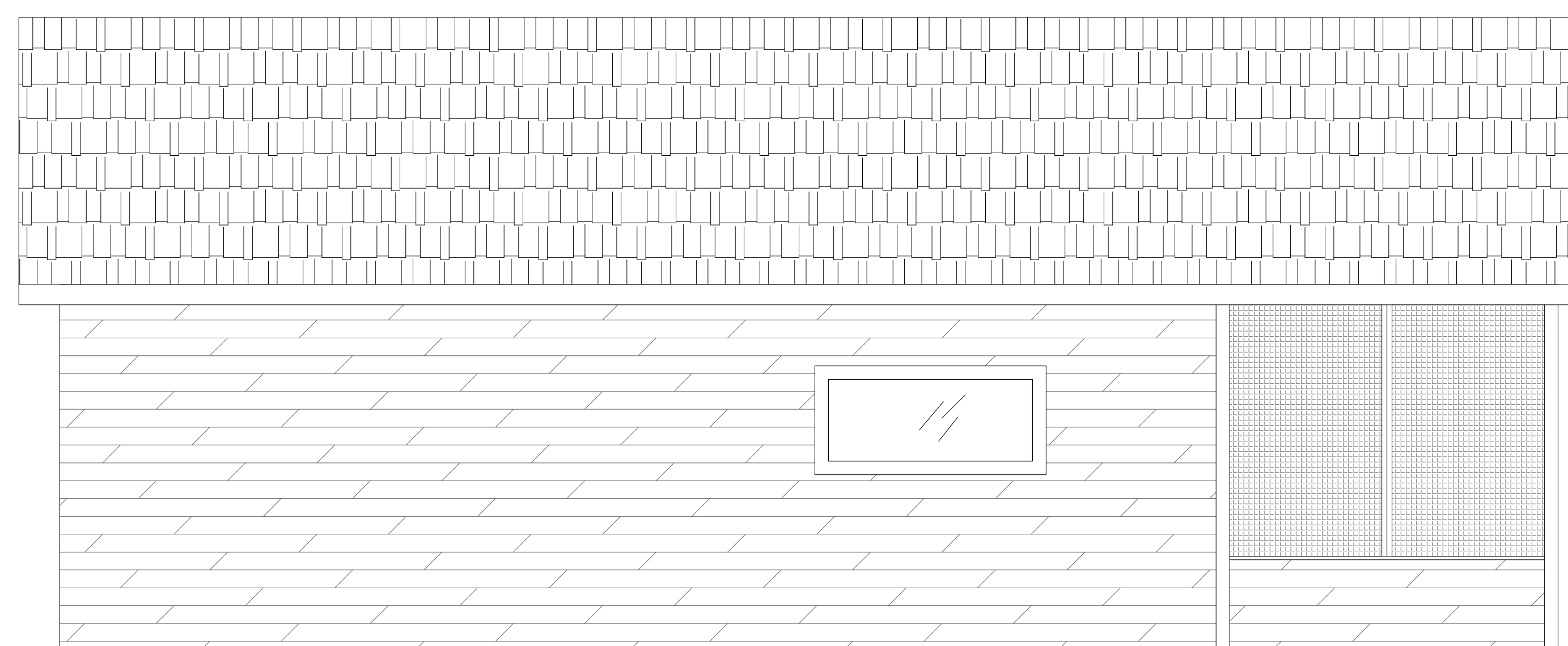
FRONT ELEVATION



LEFT ELEVATION



BACK ELEVATION



RIGHT ELEVATION

JC DESIGN WORKS
JAIME CARRILLO 956-715-5853

DATE: 1/ 29/ 25

521 E PARKER ROAD

KEN JURIST
KRISTINE SUTTON
GUESTHOUSE

A-2 **ELEVATION**
Scale: 1/2" = 1'-0"

The floor plan shows a main building with a storage area and a guest house. The storage area is located at the top left and is labeled "STORAGE WITH LEANTO ROOF 169 SQ FT". It has a width of 20'-2" and a depth of 7'-8". The guest house is located at the bottom and is labeled "GUEST HOUSE STRAIGHT GABLE 510 SQ FT HEATED / COOLED". It has a width of 28' and a depth of 18'. The guest house contains a bathroom and a closet. The bathroom is located on the left side of the guest house and contains a toilet and a sink. The closet is located in the center of the guest house. The main building has a dashed line indicating a boundary or a change in structure.

[illegible]

OPEN CARPORT

DATE: 1/29/25
679 S.F. HEATED & COOLED EXTERIOR WALL LEDGE
142 SQ. FT. ADDED CONCRETE FOR SCREENED PORCH
821 SQ FT COVERED FOUNDATION

SYMBOLS

- | | |
|---|--|
|  | SINGLE POLE SWITCH |
|  | MOTION SENSOR |
|  | DIMMER SWITCH |
|  | 3-WAY SWITCH |
|  | 4-WAY SWITCH |
|  | TIMER SWITCH |
|  | DUPLEX OUTLET |
|  | FOURPLEX OUTLET |
|  | DUPLEX OUTLET
GROUND FAULT INTERRUPT |
|  | DUPLEX OUTLET
WATER PROOF
GROUND FAULT INTERRUPT |
|  | 220V DUPLEX RECEPTACLE |
|  | DUPLEX OUTLET @ FLOOR |
|  | FOURPLEX OUTLET @ FLOOR |
|  | TELEPHONE OUTLET |
|  | CABLE OUTLET |
|  | DATA OUTLET |
|  | TV JACK |
|  | SMOKE DETECTOR /
CARBON MONOXIDE SENSOR |
|  | SMOKE DETECTOR |
|  | HOSE BIB |
|  | WATER LINE |
|  | GAS OUTLET |
|  | HVAC - WALL /
CEILING REGISTER |
|  | HEAT LIGHT FAN |
|  | EXHAUST FAN |
|  | LIGHT FAN |
|  | CEILING FAN |
|  | RECESSED CEILING LIGHT |
|  | WATER PROOF EXTERIOR RECESSED
CEILING LIGHT |
|  | SCONCE |
|  | WATER PROOF EXTERIOR
DECORATIVE SCONCE |
|  | VANITY LIGHT |
|  | CHANDELIER |
|  | MOTION SENSOR / SECURITY LIGHT |
|  | UNDERCABINET STRIP LED
LOW VOLTAGE |

JC DESIGN WORKS

JAIME CARRILLO 936-715-5853

DATE: 1/29/25

521 E PARKER ROAD

KEN JURIST
KRISTINE SUTTON
GUESTHOUSE

A-1 REMODEL

Scale: 1/2" = 1'-0"

SUP2025-01 Site Photos

View of subject property





View looking along E.
Parker Rd.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, GRANTING A SPECIFIC USE PERMIT FOR AN ACCESSORY APARTMENT LOCATED WITHIN THE R-1, SINGLE FAMILY ZONING DISTRICT, ON ONE PARCEL OF LAND APPROXIMATELY 1.00 ACRE ± IN SIZE, MORE PARTICULARLY DESCRIBED BY NACOGDOCHES CENTRAL APPRAISAL DISTRICT AS PARCEL 26489; LOCATED AT 521 EAST PARKER ROAD, IN NACOGDOCHES, TEXAS, PROVIDING REQUIREMENTS AND CONDITIONS FOR SAID SPECIFIC USE PERMIT; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Specific Use Permit process allows the Planning and Zoning Commission and City Council to consider the conditions specific to individual tracts of land and operational characteristics of various businesses; and

WHEREAS, Jaime Carrillo with JC Design Works, filed an application for a Specific Use Permit for an Accessory Apartment on property that is currently zoned as R-1, Single Family; located at 521 East Parker Road, said tract being legally described as Parcel ID 26489 (the “Property”), and situated within the corporate limits of the City of Nacogdoches, Texas (the “City”), being more particularly described in **Exhibit “A”**, attached hereto and made a part hereof for all purposes; and

WHEREAS, the Owner of the Property, through its above mentioned and duly authorized representatives, has presented an application to the City for a Specific Use Permit to use said Property for the purpose of an Accessory Apartment (the “Specific Use”), as authorized by the City's Zoning Ordinance; and

WHEREAS, after satisfaction of all conditions precedent required by law, the Planning and Zoning Commission held a public hearing and did make recommendation to City Council for approval of the Specific Use Permit application submitted for the above referenced site; and

WHEREAS, after satisfaction of all conditions precedent required by law and receiving the recommendation of the Planning and Zoning Commission, the City Council conducted a public hearing, and immediately thereafter approved the application for the Specific Use Permit allowing for the construction, operation and maintenance of an Accessory Apartment.

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

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Specific Use Permit

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a Specific Use Permit is hereby approved allowing for the construction, operation and maintenance of an Accessory Apartment at the above-described location, as shown in **Exhibit “B”**.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the Specific Use Permit as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2025, by a vote of ____ *(ayes)* to ____ *(nays)* of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
RANDY JOHNSON, Mayor

ATTEST:

APPROVED AS TO FORM:

RHONDA LEWIS, City Secretary

JERRY BAKER, City Attorney

APPROVED AS TO CONTENT:

JUAN POLLETTE, Interim City Planner

EXHIBIT "A"



8

0 70 140 210 280 Feet

Date Created: 02/10/25 11:22 | Document Generated Automatically

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Nacogdoches
Engineering & Surveying
1401 Main St.

EXHIBIT "B"

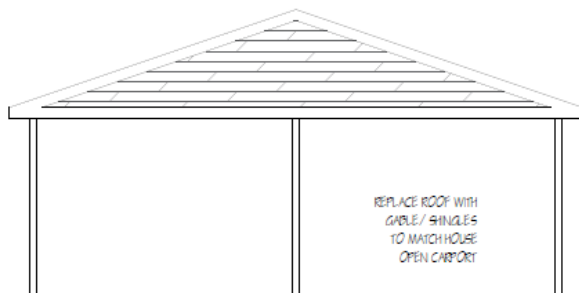
DATE: 1/29/25

679 S.F. HEATED & COOLED EXTERIOR WALL LEDGE
142 SQ. FT. ADDED CONCRETE FOR SCREENED PORCH
821 SQ FT COVERED FOUNDATION

RE-MODEL EXISTING BUILDING PER FLOOR PLAN
REPLACE VINYL SIDING WITH HARDIE, NEW DOORS, NEW WINDOWS
NEW ROOF DO TO STORM DAMAGE 30 YR SHINGLES



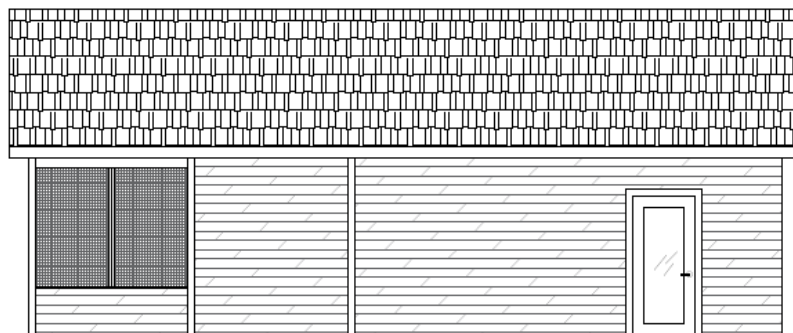
FRONT ELEVATION INSIDE PORCH



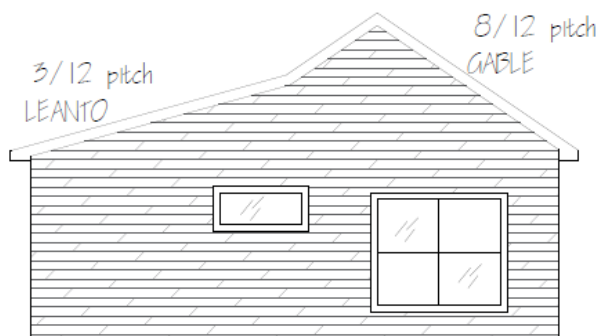
CARPORT



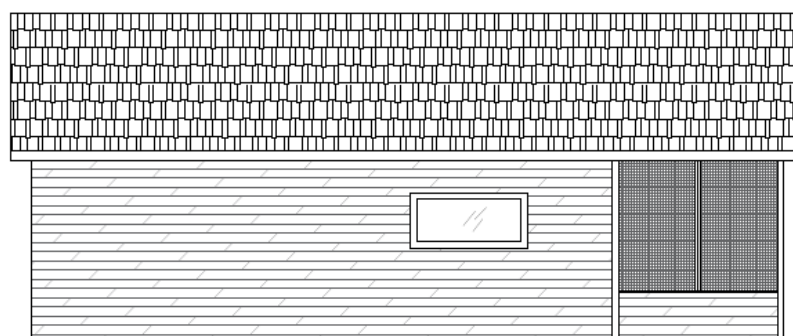
FRONT ELEVATION



LEFT ELEVATION



BACK ELEVATION



RIGHT ELEVATION

JC DESIGN WORKS
JANE CAROLLO 956-715-5353

DATE: 1/29/25

521 E PARKER ROAD

KEN JURIST
KRISTINE SUTTON
GUESTHOUSE

A-2 ELEVATION
Scale: 1/2" = 1'-0"

PRESENTER: Juan Pollette, Interim City Planner

ITEM/SUBJECT: Public Hearing: Discuss and consider action on Zoning Case ZON2025-03 regarding a zone change from A, Agriculture to B-2, General Business district for two parcels of land approximately 2.27 acres $\pm$ in size, more particularly described by Nacogdoches Central Appraisal District Parcel(s) 81424; and located at 7013 North Street, Nacogdoches, Texas. (Interim City Planner)

SUMMARY/BACKGROUND: The request is for a zone change from A, Agriculture, to B-2, General Business for two lots totaling approximately 2.27 acres $\pm$ in size, located at 7013 North Street. The B-2 district is intended to accommodate those business activities that are oriented toward the automobile and is generally located along major traffic arteries where strip business development exists. Lots in the B-2 district must be 5,000 square feet and larger. The subject properties were previously developed with a motel, which was demolished sometime after 2022 and are now vacant. The applicant intends to redevelop the properties in a manner more consistent with the proposed zoning district.

Adjacent Land Use & Zoning

The subject property is zoned Agriculture and is currently vacant. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan - Future land use	Current Zoning	Current Land Use
North	Rural Development	Outside city limits	Single Family/RV Park
South (Across Ernest McLain Rd.)	Commercial	B-2, General Business	Commercial
East (Across North St.)	Rural Development	A, Agricultural & Outside city limits	Commercial
West	Rural Development	A, Agricultural	Single Family

The adjacent areas to the east and west are zoned Agriculture and developed with single-family homes to the west and commercial to the east along North Street. The property to the north is outside the city limits and the property to the south is zoned B-2, General Business and developed as commercial.

REVIEW CRITERIA: Per Section 118.139 of the Zoning Ordinance, the following conditions shall be considered when reviewing an application for zoning change:

Compatibility: The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair

property values within the immediate vicinity;

The subject property is located along a major commercial corridor on the northern edge of the city, where nearby properties already support business and retail uses. It is also located near the city's industrial area, further contributing to the mix of commercial and employment-based land uses in the area. Adjacent properties to the south are zoned B-2, General Business and developed with commercial uses, establishing a pattern of non-residential development along North Street. To the east, adjacent properties fronting North Street are zoned A, Agricultural but are developed with commercial uses, indicating a transition toward business activity despite the current zoning. Rezoning this property to B-2 would allow for a logical expansion of commercial development, aligning with existing business uses. Given the property's location on a major roadway and its proximity to the city's industrial area, the proposed change is consistent with the established development pattern in this area.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The property is located along a major commercial corridor where similar commercial uses have already been established. The availability of infrastructure and access to a primary roadway further support the logical expansion of commercial development in this location. The proposed rezoning will not impede the normal and orderly development of the adjacent properties.

Supporting Facilities: Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject properties have direct access from North Street, which is a major arterial roadway with a ROW of approximately 120 feet. Ernest McLain Road is a local two-laned asphalt road with a ROW of approximately 40 feet. The properties have access to public utilities with a 6-inch water main located along Ernest McLain Road but no sewer mains fronting the property.

Drives and Parking: The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

Future development will meet all current driveway and parking requirements.

Nuisances: Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

Future development will comply with City regulations regarding the prevention of offensive odors, fumes, dust, noise, and vibrations.

Lighting: Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

If the zone change request is approved, any new outdoor lighting would be subject to the City's current standards, which require light fixtures to utilize a down lighting design and prohibit fixtures that directly project light in all directions.

Landscaping: Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

Any future development on the property will be required to comply with the City's commercial district street landscaping and residential adjacency screening requirements.

Comprehensive Plan: The proposed use is in accordance with the comprehensive plan.
Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Rural Development*. This FLUP category is described as

“sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry, resource extraction, widely-scattered homesteads and business establishments, natural open space, or activities not requiring permanent structures or improvements. Also includes areas that are gradually transitioning into urban uses and development”. The Future Land Use Map’s Rural designation generally encourages low-density residential and agricultural uses. However, the property’s location along a primary commercial corridor and the presence of existing commercial development in the vicinity suggest that commercial zoning is a reasonable deviation from the Future Land Use designation. The request should be considered based on existing land use in the area, infrastructure availability, and the potential for economic growth in the northern part of the city.

Land Use Policies, Goals & Objectives

This rezoning is a response to current needs for commercial growth and therefore fits into the goals of the Comprehensive Plan; specifically, the goal to encourage *Growth Inward* – Long-term growth in appropriate areas to achieve an efficient, diverse and balanced pattern of land uses both within the City and urbanizing portions of its extraterritorial jurisdiction. Some of the targeted objectives include:

- Encourage infill development where appropriate (utilities, compatibility, etc.).
- Plan for mixing and/or separation of land use types based on desired location, density and pattern of development.
- Promote growth where adequate infrastructure exists.

This request also furthers the Land Use Policies of the 2003 Comprehensive Plan, specifically, compatibility with existing uses should be maintained. Well-planned, mixed uses which are compatible are to be encouraged. Staff finds that while the request may not fully align with the Future Land Use Plan, future development of the property could support the Goals and Objectives of the 2003 Comprehensive Plan.

PUBLIC ENGAGEMENT:

- February 12, 2025 – Staff mailed thirteen (13) neighborhood meeting notice postcards to property owners within 500 feet of subject property.
- February 26, 2025 – Staff coordinated a neighborhood meeting at the Nacogdoches Recreation Center on behalf of the applicants to receive input from surrounding property owners. The adjacent resident to the west attended the meeting with questions about clearing trees, installing a fence and possible outdoor lighting shining on her property.
- March 25, 2025 – Staff mailed eight (8) public meeting notice letters to property owners within 200 feet and five (5) notice postcards to property owners within 200-500 feet. Staff have not received any letters in opposition or in favor of the request from the neighboring residents.
- March 30, 2025 – Legal ad published in the Daily Sentinel newspaper.
- April 14, 2025 – Planning & Zoning Commission voted unanimously (5-0) to recommend approval of the request.

NOTE – This application is subject to additional notification procedures, including signage posted on the subject property, as well as notices on the City website and social media pages.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Juan Pollette, Interim City Planner
pollettej@nactx.us
(936) 559-2559

ATTACHMENTS:

1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Notification Map
5. Site Photos
6. Ordinance

ZON2025-03 Aerial Map



Legend

Buildings

City Limit

Parcels

Area of Interest

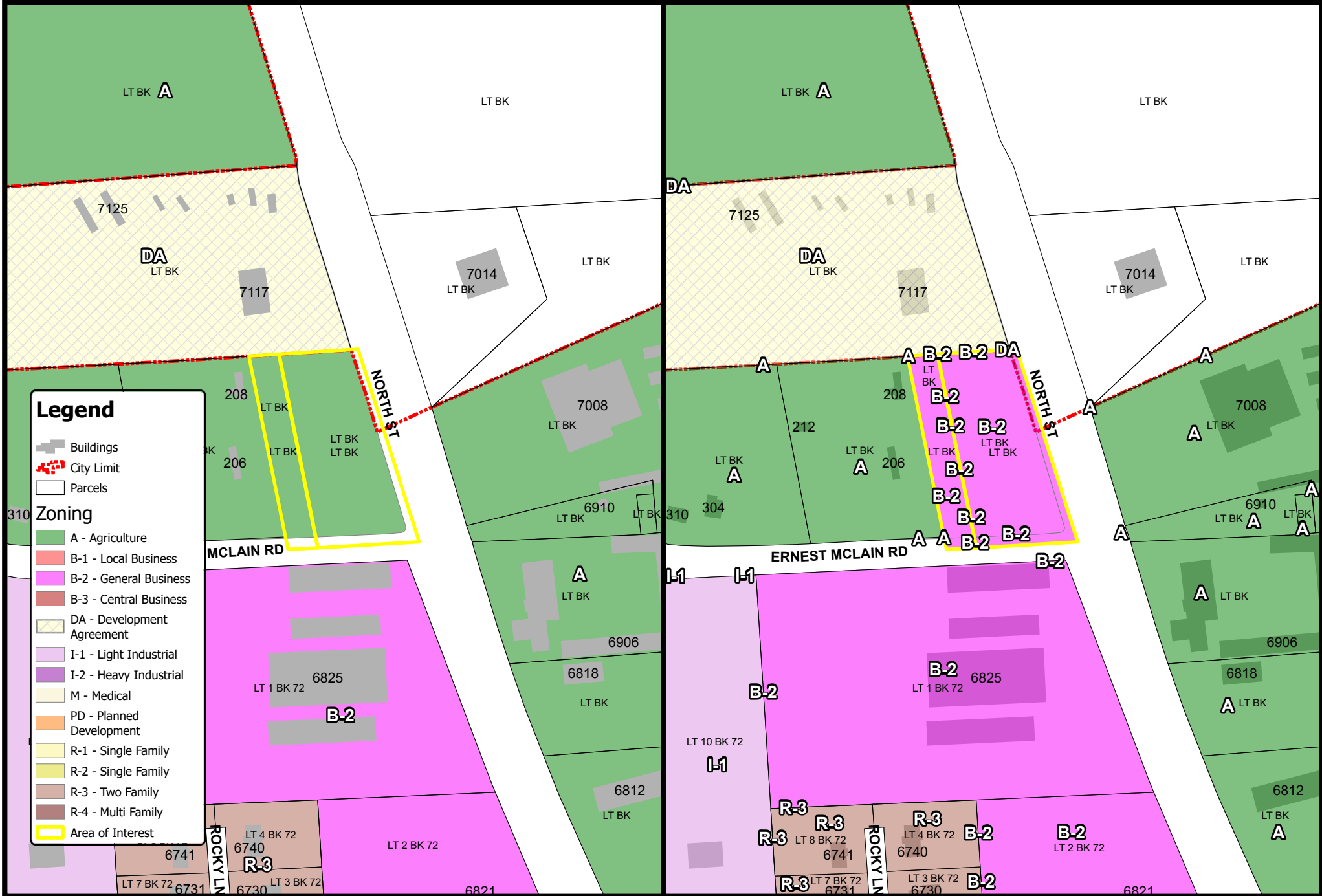
Existing Zoning

ZON2025-03

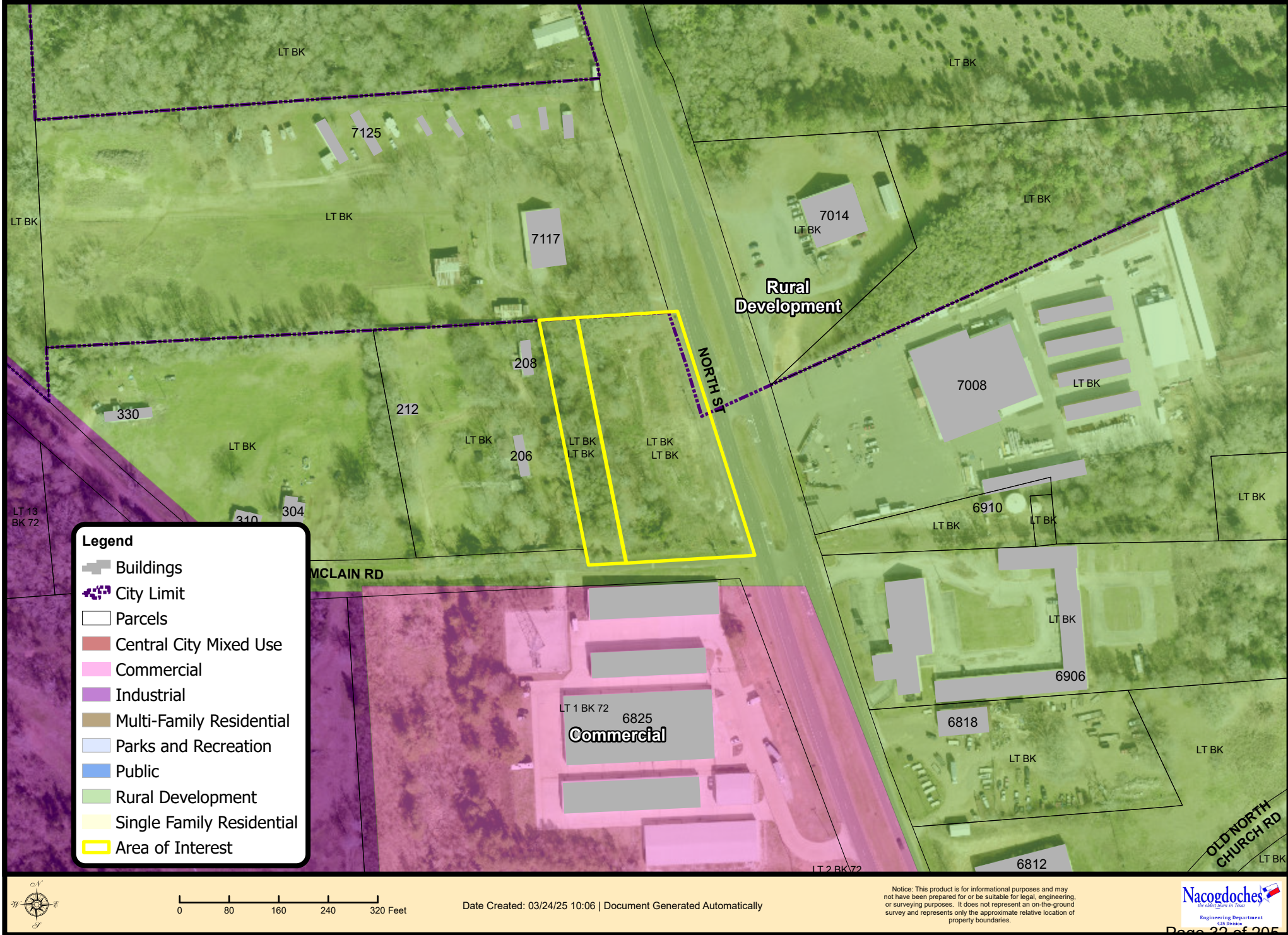
Proposed Zoning

Legend

- Buildings
- City Limit
- Parcels
- Zoning**
- A - Agriculture
- B-1 - Local Business
- B-2 - General Business
- B-3 - Central Business
- DA - Development Agreement
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- M - Medical
- PD - Planned Development
- R-1 - Single Family
- R-2 - Single Family
- R-3 - Two Family
- R-4 - Multi Family
- Area of Interest



ZON2025-03 Future Land Use Map



ZON2025-03 Notification Map



0 80 160 240 320 Feet

Date Created: 03/24/25 10:06 | Document Generated Automatically

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ZON2025-03 Site Photos

View of subject property





View of adjacent properties



ORDINANCE NO.

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM A, AGRICULTURE TO B-2, GENERAL BUSINESS LEGALLY DESCRIBED APPROXIMATELY 2.27 ACRES ± IN SIZE, MORE PARTICULARLY DESCRIBED BY THE NACOGDOCHES COUNTY APPRAISAL DISTRICT PARCEL 81424; AND LOCATED AT 7013 NORTH STREET, LOCATED IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned A, Agriculture; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to B-2, General Business; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such a requested change in classification.

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

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from A, Agriculture to B-2, General Business is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VII

Filing

The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the ____ day of May 2025, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
RANDY JOHNSON, Mayor

ATTEST:

APPROVED AS TO FORM:

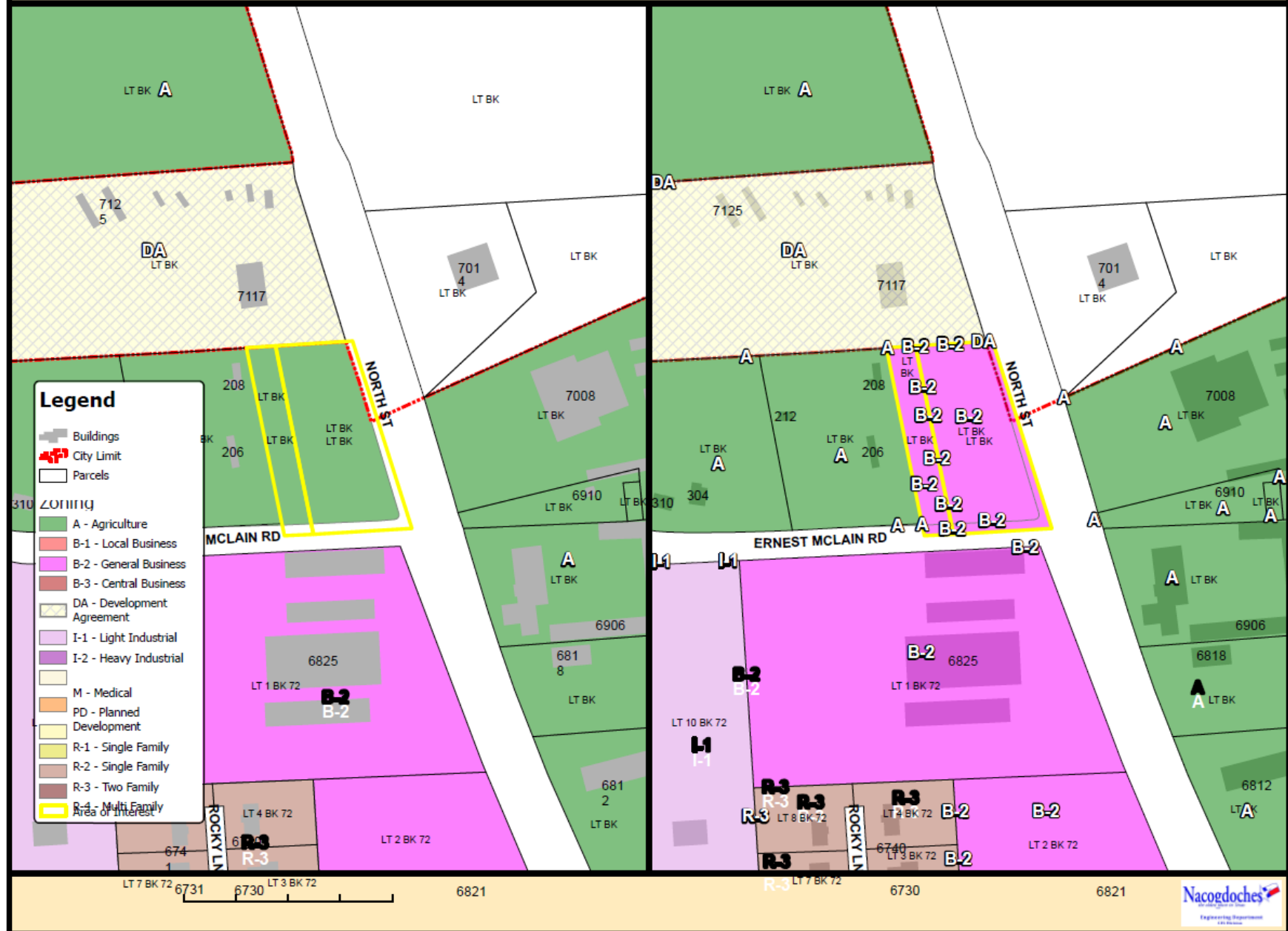
RHONDA LEWIS, City Secretary

JERRY BAKER, City Attorney

APPROVED AS TO CONTENT:

JUAN POLLETTE, Interim City Planner

EXHIBIT "A"



PRESENTER: Mike Neu, Executive Director of Development and Infrastructure

ITEM/SUBJECT: Public Hearing: Consider amending the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118– “Zoning”; including Article I, Section 118-1 “Definitions” – Adding definitions for Beauty Salon and Tattoo Studio and amending the definition for Piercing Studio., Article III, Section 118-273 “Land Use Schedule” – Updating the classification of Beauty Salon, Body Piercing Studio, and Tattoo Studio to align with the correct definitions. (Executive Director of Development & Infrastructure)

SUMMARY/BACKGROUND: Staff may propose changes to local ordinances in response to Council direction, or to comport with current state or federal law, to address various needs within the municipality. On August 22, 2024, members of the Council and Planning and Zoning Commission (P&Z) held a workshop to discuss possible zoning ordinance updates. Most recently, Council amended City code Chapters 118, 46, and 78 on November 5, 2024. During that month, a subcommittee consisting of Council, P&Z, and Zoning Board of Adjustment (ZBA) members was also established to facilitate recommendations for additional amendments. Following subcommittee recommendations, proposed ordinance amendments will be presented to their respective governing bodies for action. Subcommittee draft minutes from the meeting held March 26, 2025, are attached.

This agenda item proposes amendments to various sections of the City's zoning ordinance, Chapter 118, which provides for (1) updated definitions for Beauty salon, Body piercing studio, and Tattoo studio; and (2) updates to the Land Use Schedule in accordance with new definitions. Amended sections include.

- Sec. 118-1 - "Definitions"
- Sec. 118-273 - "Land Use Schedule"

On April 14, 2025, the Planning and Zoning Commission voted unanimously (5-0) to recommend approval of the proposed amendments.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Mike Neu, Executive Director of Development and Infrastructure
neum@nactx.us

(936) 559-2522

- ATTACHMENTS:**
1. Ordinance with Redlines
 2. Ordinance w/out Redlines_Final

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 118 – “ZONING”; ARTICLE I-SECTION 118-1-“DEFINITIONS”; ARTICLE III-SECTION 118-273-“LAND USE SCHEDULE”, OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches is authorized under Chapter 211 of the Texas Local Government Code to adopt zoning regulations for the purpose of promoting the public health, safety, morals, or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural significance; and

WHEREAS, the City Council of the City of Nacogdoches has adopted ordinances for the purpose of promoting health, safety, and the general welfare of the City, with reasonable consideration of the character of each zoning district, its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, in order to further these objectives, the City Council has determined the need to amend certain portions of these ordinances as set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

CHAPTER 118 – “ZONING”, ARTICLE I. – “IN GENERAL, “SECTION 118-1-“DEFINITIONS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-1. – Definitions

- (a) *Word interpretations.* Interpretations of certain words used in this chapter shall be as follows:
 - (1) All words used in the present tense shall include the future.
 - (2) All words in the singular number include the plural number, and all words in the plural number include the singular number.

- (3) The term "structure" includes the word "building," and the term "dwelling" includes the terms "residence" and "place of habitation."
- (4) The term "person" includes corporation, copartnership, association, and individual.
- (5) The term "shall" is mandatory and not discretionary.
- (b) *Undefined terms.* Terms not defined in this section shall have the meanings assigned to them in the city building codes. Terms not defined in this section or in the building codes shall have the customary meaning assigned to them.
- (c) *Words and terms defined.* The definitions in this subsection supplement, restrict, and define the meaning and intent of the use regulations as set forth in this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory apartment means an accessory dwelling for the use and occupancy by any person employed on the premises on a full-time basis for domestic or medical help or family members to the second degree of consanguinity and affinity. Such dwelling shall not have separate utility services or meters. This may also include an accessory dwelling located in a commercial or industrial district for the use of any person employed by the business or property owner to provide management, maintenance or security for the property.

Accessory use means a structure or use that:

- (1) Is clearly incidental to and customarily found in connection with a principal building or use.
- (2) Is subordinate to and serves a principal building or a principal use; is subordinate in area, extent, or purpose to the principal building or principal use served.
- (3) Is located on the same lot as the principal building or use served.

Accessory use (residential) means a subordinate use which is detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, laundry room, garden shelter, hobby room and mechanical room.

Airport or landing field means a landing facility for fixed wing aircraft containing a minimum of 60 acres.

All-weather surface means a hard smooth paved surface of either hot-mixed asphaltic concrete (HMAC) or Portland cement concrete (PCC) and the appropriate base material, meeting the following minimum specifications:

- (1) Hot-mixed asphaltic concrete:
 - a. Surface: 1.5 inches of type D or type C material.
 - b. Base: six inches of compacted iron ore gravel or the equivalent flexible base, or four inches of compacted hot sand asphaltic base.
- (2) Portland cement concrete:

- a. Surface: five inches of class A, 3,000 psi concrete, reinforced with WWF 6 × 6, W 2.9 - 2.9.
- b. Base: four inches of compacted granular material.

Material shall conform to city and state department of transportation specifications. Other possible types of paved surfaces will be considered on a case-by-case basis by the city's planning and engineering departments.

Amusement, commercial (indoor) means an amusement enterprise wholly enclosed in a building, including but not limited to a bowling alley, bingo parlor or amusement arcade, but not including a billiard parlor or pool hall.

Amusement, commercial (outdoor) means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to a golf driving range, archery range, and miniature golf course.

Animal hospital or clinic means a facility for the treatment or care of domestic animals, which includes a veterinarian's office, and may include overnight stays, but does not include outside pens.

Animal pound. See *Animal hospital or clinic* with outside pens.

Antique shop means an establishment offering for sale articles such as glass, china, furniture or similar furnishing and decorations which have value and significance as result of age, design or sentiment; and when all such items displayed or offered for sale are housed within a building and there is no exterior display except the usual sign or advertising.

Apartment. See *Dwelling, Multi-family*.

Area of lot means the square-foot area of a lot within the bounding property lines and exclusive of dedicated streets or alleys.

Artificial lot means an area within a platted lot, for the purpose of satisfying the requirements of this chapter, that is delineated on the building site plan and the landscape plan and approved by the city planner.

Arts school or studio means a school for instruction and practice of the performing, visual or martial arts.

Banks and financial institutions means activities and institutions for the extension of credit and the custody, loan or exchange of money.

Beauty salon, shop, or spa means a facility primarily engaged in services involving the care of a person's appearance including, but not limited to, hair styling and grooming, application of removable makeup, and nail care. Similar facility types include barber shops, tanning salons, and medical spas which offer esthetic and non-surgical medical treatments. Permanent cosmetics, microblading, micropigmentation and similar care services may be included as an accessory use, so long as such services are limited to parts of the body above the neck and are generally for cosmetic or reconstructive purposes.

Bed and breakfast establishment means a private single-family residence in which lodging for one or more nights and breakfast is provided by the resident owner for compensation.

Billiard parlor or pool hall means a facility for the playing of billiards and pool. Food service may be allowed as an ancillary use.

Block means an area enclosed by streets, or if such word is used as a term of measurement, it shall mean the distance along a side of a street between two intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest street and the end of such dead-end street.

Board means the board of adjustment as provided for in division 3 of article II of this chapter.

Boardinghouse means a building other than a hotel, multi-family dwelling, or fraternity/sorority house where lodging is provided for five or more persons for compensation, where meals may or may not be served and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boardinghouse.

Body piercing studio means a facility primarily engaged in services involving the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration. This also includes studios that perform implants.

Building means any structure designed, built or intended for the shelter or enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. When separated by an absolute fire separation, each portion of such structure so separated shall be deemed a separate building. This definition includes structures wholly or partly enclosed with an exterior wall.

Building line means a line established, in general, parallel to the front property line, over which no part of a building shall project, except as otherwise provided in this chapter.

Building and landscape materials and lumber sales (outside sales) means a facility for the sale of home, lawn and garden supplies and construction materials such as brick, lumber and other similar materials. The facility may include outside sales.

Cabinet and woodwork shop (custom) means a shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis, not a factory, planing mill or similar woodworking plant.

Carnival or circus (temporary) means a temporary traveling show or exhibition usually housed in tents, and which has no permanent structure or installation.

Carwash means a facility or area for the cleaning or steam cleaning, washing, polishing or waxing of passenger vehicles by machine or hand-operated facilities. A carwash may be a single unit, multiple single washing units, or a tunnel type which can wash several vehicles in tandem.

Cemetery means a land use intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Chemical and allied products includes the manufacturing of industrial inorganic and organic chemicals, plastics materials, and synthetic resins, synthetic rubber, synthetic and other manmade fibers; drugs; soap, detergents, cleaning preparations, perfumes, and other toilet

preparations; paints, varnishes, lacquers, enamels, and allied products; gum and wood products; agricultural chemicals; and other chemical and allied products.

Church or place of worship means a facility or area for people to gather together for public worship, religious training, or other religious activities including a temple, mosque, synagogue or other structure, together with its customary accessory structures and uses, including a parsonage or rectory. This does not include home meetings or other religious activities conducted in a privately occupied residence.

City council means the official governing body of the City of Nacogdoches.

Club, private means a clubroom or suite of rooms or a building available to restricted membership for meetings, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.

College or university means an institution of higher learning beyond the level of a secondary school.

Community center (private) means:

- (1) A building or group of rooms designed and used as an integral part of a residential or apartment project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project.
- (2) A private nonprofit community center operated as a boys' or girls' club or similar use. A private community center shall not be operated as a place of public meetings, or as a business.

Community center (public) means a building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the surrounding community.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with such and having a gross floor area of less than 7,500 square feet.

Convent or monastery means the living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

Contractor or maintenance yard means an open storage yard for supplies and operational equipment, including buildings, but not constituting a junkyard, wrecking yard or salvage yard.

Country club (private membership) means an area of 20 acres or more containing a golf course and a clubhouse and available only to a private specific membership. Such a club may contain as adjunct facilities a private club and dining room, swimming pool, tennis courts and similar recreation facilities.

Coverage means the percent of a lot area which is covered by a roof, floor or other structure and is not open to the sky. Roof eaves to the extent of two feet, and ordinary projections from the building not exceeding 12 inches, shall not be counted in computing coverage.

Custom sewing and millinery means custom making of items of apparel and millinery, by a seamstress, but not involving a factory.

Day care means a facility or area used regularly to provide daytime care, training, education, custody, treatment or supervision to more than four children, adults or elderly in other than a family setting for less than 24 hours a day, whether for compensation or not. This definition includes preschools, private kindergartens, nurseries and other similar uses not listed elsewhere in this chapter.

Density means as follows:

- (1) *Residential density* means the relationship of dwelling units or rooms to the area of the lot or tract upon which a residential structure is located or erected, and is expressed in "units per acre."
- (2) *Nonresidential density* means the ratio of the area of the building to the area of the site. See *Floor area ratio (FAR)*.

Dwelling unit means a building or portion of a building which is arranged or occupied as living quarters for one family, and includes facilities for food preparation and sleeping. One dwelling unit occupied by one family has a common entrance, utilities, kitchen and food preparation facilities and sleeping and restroom facilities accessible by all.

Dwelling, Industrialized Housing means a residential structure that is designed for the use and occupancy of one or more families, that is constructed according to the rules of the state department of labor and standards in one or more modules, or constructed according to the rules of the state department of labor and standards in one or more modules, or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation. The term includes the plumbing, heating, air conditioning, and electrical systems.

Dwelling, Manufactured, means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Dwelling, Mobile Home, means a structure that was constructed before June 15, 1976, or constructed after this date that does not meet the rules of the United States Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems.

Dwelling, Multi-family, means three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. The term "dwelling, multi-family" may include condominiums, two or more duplexes, three-family units (triplex) and four-family units (quadraplex), as well as traditional apartments or rental communities.

Dwelling, Single-family attached or Townhome, means a dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

Dwelling, Single-family detached, means a dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract. The term single-family dwelling occupied by one family, has a common entrance, one common kitchen facility and is utilized as one living quarters.

Dwelling, Two-family (Duplex), means two attached dwellings in one structure, each designed to be occupied by one family.

Dwelling, Zero-lot-line or Patio Home, means a single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.

Eating place with drive-in or curb service means an establishment offering food for sale to customers in automobiles and wherein the food for sale is to customers in automobiles and wherein the food service is to the automobile.

Eating place without drive-in or curb service means any eating establishment, cafeteria, restaurant or inn where food service is offered to the customers not in automobiles.

Emergency ambulance service means a facility for the operation and dispatch of emergency medical vehicles. Typically this operation is ancillary to a hospital or a fire station, but it may also be a primary use on a property.

Escort agency means a person or business association that furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for fee, tip or other consideration.

Fabricated metal products includes the manufacturing of ordnance and accessories; machinery, equipment and supplies; transportation equipment; and other fabricated metal products.

Fairground means a specific facility that hosts special indoor and outdoor events including exhibits or competitions of agricultural products, livestock, machinery, etc.; a large exhibition or show of products from various countries; an exhibition or sale of fancywork or other items for the benefit of some cause; or a gathering of buyers or sellers of some product or service.

Family means any number of individuals living together as a single housekeeping unit, in which not more than two individuals are unrelated by blood, marriage or adoption.

Farm, ranch, garden or orchard means an area of three acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep, including a private stable and also including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other

animals and not including any type of agriculture or husbandry specifically prohibited by city ordinance or law.

Farmers' market means the retail sale of farm products by individual vendors either within a building or outside. Items sold may include fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey. The sale of new and used household goods, personal effects, tools, artwork, small household appliances and similar merchandise are not included.

Feed store, retail (livestock, no mill) means an establishment for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

Flea market means a building or open area in which stalls or sales areas are set aside and rented, or otherwise provided, and which are intended for the sale of articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the retail selling of goods by businesses or individuals who are generally engaged in retail trade. This does not include garage sales.

Floor area means the total square-foot area of all floors in the building measured to the outside faces of exterior walls or to the line of an omitted wall, whichever includes the largest area.

Floor area ratio (FAR) means the ratio between the total square feet of floor area in the building to the total square feet of land in the lot or tract; e.g., "2:1" means that the building contains twice the amount of area as there is in the lot.

Foster home. See *Group home, Residential child-care facility.*

Fraternity/sorority house means any building occupied and maintained by a social association of college students, or where organization-sponsored functions are regularly held.

Garage or estate sale: means a sale for the purpose of offering clothing, household furniture or appliances belonging to the residents may be conducted as home occupation provided that no such sale may be held on any lot or premise more often than twice in each calendar year, and not to exceed three days during each sale.

Garden shop and plant sales (display or greenhouse) means an enclosed or open area for the retail sale of plants and gardening products, including fertilizers, soil and gardening implements.

Golf course (public or private) means a golf course owned or controlled publicly or privately. This includes such uses as a clubhouse, food service, retail, and other customary accessory uses.

Golf driving range means a facility for the organized practice of golf techniques. It may include a practice green for putting, a clubhouse and other minor ancillary uses.

Government facility means a facility for public purposes, owned or operated by the city, county, state or federal government. These typically include city hall, courthouse, police and fire stations, public library or museum.

Grain mill products includes the manufacturing of flour and other grain mill products, feeds for animals and fowl, cereal preparations, rice milling, blending and preparing flour, and wet corn milling.

Guesthouse (detached) means a secondary structure on a lot or tract containing dwelling accommodations but excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not rented or used for permanent occupancy.

Group home means a facility which provides residential living arrangements for unrelated persons who may need specialized care, treatment, or stability, and is authorized and governed under state and federal law. Types of group homes include:

Assisted living facility means a licensed facility which complies with and is operated under the authority of the Assisted Living Facility Licensing Act, Texas Health and Safety Code §§247.001 et seq., and as may be amended.

Boarding home facility means a facility which provides services for persons with disabilities or elderly persons and complies with Texas Health and Safety Code §§260.001 et seq., and as may be amended, as well as any permitting requirements implemented by the city.

Community home means a facility which provides services to persons with cognitive or physical disabilities and complies with the Community Homes for Disabled Persons Location Act, Texas Human Resources Code §§123.001 et seq., and as may be amended.

Halfway house/Community residential facility means a transitional facility associated with the Texas Department of Criminal Justice and authorized under Texas Government Code §§508.118-508.119, and as may be amended.

Recovery house (or sober living home) means a shared living facility which complies with Texas Health and Safety Code §§469.001 et seq., and as may be amended. Oxford houses are included in this definition.

Residential child-care facility means a facility licensed or certified by the Department of Family and Protective Services which complies with Texas Human Resources Code §§42.001 et seq., and as may be amended. Foster homes are included in this definition.

Health club or studio means a wholly enclosed facility for fitness training and practice.

Height means the vertical distance from the average grade of the finish ground level at the center of all walls to the highest finished roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height.

Home occupation means an occupation carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling; without the display or advertising of any commodity or service for sale on the premises; without the employment of any persons other than members of the immediate family; without the use of any sign, lighting or display; without the use of other than domestic or household equipment or appliances; and the conduct of which does not generate noise, odor, fumes, vibration, additional vehicle traffic or any other condition visible, obnoxious or detrimental to abutting or adjacent properties.

Hospice means a facility for the terminally ill, where patients are under the supervision of a doctor, but undergo limited curative treatment, and which is licensed by the state.

Hospital (chronic care) means an institution where those persons suffering from generally permanent types of illnesses, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis and which is licensed by the state.

Hospital (general acute care) means an institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the state.

Hotel or motel means a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of 20 individual guestrooms or units and shall furnish the customary hotel services such as linen, maid service, telephone, use and upkeep of furniture, and the accommodations shall not be designed as permanent dwelling units.

Household appliance and equipment repair means a shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools, and similar items, where all such items are stored within a building or a storage area surrounded by a solid fence, wall or screen.

Ice or roller skating rink means a facility for the practice of ice or roller skating. Accessory uses may include food service and other indoor amusements, contained entirely within the primary structure.

Industrialized Housing. See *Dwelling, Industrialized Housing.*

Laundry or dry cleaning, self-service, means an establishment providing facilities for washing or dry cleaning garments and similar items and where the customer may personally supervise and handle the cleaning operation.

Legal height means the maximum height of a building imposed by the Federal Aviation Administration for the airport, this chapter, the building code, or any other legal ordinance or code.

Library, art gallery or museum (public) means any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasipublic agency and which institution is open and available to the general public.

Livestock auction pens or sheds means a facility or area for the auction of livestock. Accessory uses may include but are not limited to feed pens, stalls, and outside pens or runs.

Lot means a platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot, corner, means a lot situated at the intersection of two dedicated streets and having frontage along both streets extending from the intersection.

Lot, double frontage, means a lot having frontage on two or more dedicated streets other than a corner lot.

Lot lines means the property or lease lines bounding a lot or tract.

Lot line, interior, means a lot line delineating the division between two contiguous lots on the interior of a block and not adjacent to a street.

Lot of record means a lot which is part of a subdivision plat which has been recorded in the office of the county clerk or a tract of land described by metes and bounds, the description of which is recorded in the office of the county clerk.

Lot width means the width of a lot at the required front yard line or at the building line if such is established at a greater distance from the street than the required front yard line.

Lumber and wood products manufacturing includes logging camps and contractors; sawmills and planing mills; and the manufacturing of millwork, veneer, plywood, prefabricated structural wood products, wood furniture; and other lumber and wood products.

Main building means the building on a lot which is occupied by the primary use.

Manufactured Home. See *Dwelling, Manufactured Home.*

Manufactured Home park means a unified development of manufactured home sites, plots, or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this chapter, and designed to accommodate manufactured homes for permanent duration.

Meat products processing or manufacturing includes meat, poultry, and small game packing and the manufacturing of sausages and other prepared meat products, but not including the slaughtering of animals or poultry.

Microbrewery means a business which:

- (1) Operates under a manufacturer's license, as described in V.T.C.A., Alcoholic Beverage Code, ch. 62, issued by the Texas Alcoholic Beverage Commission ("T.A.B.C.");
- (2) May operate, but is not required to operate under a brewer's permit as described in V.T.C.A., Alcoholic Beverage Code, ch. 12, issued by T.A.B.C.;
- (3) Has a total maximum production per year of beer, malt liquor and ale of not more than 15,000 barrels (or 465,000 standard gallons); and
- (4) Does not produce or generate any generally obnoxious odors.

Mobile Home. See *Dwelling, Mobile Home.*

Mobile Home park means a unified development of mobile home sites, plots or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this chapter, and designed to accommodate mobile homes for a permanent duration.

Multifamily (apartments). See *Dwelling, Multi-family.*

Nightclub or dancehall means an establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment:

- (1) Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians;
- (2) Dancing; or
- (3) Any combination of subsections (1) and (2) of this definition.

This does not include theaters, auditoriums and stadiums with fixed row seating; private clubs; bars; teen clubs; or any establishment defined elsewhere in this chapter as an adult entertainment establishment.

Office (general and professional) means a facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this chapter.

Open space means an area on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves, and is exclusive of driveways or parking areas.

Open storage (no enclosure) means storage in the open of vehicles, machinery or any equipment or commodity where permitted as a primary use of land and accessory storage in the open of commercial and industrial products where such storage is not enclosed by a fence, wall or building.

Open storage with visual screen means the permitted storage of any equipment or commodity in a open area which is enclosed by a fence or wall, as defined in this chapter, or surrounded by a building so as to create an effective visual screening of the storage from the adjacent property.

Orphanage means an institution for the care of orphans or other abandoned children.

Paper and allied products manufacturing includes the manufacture of pulp, paper, paperboard, converted paper and paperboard products, paperboard containers and boxes, building paper and building board.

Pawnshop means a building or premises, other than a bank, savings and loan or mortgage banking company, used for the business of lending money on the security of pledged goods, or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a certain price within a certain period of time, and licensed by the state to conduct such a business.

Pet shop means a place for the display and sale of small animals and birds as pets, such as dogs, cats, parakeets or canaries, but not involving the boarding or treating of dogs or similar pets.

Petroleum refining and related industries includes the refining of petroleum and the manufacturing of paving and roofing materials; lubricating oils and greases and other petroleum and coal products.

~~*Piercing studio* means any establishment that performs any type of body piercing.~~

Pool house (detached) means a secondary structure on a lot with a swimming pool, excluding separate utility services or meters, and intended for temporary recreation use and not used as a permanent occupancy.

Poultry hatchery means a commercial facility for the hatching and raising of domestic fowl, including a research facility for such activity.

Primary metal products manufacturing includes blast furnaces, steel works and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of nonferrous metals and alloys, rolling, drawing and extruding of nonferrous metals; and nonferrous foundries.

Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks manufacturing includes the manufacturing of engineering, laboratory and scientific and research instruments and associated equipment; instruments for measuring, controlling, and indicating physical characteristics; optical instruments and lenses; surgical, medical, and dental instruments and supplies; ophthalmic goods; photographic equipment and supplies; and watches, clocks, clockwork-operated devices and parts.

Psychiatric hospital or institution means a facility or area for providing health services primarily for inpatient medical care for alcoholic, narcotic, or psychopathic patients, and which may include related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities. This includes a substance abuse and rehabilitation facility.

Racetrack means an indoor or outdoor facility for the recreational or competitive racing of horses, canines, or motor vehicles, including the necessary accessory uses such as retail sales, automobile maintenance, veterinarian supplies and shops, exercise areas and stables.

Radio or television transmission station (commercial) means a facility used for the production and transmission of programming by radio or television to the general public. Included are commercial, religious, educational and other stations.

Radio, television, microwave or cellular communication tower (commercial) means structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

Radio tower (noncommercial) means a radio tower located on a residential property which is for home use, only, and which is not taller than 15 feet above the maximum building height allowed in the district.

Recreation club or area (private) means a building, park or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the normal active and passive facilities as provided in a park or playground, or public recreation facility.

Recreation facility (public) means a facility or area sponsored by a public entity and devoted to sports, entertainment, games of skill or recreations to the general public. This may include swimming pools, tennis courts, playgrounds, community clubhouses, park facilities and other similar uses.

Retirement home means a residential facility principally designed for persons 55 years of age or older. Dwelling units may include full kitchen facilities, and recreational, social, nursing or other services may be available. This does not include a nursing or convalescent home.

Rubber and miscellaneous plastics manufacturing includes the reclaiming of rubber and the manufacture of tires and innertubes; rubber footwear; plastic products; and other fabricated rubber products.

Satellite dish means the dish and its structural elements that is commonly used in the reception of television signals from orbiting satellites.

School, K—12, public or private, means a school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

School, vocational means a business operating for profit and offering instruction and training in a service or art, such as a secretarial school, barber college, commercial art school; or offering instruction and training in a trade such as welding, bricklaying, machinery operation and other similar manual trades. This does not include truck or heavy equipment driving schools.

Service station means any facility where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include facilities where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body or fender work are conducted.

Single-family. See *Dwelling, Single-family*.

Stable, commercial, means a facility housing horses or mules which are boarded or rented to the public or any stable other than a private stable; but not including a sales barn, auction, or similar trading activity.

Stable, private, means a facility or area for keeping horses, mules or other domestic animals for the private use of the property owner.

Stone, clay, glass and concrete products manufacturing includes the manufacturing of glass; flat glass and glassware; cement; structural clay products; pottery and related products; concrete, gypsum and plaster products; cut stone and stone products; and abrasive, asbestos and other nonmetallic mineral products.

Studio (art, drama, speech, or dance) means a building or rooms in a building used for the instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.

Tattoo ~~salon-studio~~ means ~~an establishment or facility in which tattooing is performed. a facility engaged in services involving the placement of an indelible mark or figure on the human body by scarring or inserting pigments under the skin using needles, scalpels or other related equipment designed to contact or puncture the skin. The term includes permanent cosmetics, microblading and scarification.~~

Teen club means a nightclub that caters to teenage patrons.

Tennis court (lighted) means an outside tennis court with elevated lighting for nighttime play.

Tennis court (no lights) means an outside tennis court without elevated lighting for nighttime play.

Textile mill products manufacturing includes the manufacturing of woven fabrics, knit goods, rugs, carpets, yarns, and threads, and other textile goods; and the dyeing and finishing of textiles.

Theater, movie or live (enclosed) means a facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Tobacco products manufacturing includes the manufacturing of cigarettes, cigars, chewing and smoking tobacco, snuff; tobacco stemming and redrying.

Travel trailer/RV park means any lot upon which two or more travel trailer or other recreational vehicle sites are located, established or maintained for occupancy by recreational

vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a shortterm basis by campers, vacationers, and travelers.

Truck or heavy equipment driving school means a type of vocational school where education is provided behind the wheel of trucks or heavy equipment.

Use, nonresidential, means any use other than a one- or two-family residence, or a boardinghouse, and their bona fide accessory uses.

Use, residential, means a one- or two-family residence, or a boardinghouse, together with bona fide accessory uses.

Utility facilities (major) includes such uses as electrical substations, wastewater treatment plants, elevated water storage and water treatment plants.

Utility lines and transmission includes local utilities such as electric power, telephone, gas, water, sewer, and air monitoring stations. It also includes inline facilities such as gas regulating stations and water wells or pumping stations; sewage pumping stations; telephone exchange, switching and transmitting equipment; and electrical transmission lines operated by a municipality or a franchised utility company. It does not include major utility facilities.

Veterinary office (no hospital or clinic) means a facility for the diagnosis and treatment of animals, without an overnight stay.

Warehouse/storage (inside) means a building or group of buildings providing enclosed shelter and protection for commodities stored therein. No open or unenclosed storage shall be classified as a warehouse.

Wrecking yard, junkyard, salvage yard or reclamation yard means a yard or building where automobiles, machinery, appliances or other used commodities and equipment are stored, dismantled, and/or offered for sale as whole units or as salvaged parts.

Yard means an open space on the lot on which a building is situated and which is open and unobstructed to the sky.

Yard, front, required, means a yard facing and abutting a street and extending across the front of the lot between the side lot lines and having a minimum horizontal depth measured from the street equal to the depth of the minimum front yard specified for the district in which the lot is located. The required front yard line represents the line in front of which no building or structure may be erected.

Yard, rear, required, means a yard extending across the rear of the lot between side lot lines and having a minimum depth measured from the rear lot line as specified for the district in which the lot is located.

Yard, side, required, means a yard located on a lot and extending from the required front yard to the required rear yard and having a minimum width measured from the side lot line as specified for the district in which the lot is located. Any lot line which is not a rear or front line shall be deemed a side lot line.

Zoning district map means the official, certified map upon which the boundaries of the various zoning districts are shown and which are an integral part of this chapter and, together with the zoning text in this chapter, make up the zoning ordinance for the city.

Zoo, zoological park, animal park, or aviary means an institution which owns and maintains captive wild animals and under the direction of a professional staff, provides its collection with appropriate care and exhibits them in an aesthetic manner to the public on a regularly scheduled basis for the purposes of education, conservation, scientific study and recreation.

CHAPTER 118 – “ZONING”, ARTICLE III. – “DISTRICT REGULATIONS, “SECTION 118-273- “LAND USE SCHEDULE” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-273. Land use schedule.

- (a) *Use of land and buildings.* Buildings, structures and land shall be used only in accordance with the uses permitted in the following land use schedule, subject to all other applicable requirements of this chapter. The following symbols are used in the land use schedule:
- (1) The symbol "P" shall mean that the use is permitted as a principal use in that zoning district by right.
 - (2) The symbol "S" shall mean that the principal use is permitted in that zoning district only after first obtaining a specific use permit.
 - (3) The symbol "A" shall mean that this use is specifically permitted as an accessory use to a principal use in the district. This does not exclude other land uses which are generally considered ancillary to the primary use.
 - (4) An asterisk (*) indicates that the use has special standards or requirements listed in this section, which it must meet in order to be allowed.
 - (5) A blank square shall mean that the use is not allowed in that zoning district.
 - (6) Italicized words are defined in article IV of this chapter or under section 118-1 containing definitions.
- (b) *Organization of land use schedule; category grouping.* Uses are grouped into general categories such as "agriculture" and "residential," and then further organized into subcategories. This organization of land uses is for ease of reference only.

LAND USE SCHEDULE											
(*) Signifies Uses with Special Guidelines (<i>Italic</i>) Signifies a Defined Term											
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial	
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1	I-2
					AGRICULTURAL USES						
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial	
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1	I-2
P	P	P	P	P	Farm, Ranch, Garden or Orchard		S			P	P

P	P	P	P	P	Farm or Ranch for live stock and Animal Specialties		S			P	P
P					Feed Store and Tack for live Stock - No Mill		P			P	P
S					Livestock Auction Pens or Sheds						P
S					Poultry Hatchery						P
S					Stables (Commercial)						P
					RESIDENTIAL USES						
<u>Residential</u>					<u>Permitted Use</u>	<u>Commercial</u>				<u>Industrial</u>	
<u>AG</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>P=Permitted, A=Accessory Use, S=SUP</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>MD</u>	<u>I-1</u>	<u>I-2</u>
					Household Units						
P	P	P	P	P	Home Occupation	P	P	P	P		
				P	–Multi-Family	S	P	P	P		
			P	P	Single-family attached or Townhome						
P	P	P	P	P	Single-family detached						
			P	P	Single-family Zero-lot-line or Patio Home						
			P	P	Two-family (Duplex)						
A	A	A	P	P	Pool House (Detached)*	P	P	P	P		
					Special Unit Types						
P	P	P	P	P	Industrialized Housing*						
					Manufactured Home						
				S	Manufactured Home Park		S				
					Mobile Home (House Trailer, Camp)						
				S	Mobile Home Park		S				
				S	Travel Trailer/ RV Park	S	S			S	
					Lodging/Group Quarters						
S	S	S	S	P	Bed and Breakfast* - 4 or Less Patrons	P	P	P	P		
				P	Bed and Breakfast* - 5-8 Patrons	S	P	P	P		
				P	Assisted Living Facility	S	P	P	P		
				P	Boarding Home Facility	S	P	P	S		
				S	Boardinghouse	S	S				
S	S	S	S	P	Accessory Apartment*	P	P	P	P		
S	S	S	S	P	Convent or Monastery	S	P	P	S		
P	P	P	P	P	Community Home	P	P	P	P		

P	A	A	P	P	Guest House (Detached)	P	P	P	P			
S			S	S	Halfway House/ Community Residential Facility	S	P	P	S			
					Hotel or Motel	S	P	P	P	P		
S				P	Orphanage	S	P	P	S			
S			P	P	Recovery House/ Sober Living Home	P	P	P	P			
P	P	P	P	P	Residential Child-Care Facility	P	P	P	P			
				P	Retirement Home	P	P	P	P			
					AMUSEMENT /RECREATION USES							
<u>Residential</u>					<u>Permitted Use</u>	<u>Commercial</u>				<u>Industrial</u>		
<u>AG</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>P=Permitted, A=Accessory Use, S=SUP</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>MD</u>	<u>I-1</u>	<u>I-2</u>	
					General Recreation							
					Amusement, Commercial - Indoors*		P	P		P		
					Amusement, Commercial - Outdoors		S	S				
					Billiard Parlor or Pool Hall*		P	P		P		
S					Carnival or Circus (Temporary)		S	S		S	S	
S	S	S	S	S	Country Club (Private Membership)	S	P	P		P	S	
S					Fairground*		P			P	P	
P	S	S	S	S	Golf Course (Public or Private)	P	P			P	P	
P	S	S	S	P	Golf Driving Range	P	P			P	P	
				A	Health Club or Studio	P	P	P	P	P	A	
					Ice or Roller Skating Rink*	S	P	P		P	P	
					Night Club or Dance Hall*		P	P		P		
S					Race Track		S			P		
S	S	S	S	A	Recreation Club or Area (Private)*		P	P		P		
S	S	S	S	A	Recreation Facility (Public)	P	P	P	P	P		
					Teen Club*	S	P	P				
				A	Tennis Court (Lighted)	S	P	P		P		
A	A	A	A	P	Tennis Court (No Lights)	P	P	P		P		
					Theater - Movie or Live (Enclosed)	S	P	P		P		
S					Zoo, Zoological Park, Animal Park, or Aviary		S					
					Adult Recreation							

					Adult Arcade*						P
					Adult Book Store or Video Store*						P
					Adult Cabaret*						P
					Adult Motel*						P
					Adult Motion Picture Theater*						P
					Adult Theater*						P
					Escort Agency*						P
					Nude Model Studio*						P
					Sexual Encounter Center*						P
					INTITUTIONAL, UTILITY and GOVERNMENTAL USES						
<u>Residential</u>					<u>Permitted Use</u>	<u>Commercial</u>				<u>Industrial</u>	
<u>AG</u>	<u>R- 1</u>	<u>R- 2</u>	<u>R- 3</u>	<u>R- 4</u>	<u>P=Permitted, A=Accessory Use, S=SUP</u>	<u>B- 1</u>	<u>B- 2</u>	<u>B- 3</u>	<u>MD</u>	<u>I-1</u>	<u>I-2</u>
					Government / Utility						
P	P	P	P	P	Government Facility	P	P	P	P	P	P
P				P	Library, Art Gallery or Museum (Public)	P	P	P	P	P	
					Post Office	S	P	P	P	P	
					Postal Distribution Facility		P			P	P
S					Radio or TV Trans. Station (Commercial)	S	P	P	P	P	P
S	S	S	S	S	Radio Tower (Non-Commercial)*	P	P	P	P	P	P
S	S	S	S	S	Radio, TV, Microwave, or Cellular Transmission Tower (Comm.)*	P	P	P	P	P	P
A	A	A	A	A	Satellite Dish*	P	P	P	P	P	P
P	S	S	S	S	Utility Facilities (Major)	S	P	P	P	P	P
P	P	P	P	P	Utility Lines and Transmission	P	P	P	P	P	P
					Schools / Organizations						
P	S	S	S	S	College or University	S	P	P	P	S	S
P	P	P	P	P	Daycare - 3 or less Attendees	P	P	P	P	P	
S	S	S	P	P	Daycare - 4-6 Attendees	P	P	P	P	P	
S			S	S	Daycare Center - 7 or more Attendees	S	P	P	P	P	
S					School - Vocational	S	P	P	P		
P	P	P	P	P	School, K-12 (Public or Private)	P	P	P	P	S	
P	P	P	P	P	Church or Place of Worship	P	P	P	P	P	
S					Club, Private	P	P	P	P	P	S
	S	S	S	P	Community Center - Private	P	P	P	P	P	
P	S	S	P	P	Community Center - Public	P	P	P	P	P	

				S	Fraternity / Sorority House	S	S				
					Lodge or Fraternal Organization	S	P	P	S	P	P
					OFFICE AND PROFESSIONAL						
<u>Residential</u>					<u>Permitted Use</u>	<u>Commercial</u>			<u>Industrial</u>		
<u>AG</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>P=Permitted, A=Accessory Use, S=SUP</u>	<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>MD</u>	<u>I-1</u>	<u>I-2</u>
					Office - General						
					Advertising Agency		P	P	P		
					Architectural / Engineering Services	P	P	P	P	P	
					Banks and Financial Institutions	P	P	P	P	P	
					Banks with Drive In Facilities	S	P	P	P	P	
					Legal Services	P	P	P	P		
					Offices - General or Professional	P	P	P	P	P	P
					Medical/Healthcare						
S					Animal Hospital or Clinic		P	P		P	P
S					Animal Hospital or Clinic w/Outside Pens					S	P
					Animal Pound (Public or Private)					S	P
					Emergency Ambulance Service		P	P	P	P	
				S	Hospice	P	P	P	P	S	
					Hospital - Acute Care	S	P	P	P	P	
					Hospital - Chronic Care	S	P	P	P		
					Medical or Dental Office or Clinic	P	P	P	P	P	
				P	Nursing/Convalescent Home	S	P	P	P		
					Psychiatric Hospital or Institution		S		P		
S					Veterinary Office (No Hosp. or Clinic)	P	P	P	P	P	P
					Business or Personal Services						
S					Auction - Goods & Equipment (Indoors)		P	P		P	P
					Beauty Parlor/Barbershop <u>Salon, Shop, or Spa</u>	P	P	P	P	P	
					<u>Body Piercing Studio</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	
					Cabinet and Woodwork Shop (Custom)	S	P	P		P	
P				P	Caretaker/Security Quarters	P	P	P	P	A	A
S	S	S	S	S	Cemetery or Mausoleum	P	P	P	P	P	P

					Communications/Electronics Equipment - Installation and Repair	S	P	P		P	
					Conventions, Trade Shows or Exhibits	S	P	P	S	S	
					Exterminator Service	S	P			P	P
					Exterminator Service Storage					P	P
					Household Appliance and Equipment Repair	S	P	P		P	P
					Information Processing		P	P	P	P	
					Laundry/Dry Cleaning - <3,000 s.f. w/ Customer Service		P	P	P	P	
					Laundry/Dry Cleaning - >3,000 s.f.				A	P	P
					Laundry/Dry Cleaning - Drop Off/Pick Up	P	P	P	P	P	
				A	Laundry/Dry Cleaning -Self Service	P	P	P	P	P	
					Locksmith	P	P	P		P	P
					Mailing Service (Private)	P	P	P	P	P	
					Mortuary or Funeral Home		P	P	P	P	P
					Photocopying or Duplicating Services	S	P	P	P	P	P
					Photographic Studio	P	P	P		P	
					Sewing and Millinery (Custom)	P	P	P		P	
					Shoe Repair	P	P	P		P	
					Studio - Art, Drama, Dance, Music - Performing Arts	P	P	P		P	
					Tailor Shop	P	P	P	S	P	
					Tattoo Salon/Piercing Studio	S	S	S	S	P	
					Taxidermist		S	S		P	P
P	P	P	P	P	Temporary Field or Construction Office	P	P	P	P	P	P
					Temporary Retail Use	S	S	S	S	S	
					Travel Agency	P	P	P	P		
					Upholstery Shop or Furniture Repair (non-Auto)		P	P		P	P
					Food and Beverage Services						
					Club (Private)*	S	P	P	S	S	P
					Catering Service	S	P	P	P	P	P
					Eating Place w/ Drive-thru	S	P	S		P	P
					Eating Place w/o Drive-thru	P	P	P	P	P	P
					Food Preparation or Food Service	P	P	P	P	P	P

					Liquor By the Drink*	S	P	P	S	S	P
					Retail						
					Alcohol Sales - Off Premise Consumption	P	P	P		P	P
					Antique Shop	P	P	P		P	
					Art Dealer	P	P	P			
					Art Gallery	P	P	P			
					Bait or Tackle Shop	S	P	P		P	
					Bakery Shop	P	P	P	P	P	
					Bicycle Sales or Repair	P	P	P		P	
					Book or Stationery Shop	P	P	P	P		
					Building Material Sales (Outside Storage)		P			P	P
					Camera or Photographic Supply Shop	P	P	P	P	P	
					Cloth or Fabric Store	S	P	P			
					Clothing Store	P	P	P	P		
					Confectionery Shop	P	P	P	P		
					Consignment Shop	P	P	P		P	
					Convenience Store	P	P	P			
					Department Store		P	P			
					Drapery Shop	S	P	P			
					Drug Store or Pharmacy	P	P	P	P		
					Farmers Market - Outdoor	S	P	P		P	P
					Flea Market - Outdoor	S	P	P		P	P
					Florist Shop	P	P	P	P		
					Furniture Sales - New (Indoor Only)	S	P	P		P	
P					Garden Shop & Plant Sales - Display or Greenhouse	S	P	P		P	P
					Grocery	P	P	P			
					Hardware Store	S	P	P		P	
					Hobby, Handicraft or Art Supplies	P	P	P	P		
					Lawnmower Sales or Repair	S	P	P		P	
					Major Appliance Sales (Indoor)	S	P	P		P	
					Mobile/Manufactured Home Dealer (Sales Only)		S			P	P
					Monument Sales Yard		P	P		P	P

						Optical Shop	P	P	P	P		
						Paint and Wallpaper Store	P	P	P	S	P	
						Pawn Shop*		P			P	
						Pet Shop	S	P	P		P	
						Plumbing Shop (Retail & Wholesale)		P	P		P	P
						Retail or Convenience Store with Gasoline	P	P	P	P	P	P
						Sporting Goods		P	P			
						Swimming Pool Sales & Supply		P	P		P	P
						Used Merchandise - Furniture, Rummage, Second Hand Store (Inside)	S	P	P		P	
						TRANSPORTATION, AUTOMOBILE and MARINE USES & SERVICES						
<u>Residential</u>					<u>Permitted Use</u>		<u>Commercial</u>				<u>Industrial</u>	
<u>AG</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>P=Permitted, A=Accessory Use, S=SUP</u>		<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>MD</u>	<u>I-1</u>	<u>I-2</u>
						Automobile Related						
						Auto Brake, Muffler, Glass, Seat Covers or Tire Sales & Service		P			P	P
						Auto Dealer - Primarily New/Used Autos		P			P	
						Auto Dealer - Primarily Used Autos		P			P	
						Auto Interior Shop		P			P	
						Auto Paint/Body Repair		S			P	P
						Auto Rental		P	P		P	
						Auto Repair - General		P			P	P
						Auto Storage or Auction					P	P
						Auto Supply - Used Parts Store with no On-Site Salvage		P	S		P	P
						Auto Supply Store for New and Rebuilt Parts		P	P		P	
						Auto Wrecker Service		A	A		P	

					Auto/Truck Parts and Accessories		P	P		P	
					Car Wash		P			P	P
					Drag Strip or Commercial Racing						P
					Parking - Accessory to Another Use		A	A	A	A	A
					Parking - Commercial Lot or Garage		P	P	P	P	
					Lube/Oil Change		P			P	P
					Service Station	S	P		P	P	P
					State Vehicle Inspection		P			P	P
					Bus or Truck Related						
					Bus or Truck Parking or Storage		S	S		P	P
					Bus Station and Terminal		S	S		S	
					Truck Stop, Including Gas Sales		P			P	P
					Truck/Heavy Equipment Driving School		S			P	P
					Truck/Recreational Vehicle Sales		S			P	P
					Truck/Trailer Rental		P			P	P
					Trucking Company		S			P	P
					Railroad or Airport Related						
					Airport or Landing Field		S			S	S
					Railroad Freight Depot		S			P	P
					Railroad Passenger Station		P			P	
					Railroad Yard & Shops					P	P
					Vehicle - General						
					Boat Dealer - Sales Only		P			P	
					Boat Repair or Storage		P			P	
					Go Cart Track					S	P
					Motorcycle Sales or Service		P			P	
					Transfer/Storage Terminal		S			P	P
					Vehicle Maintenance - Private		A	A		P	P
					Vehicle Wash - Private		A	A		P	P
					WHOLESALE TRADE and STORAGE USES						
<u>Residential</u>					<u>Permitted Use</u> P=Permitted, A=Accessory Use, S=SUP	<u>Commercial</u>				<u>Industrial</u>	
<u>AG</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>		<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>MD</u>	<u>I-1</u>	<u>I-2</u>
					Wholesale Trade						

					Apparel, Piece Goods, Notions - Wholesale		P	P		P	
					Groceries/Related Products - Wholesale		P	P		P	
					Heavy Machinery Sales					P	P
					Lumber Sales - Wholesale					P	P
					Paper or Paper Products - Wholesale		P	P		P	P
					Petroleum Products Storage & Wholesale					P	P
					Tool or Equipment Rental - Indoor		P	P		P	P
					Tool or Equipment Rental - Outdoor		P	S		P	P
					Storage						
					Contractor or Maintenance Yard		P			P	P
					Hazardous Gases/Chemicals Storage					S	P
					Mini Warehouse	S	S			P	P
					Open Storage (No Enclosure)					P	P
					Open Storage (Screened)		P	S		P	P
					Petroleum Products Storage and Warehouse		S			P	P
					Warehouse/Storage (Inside)		P	P	P	P	P
					Wrecking, Junk, Salvage or Reclamation Yard					S	S
					MANUFACTURING and MINING USES						
<u>Residential</u>					<u>Permitted Use</u> P=Permitted, A=Accessory Use, S=SUP	<u>Commercial</u>				<u>Industrial</u>	
<u>AG</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>		<u>B-1</u>	<u>B-2</u>	<u>B-3</u>	<u>MD</u>	<u>I-1</u>	<u>I-2</u>
					Food-Related Products						
					Animal or Poultry Slaughtering						P
					Bakery Products; Manufacturing					P	P
					Beverage Manufacturing						P
					Bottling or Canning of Soft Drinks & Carbonated Water					P	P
					Bottling Works					P	P
					Canned, Frozen, and Preserved Fruits, Vegetables and Other Foods						P

					Dairy Products - Processing or Manufacturing					P	P
					Fats and Oils Manufacturing or Processing					S	P
					Grain Mill Products; Processing and Manufacturing						P
					Ice Manufacturing					P	P
					Meat Products; Processing or Manufacturing - Not Including Slaughtering					P	P
					Microbrewery		S	S		P	P
					Sugar and Confectionery Products, Manufacturing					P	P
					Sugar Manufacturing						P
					Articles and Equipment						
					Apparel Manufacturing					P	P
					Broom & Brush Manufacturing					P	P
					Cabinet & Woodworking Manufacturing		P			P	P
					Chemical and Allied Products Manuf.						P
S					Concrete or Asphalt Batch Plant - Temp.	S	S			S	P
					Costume Jewelry, Novelties, Buttons & Misc. Notions Mfg.					P	P
					Fabricated Metal Products Manufacturing					S	P
					Fur Dressing & Dying						P
					Jewelry, Silverware & Plateware Mfg.					P	P
					Laboratory - Medical or Dental		P	P	P	P	P
					Laboratory - Scientific Testing		P	P	P	P	P
S					Land Fill (Private or Municipal)						S
					Light Manufacturing/Assembly		S	S		P	P
					Linoleum, Asphalt - Felt Base & Other Hard Surfaced Floor Covering Mfg.						P
					Machine Shop					P	P

					Match Manufacturing						P
					Musical Instruments & Parts Mfg.					P	P
					Paper and Allied Products Manufacturing						P
					Pens, Pencils & Other Office & Artists' Materials Mfg.					P	P
					Printing Publishing and Allied Industries		P	P		P	P
					Professional, Scientific & Controlling Instruments; Photographic & Optical Goods; Watches & Clocks Mfg.					P	P
					Rubber and Misc. Plastics Manufacturing						P
					Salvage and Reclamation (Enclosed)					P	P
					Sign & Advertising Display Manufacturing					P	P
					Textile Mill Product Manufacturing						P
					Tobacco Products Mfg.						P
					Toys, Amusement, Sporting & Athletic Goods Mfg.						P
					Welding Shop					P	P
					Natural Resources						
					Lumber and Wood Products Manufacturing						P
S	S	S	S	S	Oil & Gas Extraction	S	S		S	S	P
S	S	S	S	S	Oil & Gas Field Services	S	S		S	S	P
					Petroleum Refining and Related Industries						P
					Primary Metal Products Manufacturing						P
					Stone, Clay, Glass & Concrete Products Manufacturing						P
S	S	S	S	S	Stone, Sand, Gravel & Mineral Extraction	S	S		S	S	S
					Stone, Sand, Gravel or Earth Sales and Storage					S	P

(Ord. No. 1130, art. III, § 1, 11-3-1998; Ord. No. 1184-12-99, 12-7-1999; Ord. No. 1185-12-99, 12-7-1999; Ord. No. 1204-5-00, 5-16-2000; Ord. No. 1329-9-03, 9-2-2003; Ord. No. 1350-2-04,

2-3-2004; Ord. No. 1431-8-06, 8-1-2006; Ord. No. 1439-10-06, 10-3-2006; Ord. No. 1516-5-09, 5-5-2009; Ord. No. 1560-10-10, 10-19-2010; Ord. No. 1626-5-13, 5-7-2013; Ord. No. 1676-7-14, 7-15-2014; Ord. No. 1721-10-16, § 2, 10-18-2016)

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 118 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the _____ day of May 2025, by a vote of _____ (ayes) to _____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

Rhonda Lewis, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Jerry Baker, City Attorney

Juan Pollette, Interim City Planner

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 118 – “ZONING”; ARTICLE I-SECTION 118-1-“DEFINITIONS”; ARTICLE III-SECTION 118-273-“LAND USE SCHEDULE”, OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches is authorized under Chapter 211 of the Texas Local Government Code to adopt zoning regulations for the purpose of promoting the public health, safety, morals, or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural significance; and

WHEREAS, the City Council of the City of Nacogdoches has adopted ordinances for the purpose of promoting health, safety, and the general welfare of the City, with reasonable consideration of the character of each zoning district, its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, in order to further these objectives, the City Council has determined the need to amend certain portions of these ordinances as set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

CHAPTER 118 – “ZONING”, ARTICLE I. – “IN GENERAL, “SECTION 118-1-“DEFINITIONS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-1. – Definitions

- (a) *Word interpretations.* Interpretations of certain words used in this chapter shall be as follows:
 - (1) All words used in the present tense shall include the future.
 - (2) All words in the singular number include the plural number, and all words in the plural number include the singular number.

- (3) The term "structure" includes the word "building," and the term "dwelling" includes the terms "residence" and "place of habitation."
- (4) The term "person" includes corporation, copartnership, association, and individual.
- (5) The term "shall" is mandatory and not discretionary.
- (b) *Undefined terms.* Terms not defined in this section shall have the meanings assigned to them in the city building codes. Terms not defined in this section or in the building codes shall have the customary meaning assigned to them.
- (c) *Words and terms defined.* The definitions in this subsection supplement, restrict, and define the meaning and intent of the use regulations as set forth in this chapter. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory apartment means an accessory dwelling for the use and occupancy by any person employed on the premises on a full-time basis for domestic or medical help or family members to the second degree of consanguinity and affinity. Such dwelling shall not have separate utility services or meters. This may also include an accessory dwelling located in a commercial or industrial district for the use of any person employed by the business or property owner to provide management, maintenance or security for the property.

Accessory use means a structure or use that:

- (1) Is clearly incidental to and customarily found in connection with a principal building or use.
- (2) Is subordinate to and serves a principal building or a principal use; is subordinate in area, extent, or purpose to the principal building or principal use served.
- (3) Is located on the same lot as the principal building or use served.

Accessory use (residential) means a subordinate use which is detached from the main building and used for purposes customarily incidental to the residential occupancy of the main building and not involving the conduct of a business or the sale of a service. Accessory buildings include but are not limited to an automobile storage garage, laundry room, garden shelter, hobby room and mechanical room.

Airport or landing field means a landing facility for fixed wing aircraft containing a minimum of 60 acres.

All-weather surface means a hard smooth paved surface of either hot-mixed asphaltic concrete (HMAC) or Portland cement concrete (PCC) and the appropriate base material, meeting the following minimum specifications:

- (1) Hot-mixed asphaltic concrete:
 - a. Surface: 1.5 inches of type D or type C material.
 - b. Base: six inches of compacted iron ore gravel or the equivalent flexible base, or four inches of compacted hot sand asphaltic base.
- (2) Portland cement concrete:

- a. Surface: five inches of class A, 3,000 psi concrete, reinforced with WWF 6 × 6, W 2.9 - 2.9.
- b. Base: four inches of compacted granular material.

Material shall conform to city and state department of transportation specifications. Other possible types of paved surfaces will be considered on a case-by-case basis by the city's planning and engineering departments.

Amusement, commercial (indoor) means an amusement enterprise wholly enclosed in a building, including but not limited to a bowling alley, bingo parlor or amusement arcade, but not including a billiard parlor or pool hall.

Amusement, commercial (outdoor) means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including but not limited to a golf driving range, archery range, and miniature golf course.

Animal hospital or clinic means a facility for the treatment or care of domestic animals, which includes a veterinarian's office, and may include overnight stays, but does not include outside pens.

Animal pound. See *Animal hospital or clinic* with outside pens.

Antique shop means an establishment offering for sale articles such as glass, china, furniture or similar furnishing and decorations which have value and significance as result of age, design or sentiment; and when all such items displayed or offered for sale are housed within a building and there is no exterior display except the usual sign or advertising.

Apartment. See *Dwelling, Multi-family*.

Area of lot means the square-foot area of a lot within the bounding property lines and exclusive of dedicated streets or alleys.

Artificial lot means an area within a platted lot, for the purpose of satisfying the requirements of this chapter, that is delineated on the building site plan and the landscape plan and approved by the city planner.

Arts school or studio means a school for instruction and practice of the performing, visual or martial arts.

Banks and financial institutions means activities and institutions for the extension of credit and the custody, loan or exchange of money.

Beauty salon, shop, or spa means a facility primarily engaged in services involving the care of a person's appearance including, but not limited to, hair styling and grooming, application of removable makeup, and nail care. Similar facility types include barber shops, tanning salons, and medical spas which offer esthetic and non-surgical medical treatments. Permanent cosmetics, microblading, micropigmentation and similar care services may be included as an accessory use, so long as such services are limited to parts of the body above the neck and are generally for cosmetic or reconstructive purposes.

Bed and breakfast establishment means a private single-family residence in which lodging for one or more nights and breakfast is provided by the resident owner for compensation.

Billiard parlor or pool hall means a facility for the playing of billiards and pool. Food service may be allowed as an ancillary use.

Block means an area enclosed by streets, or if such word is used as a term of measurement, it shall mean the distance along a side of a street between two intersecting streets, or if the street is of a dead-end type, a block shall be considered to be measured between the nearest street and the end of such dead-end street.

Board means the board of adjustment as provided for in division 3 of article II of this chapter.

Boardinghouse means a building other than a hotel, multi-family dwelling, or fraternity/sorority house where lodging is provided for five or more persons for compensation, where meals may or may not be served and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boardinghouse.

Body piercing studio means a facility primarily engaged in services involving the creation of an opening in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration. This also includes studios that perform implants.

Building means any structure designed, built or intended for the shelter or enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. When separated by an absolute fire separation, each portion of such structure so separated shall be deemed a separate building. This definition includes structures wholly or partly enclosed with an exterior wall.

Building line means a line established, in general, parallel to the front property line, over which no part of a building shall project, except as otherwise provided in this chapter.

Building and landscape materials and lumber sales (outside sales) means a facility for the sale of home, lawn and garden supplies and construction materials such as brick, lumber and other similar materials. The facility may include outside sales.

Cabinet and woodwork shop (custom) means a shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis, not a factory, planing mill or similar woodworking plant.

Carnival or circus (temporary) means a temporary traveling show or exhibition usually housed in tents, and which has no permanent structure or installation.

Carwash means a facility or area for the cleaning or steam cleaning, washing, polishing or waxing of passenger vehicles by machine or hand-operated facilities. A carwash may be a single unit, multiple single washing units, or a tunnel type which can wash several vehicles in tandem.

Cemetery means a land use intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Chemical and allied products includes the manufacturing of industrial inorganic and organic chemicals, plastics materials, and synthetic resins, synthetic rubber, synthetic and other manmade fibers; drugs; soap, detergents, cleaning preparations, perfumes, and other toilet

preparations; paints, varnishes, lacquers, enamels, and allied products; gum and wood products; agricultural chemicals; and other chemical and allied products.

Church or place of worship means a facility or area for people to gather together for public worship, religious training, or other religious activities including a temple, mosque, synagogue or other structure, together with its customary accessory structures and uses, including a parsonage or rectory. This does not include home meetings or other religious activities conducted in a privately occupied residence.

City council means the official governing body of the City of Nacogdoches.

Club, private means a clubroom or suite of rooms or a building available to restricted membership for meetings, dining and entertainment. Such facilities may include a private tennis court, swimming pool or similar recreation facilities, none of which are available to the general public.

College or university means an institution of higher learning beyond the level of a secondary school.

Community center (private) means:

- (1) A building or group of rooms designed and used as an integral part of a residential or apartment project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project.
- (2) A private nonprofit community center operated as a boys' or girls' club or similar use. A private community center shall not be operated as a place of public meetings, or as a business.

Community center (public) means a building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the surrounding community.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with such and having a gross floor area of less than 7,500 square feet.

Convent or monastery means the living quarters or dwelling units for a religious order or for the congregation of persons under religious vows.

Contractor or maintenance yard means an open storage yard for supplies and operational equipment, including buildings, but not constituting a junkyard, wrecking yard or salvage yard.

Country club (private membership) means an area of 20 acres or more containing a golf course and a clubhouse and available only to a private specific membership. Such a club may contain as adjunct facilities a private club and dining room, swimming pool, tennis courts and similar recreation facilities.

Coverage means the percent of a lot area which is covered by a roof, floor or other structure and is not open to the sky. Roof eaves to the extent of two feet, and ordinary projections from the building not exceeding 12 inches, shall not be counted in computing coverage.

Custom sewing and millinery means custom making of items of apparel and millinery, by a seamstress, but not involving a factory.

Day care means a facility or area used regularly to provide daytime care, training, education, custody, treatment or supervision to more than four children, adults or elderly in other than a family setting for less than 24 hours a day, whether for compensation or not. This definition includes preschools, private kindergartens, nurseries and other similar uses not listed elsewhere in this chapter.

Density means as follows:

- (1) *Residential density* means the relationship of dwelling units or rooms to the area of the lot or tract upon which a residential structure is located or erected, and is expressed in "units per acre."
- (2) *Nonresidential density* means the ratio of the area of the building to the area of the site. See *Floor area ratio (FAR)*.

Dwelling unit means a building or portion of a building which is arranged or occupied as living quarters for one family, and includes facilities for food preparation and sleeping. One dwelling unit occupied by one family has a common entrance, utilities, kitchen and food preparation facilities and sleeping and restroom facilities accessible by all.

Dwelling, Industrialized Housing means a residential structure that is designed for the use and occupancy of one or more families, that is constructed according to the rules of the state department of labor and standards in one or more modules, or constructed according to the rules of the state department of labor and standards in one or more modules, or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation. The term includes the plumbing, heating, air conditioning, and electrical systems.

Dwelling, Manufactured, means a structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Dwelling, Mobile Home, means a structure that was constructed before June 15, 1976, or constructed after this date that does not meet the rules of the United States Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems.

Dwelling, Multi-family, means three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. The term "dwelling, multi-family" may include condominiums, two or more duplexes, three-family units (triplex) and four-family units (quadraplex), as well as traditional apartments or rental communities.

Dwelling, Single-family attached or Townhome, means a dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

Dwelling, Single-family detached, means a dwelling designed and constructed as a free-standing structure for occupancy by one family and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract. The term single-family dwelling occupied by one family, has a common entrance, one common kitchen facility and is utilized as one living quarters.

Dwelling, Two-family (Duplex), means two attached dwellings in one structure, each designed to be occupied by one family.

Dwelling, Zero-lot-line or Patio Home, means a single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line.

Eating place with drive-in or curb service means an establishment offering food for sale to customers in automobiles and wherein the food for sale is to customers in automobiles and wherein the food service is to the automobile.

Eating place without drive-in or curb service means any eating establishment, cafeteria, restaurant or inn where food service is offered to the customers not in automobiles.

Emergency ambulance service means a facility for the operation and dispatch of emergency medical vehicles. Typically this operation is ancillary to a hospital or a fire station, but it may also be a primary use on a property.

Escort agency means a person or business association that furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for fee, tip or other consideration.

Fabricated metal products includes the manufacturing of ordnance and accessories; machinery, equipment and supplies; transportation equipment; and other fabricated metal products.

Fairground means a specific facility that hosts special indoor and outdoor events including exhibits or competitions of agricultural products, livestock, machinery, etc.; a large exhibition or show of products from various countries; an exhibition or sale of fancywork or other items for the benefit of some cause; or a gathering of buyers or sellers of some product or service.

Family means any number of individuals living together as a single housekeeping unit, in which not more than two individuals are unrelated by blood, marriage or adoption.

Farm, ranch, garden or orchard means an area of three acres or more which is used for growing of usual farm products, vegetables, fruits, trees and grain for the raising thereon of the usual farm poultry and farm animals such as horses, cattle and sheep, including a private stable and also including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other

animals and not including any type of agriculture or husbandry specifically prohibited by city ordinance or law.

Farmers' market means the retail sale of farm products by individual vendors either within a building or outside. Items sold may include fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey. The sale of new and used household goods, personal effects, tools, artwork, small household appliances and similar merchandise are not included.

Feed store, retail (livestock, no mill) means an establishment for the sale of grain, prepared feed and forage for pets, livestock and fowl, but not involving the grinding, mixing or commercial compounding of such items.

Flea market means a building or open area in which stalls or sales areas are set aside and rented, or otherwise provided, and which are intended for the sale of articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the retail selling of goods by businesses or individuals who are generally engaged in retail trade. This does not include garage sales.

Floor area means the total square-foot area of all floors in the building measured to the outside faces of exterior walls or to the line of an omitted wall, whichever includes the largest area.

Floor area ratio (FAR) means the ratio between the total square feet of floor area in the building to the total square feet of land in the lot or tract; e.g., "2:1" means that the building contains twice the amount of area as there is in the lot.

Foster home. See *Group home, Residential child-care facility.*

Fraternity/sorority house means any building occupied and maintained by a social association of college students, or where organization-sponsored functions are regularly held.

Garage or estate sale: means a sale for the purpose of offering clothing, household furniture or appliances belonging to the residents may be conducted as home occupation provided that no such sale may be held on any lot or premise more often than twice in each calendar year, and not to exceed three days during each sale.

Garden shop and plant sales (display or greenhouse) means an enclosed or open area for the retail sale of plants and gardening products, including fertilizers, soil and gardening implements.

Golf course (public or private) means a golf course owned or controlled publicly or privately. This includes such uses as a clubhouse, food service, retail, and other customary accessory uses.

Golf driving range means a facility for the organized practice of golf techniques. It may include a practice green for putting, a clubhouse and other minor ancillary uses.

Government facility means a facility for public purposes, owned or operated by the city, county, state or federal government. These typically include city hall, courthouse, police and fire stations, public library or museum.

Grain mill products includes the manufacturing of flour and other grain mill products, feeds for animals and fowl, cereal preparations, rice milling, blending and preparing flour, and wet corn milling.

Guesthouse (detached) means a secondary structure on a lot or tract containing dwelling accommodations but excluding kitchen facilities and separate utility services or meters and intended for the temporary occupancy by guests and not rented or used for permanent occupancy.

Group home means a facility which provides residential living arrangements for unrelated persons who may need specialized care, treatment, or stability, and is authorized and governed under state and federal law. Types of group homes include:

Assisted living facility means a licensed facility which complies with and is operated under the authority of the Assisted Living Facility Licensing Act, Texas Health and Safety Code §§247.001 et seq., and as may be amended.

Boarding home facility means a facility which provides services for persons with disabilities or elderly persons and complies with Texas Health and Safety Code §§260.001 et seq., and as may be amended, as well as any permitting requirements implemented by the city.

Community home means a facility which provides services to persons with cognitive or physical disabilities and complies with the Community Homes for Disabled Persons Location Act, Texas Human Resources Code §§123.001 et seq., and as may be amended.

Halfway house/Community residential facility means a transitional facility associated with the Texas Department of Criminal Justice and authorized under Texas Government Code §§508.118-508.119, and as may be amended.

Recovery house (or sober living home) means a shared living facility which complies with Texas Health and Safety Code §§469.001 et seq., and as may be amended. Oxford houses are included in this definition.

Residential child-care facility means a facility licensed or certified by the Department of Family and Protective Services which complies with Texas Human Resources Code §§42.001 et seq., and as may be amended. Foster homes are included in this definition.

Health club or studio means a wholly enclosed facility for fitness training and practice.

Height means the vertical distance from the average grade of the finish ground level at the center of all walls to the highest finished roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four feet in height.

Home occupation means an occupation carried on in the home by a member of the occupant's family, being incidental to the primary occupancy of the home as a dwelling; without the display or advertising of any commodity or service for sale on the premises; without the employment of any persons other than members of the immediate family; without the use of any sign, lighting or display; without the use of other than domestic or household equipment or appliances; and the conduct of which does not generate noise, odor, fumes, vibration, additional vehicle traffic or any other condition visible, obnoxious or detrimental to abutting or adjacent properties.

Hospice means a facility for the terminally ill, where patients are under the supervision of a doctor, but undergo limited curative treatment, and which is licensed by the state.

Hospital (chronic care) means an institution where those persons suffering from generally permanent types of illnesses, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis and which is licensed by the state.

Hospital (general acute care) means an institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the state.

Hotel or motel means a building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, an establishment shall contain a minimum of 20 individual guestrooms or units and shall furnish the customary hotel services such as linen, maid service, telephone, use and upkeep of furniture, and the accommodations shall not be designed as permanent dwelling units.

Household appliance and equipment repair means a shop for the repair of household and home equipment, such as electrical appliances, lawn mowers, tools, and similar items, where all such items are stored within a building or a storage area surrounded by a solid fence, wall or screen.

Ice or roller skating rink means a facility for the practice of ice or roller skating. Accessory uses may include food service and other indoor amusements, contained entirely within the primary structure.

Industrialized Housing. See *Dwelling, Industrialized Housing.*

Laundry or dry cleaning, self-service, means an establishment providing facilities for washing or dry cleaning garments and similar items and where the customer may personally supervise and handle the cleaning operation.

Legal height means the maximum height of a building imposed by the Federal Aviation Administration for the airport, this chapter, the building code, or any other legal ordinance or code.

Library, art gallery or museum (public) means any institution for the loan or display of books, objects of art or science which is sponsored by a public or responsible quasipublic agency and which institution is open and available to the general public.

Livestock auction pens or sheds means a facility or area for the auction of livestock. Accessory uses may include but are not limited to feed pens, stalls, and outside pens or runs.

Lot means a platted parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot, corner, means a lot situated at the intersection of two dedicated streets and having frontage along both streets extending from the intersection.

Lot, double frontage, means a lot having frontage on two or more dedicated streets other than a corner lot.

Lot lines means the property or lease lines bounding a lot or tract.

Lot line, interior, means a lot line delineating the division between two contiguous lots on the interior of a block and not adjacent to a street.

Lot of record means a lot which is part of a subdivision plat which has been recorded in the office of the county clerk or a tract of land described by metes and bounds, the description of which is recorded in the office of the county clerk.

Lot width means the width of a lot at the required front yard line or at the building line if such is established at a greater distance from the street than the required front yard line.

Lumber and wood products manufacturing includes logging camps and contractors; sawmills and planing mills; and the manufacturing of millwork, veneer, plywood, prefabricated structural wood products, wood furniture; and other lumber and wood products.

Main building means the building on a lot which is occupied by the primary use.

Manufactured Home. See *Dwelling, Manufactured Home*.

Manufactured Home park means a unified development of manufactured home sites, plots, or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this chapter, and designed to accommodate manufactured homes for permanent duration.

Meat products processing or manufacturing includes meat, poultry, and small game packing and the manufacturing of sausages and other prepared meat products, but not including the slaughtering of animals or poultry.

Microbrewery means a business which:

- (1) Operates under a manufacturer's license, as described in V.T.C.A., Alcoholic Beverage Code, ch. 62, issued by the Texas Alcoholic Beverage Commission ("T.A.B.C.");
- (2) May operate, but is not required to operate under a brewer's permit as described in V.T.C.A., Alcoholic Beverage Code, ch. 12, issued by T.A.B.C.;
- (3) Has a total maximum production per year of beer, malt liquor and ale of not more than 15,000 barrels (or 465,000 standard gallons); and
- (4) Does not produce or generate any generally obnoxious odors.

Mobile Home. See *Dwelling, Mobile Home*.

Mobile Home park means a unified development of mobile home sites, plots or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this chapter, and designed to accommodate mobile homes for a permanent duration.

Multifamily (apartments). See *Dwelling, Multi-family*.

Nightclub or dancehall means an establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment:

- (1) Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians;
- (2) Dancing; or
- (3) Any combination of subsections (1) and (2) of this definition.

This does not include theaters, auditoriums and stadiums with fixed row seating; private clubs; bars; teen clubs; or any establishment defined elsewhere in this chapter as an adult entertainment establishment.

Office (general and professional) means a facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this chapter.

Open space means an area on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves, and is exclusive of driveways or parking areas.

Open storage (no enclosure) means storage in the open of vehicles, machinery or any equipment or commodity where permitted as a primary use of land and accessory storage in the open of commercial and industrial products where such storage is not enclosed by a fence, wall or building.

Open storage with visual screen means the permitted storage of any equipment or commodity in a open area which is enclosed by a fence or wall, as defined in this chapter, or surrounded by a building so as to create an effective visual screening of the storage from the adjacent property.

Orphanage means an institution for the care of orphans or other abandoned children.

Paper and allied products manufacturing includes the manufacture of pulp, paper, paperboard, converted paper and paperboard products, paperboard containers and boxes, building paper and building board.

Pawnshop means a building or premises, other than a bank, savings and loan or mortgage banking company, used for the business of lending money on the security of pledged goods, or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a certain price within a certain period of time, and licensed by the state to conduct such a business.

Pet shop means a place for the display and sale of small animals and birds as pets, such as dogs, cats, parakeets or canaries, but not involving the boarding or treating of dogs or similar pets.

Petroleum refining and related industries includes the refining of petroleum and the manufacturing of paving and roofing materials; lubricating oils and greases and other petroleum and coal products.

Pool house (detached) means a secondary structure on a lot with a swimming pool, excluding separate utility services or meters, and intended for temporary recreation use and not used as a permanent occupancy.

Poultry hatchery means a commercial facility for the hatching and raising of domestic fowl, including a research facility for such activity.

Primary metal products manufacturing includes blast furnaces, steel works and the rolling and finishing of ferrous metals; iron and steel foundries; primary smelting and refining of nonferrous metals and alloys, rolling, drawing and extruding of nonferrous metals; and nonferrous foundries.

Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks manufacturing includes the manufacturing of engineering, laboratory and scientific and research instruments and associated equipment; instruments for measuring, controlling, and indicating physical characteristics; optical instruments and lenses; surgical, medical, and dental instruments and supplies; ophthalmic goods; photographic equipment and supplies; and watches, clocks, clockwork-operated devices and parts.

Psychiatric hospital or institution means a facility or area for providing health services primarily for inpatient medical care for alcoholic, narcotic, or psychopathic patients, and which may include related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities. This includes a substance abuse and rehabilitation facility.

Racetrack means an indoor or outdoor facility for the recreational or competitive racing of horses, canines, or motor vehicles, including the necessary accessory uses such as retail sales, automobile maintenance, veterinarian supplies and shops, exercise areas and stables.

Radio or television transmission station (commercial) means a facility used for the production and transmission of programming by radio or television to the general public. Included are commercial, religious, educational and other stations.

Radio, television, microwave or cellular communication tower (commercial) means structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installations for home use of radio or television.

Radio tower (noncommercial) means a radio tower located on a residential property which is for home use, only, and which is not taller than 15 feet above the maximum building height allowed in the district.

Recreation club or area (private) means a building, park or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the normal active and passive facilities as provided in a park or playground, or public recreation facility.

Recreation facility (public) means a facility or area sponsored by a public entity and devoted to sports, entertainment, games of skill or recreations to the general public. This may include swimming pools, tennis courts, playgrounds, community clubhouses, park facilities and other similar uses.

Retirement home means a residential facility principally designed for persons 55 years of age or older. Dwelling units may include full kitchen facilities, and recreational, social, nursing or other services may be available. This does not include a nursing or convalescent home.

Rubber and miscellaneous plastics manufacturing includes the reclaiming of rubber and the manufacture of tires and innertubes; rubber footwear; plastic products; and other fabricated rubber products.

Satellite dish means the dish and its structural elements that is commonly used in the reception of television signals from orbiting satellites.

School, K—12, public or private, means a school and customary accessory uses under the sponsorship of a public or religious agency having a curriculum generally equivalent to public, elementary or secondary schools, but not including private, trade or commercial schools.

School, vocational means a business operating for profit and offering instruction and training in a service or art, such as a secretarial school, barber college, commercial art school; or offering instruction and training in a trade such as welding, bricklaying, machinery operation and other similar manual trades. This does not include truck or heavy equipment driving schools.

Service station means any facility where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tuneups, lubrication, minor repairs, and carburetor cleaning are conducted. Service stations shall not include facilities where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body or fender work are conducted.

Single-family. See *Dwelling, Single-family*.

Stable, commercial, means a facility housing horses or mules which are boarded or rented to the public or any stable other than a private stable; but not including a sales barn, auction, or similar trading activity.

Stable, private, means a facility or area for keeping horses, mules or other domestic animals for the private use of the property owner.

Stone, clay, glass and concrete products manufacturing includes the manufacturing of glass; flat glass and glassware; cement; structural clay products; pottery and related products; concrete, gypsum and plaster products; cut stone and stone products; and abrasive, asbestos and other nonmetallic mineral products.

Studio (art, drama, speech, or dance) means a building or rooms in a building used for the instructing, coaching or counseling in drama, speech, dance or similar personal skills or arts.

Tattoo studio means a facility engaged in services involving the placement of an indelible mark or figure on the human body by scarring or inserting pigments under the skin using needles, scalpels or other related equipment designed to contact or puncture the skin. The term includes permanent cosmetics, microblading and scarification.

Teen club means a nightclub that caters to teenage patrons.

Tennis court (lighted) means an outside tennis court with elevated lighting for nighttime play.

Tennis court (no lights) means an outside tennis court without elevated lighting for nighttime play.

Textile mill products manufacturing includes the manufacturing of woven fabrics, knit goods, rugs, carpets, yarns, and threads, and other textile goods; and the dyeing and finishing of textiles.

Theater, movie or live (enclosed) means a facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

Tobacco products manufacturing includes the manufacturing of cigarettes, cigars, chewing and smoking tobacco, snuff; tobacco stemming and redrying.

Travel trailer/RV park means any lot upon which two or more travel trailer or other recreational vehicle sites are located, established or maintained for occupancy by recreational

vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a shortterm basis by campers, vacationers, and travelers.

Truck or heavy equipment driving school means a type of vocational school where education is provided behind the wheel of trucks or heavy equipment.

Use, nonresidential, means any use other than a one- or two-family residence, or a boardinghouse, and their bona fide accessory uses.

Use, residential, means a one- or two-family residence, or a boardinghouse, together with bona fide accessory uses.

Utility facilities (major) includes such uses as electrical substations, wastewater treatment plants, elevated water storage and water treatment plants.

Utility lines and transmission includes local utilities such as electric power, telephone, gas, water, sewer, and air monitoring stations. It also includes inline facilities such as gas regulating stations and water wells or pumping stations; sewage pumping stations; telephone exchange, switching and transmitting equipment; and electrical transmission lines operated by a municipality or a franchised utility company. It does not include major utility facilities.

Veterinary office (no hospital or clinic) means a facility for the diagnosis and treatment of animals, without an overnight stay.

Warehouse/storage (inside) means a building or group of buildings providing enclosed shelter and protection for commodities stored therein. No open or unenclosed storage shall be classified as a warehouse.

Wrecking yard, junkyard, salvage yard or reclamation yard means a yard or building where automobiles, machinery, appliances or other used commodities and equipment are stored, dismantled, and/or offered for sale as whole units or as salvaged parts.

Yard means an open space on the lot on which a building is situated and which is open and unobstructed to the sky.

Yard, front, required, means a yard facing and abutting a street and extending across the front of the lot between the side lot lines and having a minimum horizontal depth measured from the street equal to the depth of the minimum front yard specified for the district in which the lot is located. The required front yard line represents the line in front of which no building or structure may be erected.

Yard, rear, required, means a yard extending across the rear of the lot between side lot lines and having a minimum depth measured from the rear lot line as specified for the district in which the lot is located.

Yard, side, required, means a yard located on a lot and extending from the required front yard to the required rear yard and having a minimum width measured from the side lot line as specified for the district in which the lot is located. Any lot line which is not a rear or front line shall be deemed a side lot line.

Zoning district map means the official, certified map upon which the boundaries of the various zoning districts are shown and which are an integral part of this chapter and, together with the zoning text in this chapter, make up the zoning ordinance for the city.

Zoo, zoological park, animal park, or aviary means an institution which owns and maintains captive wild animals and under the direction of a professional staff, provides its collection with appropriate care and exhibits them in an aesthetic manner to the public on a regularly scheduled basis for the purposes of education, conservation, scientific study and recreation.

CHAPTER 118 – “ZONING”, ARTICLE III. – “DISTRICT REGULATIONS, “SECTION 118-273- “LAND USE SCHEDULE” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-273. Land use schedule.

- (a) *Use of land and buildings.* Buildings, structures and land shall be used only in accordance with the uses permitted in the following land use schedule, subject to all other applicable requirements of this chapter. The following symbols are used in the land use schedule:
- (1) The symbol "P" shall mean that the use is permitted as a principal use in that zoning district by right.
 - (2) The symbol "S" shall mean that the principal use is permitted in that zoning district only after first obtaining a specific use permit.
 - (3) The symbol "A" shall mean that this use is specifically permitted as an accessory use to a principal use in the district. This does not exclude other land uses which are generally considered ancillary to the primary use.
 - (4) An asterisk (*) indicates that the use has special standards or requirements listed in this section, which it must meet in order to be allowed.
 - (5) A blank square shall mean that the use is not allowed in that zoning district.
 - (6) Italicized words are defined in article IV of this chapter or under section 118-1 containing definitions.
- (b) *Organization of land use schedule; category grouping.* Uses are grouped into general categories such as "agriculture" and "residential," and then further organized into subcategories. This organization of land uses is for ease of reference only.

LAND USE SCHEDULE										
(*) Signifies Uses with Special Guidelines (<i>Italic</i>) Signifies a Defined Term										
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1 I-2
AGRICULTURAL USES										
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1 I-2
P	P	P	P	P	Farm, Ranch, Garden or Orchard		S			P P

P	P	P	P	P	Farm or Ranch for live stock and Animal Specialties		S			P	P
P					Feed Store and Tack for live Stock - No Mill		P			P	P
S					Livestock Auction Pens or Sheds						P
S					Poultry Hatchery						P
S					Stables (Commercial)						P
					RESIDENTIAL USES						
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial	
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1	I-2
					Household Units						
P	P	P	P	P	Home Occupation	P	P	P	P		
				P	–Multi-Family	S	P	P	P		
			P	P	Single-family attached or Townhome						
P	P	P	P	P	Single-family detached						
			P	P	Single-family Zero-lot-line or Patio Home						
			P	P	Two-family (Duplex)						
A	A	A	P	P	Pool House (Detached)*	P	P	P	P		
					Special Unit Types						
P	P	P	P	P	Industrialized Housing*						
					Manufactured Home						
				S	Manufactured Home Park		S				
					Mobile Home (House Trailer, Camp)						
				S	Mobile Home Park		S				
				S	Travel Trailer/ RV Park	S	S			S	
					Lodging/Group Quarters						
S	S	S	S	P	Bed and Breakfast* - 4 or Less Patrons	P	P	P	P		
				P	Bed and Breakfast* - 5-8 Patrons	S	P	P	P		
				P	Assisted Living Facility	S	P	P	P		
				P	Boarding Home Facility	S	P	P	S		
				S	Boardinghouse	S	S				
S	S	S	S	P	Accessory Apartment*	P	P	P	P		
S	S	S	S	P	Convent or Monastery	S	P	P	S		
P	P	P	P	P	Community Home	P	P	P	P		

					Adult Arcade*						P
					Adult Book Store or Video Store*						P
					Adult Cabaret*						P
					Adult Motel*						P
					Adult Motion Picture Theater*						P
					Adult Theater*						P
					Escort Agency*						P
					Nude Model Studio*						P
					Sexual Encounter Center*						P
					INTITUTIONAL, UTILITY and GOVERNMENTAL USES						
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial	
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1	I-2
					Government / Utility						
P	P	P	P	P	Government Facility	P	P	P	P	P	P
P				P	Library, Art Gallery or Museum (Public)	P	P	P	P	P	
					Post Office	S	P	P	P	P	
					Postal Distribution Facility		P			P	P
S					Radio or TV Trans. Station (Commercial)	S	P	P	P	P	P
S	S	S	S	S	Radio Tower (Non-Commercial)*	P	P	P	P	P	P
S	S	S	S	S	Radio, TV, Microwave, or Cellular Transmission Tower (Comm.)*	P	P	P	P	P	P
A	A	A	A	A	Satellite Dish*	P	P	P	P	P	P
P	S	S	S	S	Utility Facilities (Major)	S	P	P	P	P	P
P	P	P	P	P	Utility Lines and Transmission	P	P	P	P	P	P
					Schools / Organizations						
P	S	S	S	S	College or University	S	P	P	P	S	S
P	P	P	P	P	Daycare - 3 or less Attendees	P	P	P	P	P	
S	S	S	P	P	Daycare - 4-6 Attendees	P	P	P	P	P	
S			S	S	Daycare Center - 7 or more Attendees	S	P	P	P	P	
S					School - Vocational	S	P	P	P		
P	P	P	P	P	School, K-12 (Public or Private)	P	P	P	P	S	
P	P	P	P	P	Church or Place of Worship	P	P	P	P	P	
S					Club, Private	P	P	P	P	P	S
	S	S	S	P	Community Center - Private	P	P	P	P	P	
P	S	S	P	P	Community Center - Public	P	P	P	P	P	

				S	Fraternity / Sorority House	S	S				
					Lodge or Fraternal Organization	S	P	P	S	P	P
					OFFICE AND PROFESSIONAL						
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial	
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1	I-2
					Office - General						
					Advertising Agency		P	P	P		
					Architectural / Engineering Services	P	P	P	P	P	
					Banks and Financial Institutions	P	P	P	P	P	
					Banks with Drive In Facilities	S	P	P	P	P	
					Legal Services	P	P	P	P		
					Offices - General or Professional	P	P	P	P	P	P
					Medical/Healthcare						
S					Animal Hospital or Clinic		P	P		P	P
S					Animal Hospital or Clinic w/Outside Pens					S	P
					Animal Pound (Public or Private)					S	P
					Emergency Ambulance Service		P	P	P	P	
				S	Hospice	P	P	P	P	S	
					Hospital - Acute Care	S	P	P	P	P	
					Hospital - Chronic Care	S	P	P	P		
					Medical or Dental Office or Clinic	P	P	P	P	P	
				P	Nursing/Convalescent Home	S	P	P	P		
					Psychiatric Hospital or Institution		S		P		
S					Veterinary Office (No Hosp. or Clinic)	P	P	P	P	P	P
					Business or Personal Services						
S					Auction - Goods & Equipment (Indoors)		P	P		P	P
					Beauty Salon, Shop, or Spa	P	P	P	P	P	
					Body Piercing Studio	S	S	S	S	P	
					Cabinet and Woodwork Shop (Custom)	S	P	P		P	
P				P	Caretaker/Security Quarters	P	P	P	P	A	A
S	S	S	S	S	Cemetery or Mausoleum	P	P	P	P	P	P

					Communications/Electronics Equipment - Installation and Repair	S	P	P		P	
					Conventions, Trade Shows or Exhibits	S	P	P	S	S	
					Exterminator Service	S	P			P	P
					Exterminator Service Storage					P	P
					Household Appliance and Equipment Repair	S	P	P		P	P
					Information Processing		P	P	P	P	
					Laundry/Dry Cleaning - <3,000 s.f. w/ Customer Service		P	P	P	P	
					Laundry/Dry Cleaning - >3,000 s.f.				A	P	P
					Laundry/Dry Cleaning - Drop Off/Pick Up	P	P	P	P	P	
				A	Laundry/Dry Cleaning -Self Service	P	P	P	P	P	
					Locksmith	P	P	P		P	P
					Mailing Service (Private)	P	P	P	P	P	
					Mortuary or Funeral Home		P	P	P	P	P
					Photocopying or Duplicating Services	S	P	P	P	P	P
					Photographic Studio	P	P	P		P	
					Sewing and Millinery (Custom)	P	P	P		P	
					Shoe Repair	P	P	P		P	
					Studio - Art, Drama, Dance, Music - Performing Arts	P	P	P		P	
					Tailor Shop	P	P	P	S	P	
					Tattoo Studio	S	S	S	S	P	
					Taxidermist		S	S		P	P
P	P	P	P	P	Temporary Field or Construction Office	P	P	P	P	P	P
					Temporary Retail Use	S	S	S	S	S	
					Travel Agency	P	P	P	P		
					Upholstery Shop or Furniture Repair (non-Auto)		P	P		P	P
					Food and Beverage Services						
					Club (Private)*	S	P	P	S	S	P
					Catering Service	S	P	P	P	P	P
					Eating Place w/ Drive-thru	S	P	S		P	P
					Eating Place w/o Drive-thru	P	P	P	P	P	P
					Food Preparation or Food Service	P	P	P	P	P	P

					Liquor By the Drink*	S	P	P	S	S	P
					Retail						
					Alcohol Sales - Off Premise Consumption	P	P	P		P	P
					Antique Shop	P	P	P		P	
					Art Dealer	P	P	P			
					Art Gallery	P	P	P			
					Bait or Tackle Shop	S	P	P		P	
					Bakery Shop	P	P	P	P	P	
					Bicycle Sales or Repair	P	P	P		P	
					Book or Stationery Shop	P	P	P	P		
					Building Material Sales (Outside Storage)		P			P	P
					Camera or Photographic Supply Shop	P	P	P	P	P	
					Cloth or Fabric Store	S	P	P			
					Clothing Store	P	P	P	P		
					Confectionery Shop	P	P	P	P		
					Consignment Shop	P	P	P		P	
					Convenience Store	P	P	P			
					Department Store		P	P			
					Drapery Shop	S	P	P			
					Drug Store or Pharmacy	P	P	P	P		
					Farmers Market - Outdoor	S	P	P		P	P
					Flea Market - Outdoor	S	P	P		P	P
					Florist Shop	P	P	P	P		
					Furniture Sales - New (Indoor Only)	S	P	P		P	
P					Garden Shop & Plant Sales - Display or Greenhouse	S	P	P		P	P
					Grocery	P	P	P			
					Hardware Store	S	P	P		P	
					Hobby, Handicraft or Art Supplies	P	P	P	P		
					Lawnmower Sales or Repair	S	P	P		P	
					Major Appliance Sales (Indoor)	S	P	P		P	
					Mobile/Manufactured Home Dealer (Sales Only)		S			P	P
					Monument Sales Yard		P	P		P	P

						Optical Shop	P	P	P	P		
						Paint and Wallpaper Store	P	P	P	S	P	
						Pawn Shop*		P			P	
						Pet Shop	S	P	P		P	
						Plumbing Shop (Retail & Wholesale)		P	P		P	P
						Retail or Convenience Store with Gasoline	P	P	P	P	P	P
						Sporting Goods		P	P			
						Swimming Pool Sales & Supply		P	P		P	P
						Used Merchandise - Furniture, Rummage, Second Hand Store (Inside)	S	P	P		P	
						TRANSPORTATION, AUTOMOBILE and MARINE USES & SERVICES						
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial		
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1	I-2	
						Automobile Related						
						Auto Brake, Muffler, Glass, Seat Covers or Tire Sales & Service		P			P	P
						Auto Dealer - Primarily New/Used Autos		P			P	
						Auto Dealer - Primarily Used Autos		P			P	
						Auto Interior Shop		P			P	
						Auto Paint/Body Repair		S			P	P
						Auto Rental		P	P		P	
						Auto Repair - General		P			P	P
						Auto Storage or Auction					P	P
						Auto Supply - Used Parts Store with no On-Site Salvage		P	S		P	P
						Auto Supply Store for New and Rebuilt Parts		P	P		P	
						Auto Wrecker Service		A	A		P	

					Auto/Truck Parts and Accessories		P	P		P	
					Car Wash		P			P	P
					Drag Strip or Commercial Racing						P
					Parking - Accessory to Another Use		A	A	A	A	A
					Parking - Commercial Lot or Garage		P	P	P	P	
					Lube/Oil Change		P			P	P
					Service Station	S	P		P	P	P
					State Vehicle Inspection		P			P	P
					Bus or Truck Related						
					Bus or Truck Parking or Storage		S	S		P	P
					Bus Station and Terminal		S	S		S	
					Truck Stop, Including Gas Sales		P			P	P
					Truck/Heavy Equipment Driving School		S			P	P
					Truck/Recreational Vehicle Sales		S			P	P
					Truck/Trailer Rental		P			P	P
					Trucking Company		S			P	P
					Railroad or Airport Related						
					Airport or Landing Field		S			S	S
					Railroad Freight Depot		S			P	P
					Railroad Passenger Station		P			P	
					Railroad Yard & Shops					P	P
					Vehicle - General						
					Boat Dealer - Sales Only		P			P	
					Boat Repair or Storage		P			P	
					Go Cart Track					S	P
					Motorcycle Sales or Service		P			P	
					Transfer/Storage Terminal		S			P	P
					Vehicle Maintenance - Private		A	A		P	P
					Vehicle Wash - Private		A	A		P	P
					WHOLESALE TRADE and STORAGE USES						
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial	
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1	I-2
					Wholesale Trade						

					Apparel, Piece Goods, Notions - Wholesale		P	P		P	
					Groceries/Related Products - Wholesale		P	P		P	
					Heavy Machinery Sales					P	P
					Lumber Sales - Wholesale					P	P
					Paper or Paper Products - Wholesale		P	P		P	P
					Petroleum Products Storage & Wholesale					P	P
					Tool or Equipment Rental - Indoor		P	P		P	P
					Tool or Equipment Rental - Outdoor		P	S		P	P
					Storage						
					Contractor or Maintenance Yard		P			P	P
					Hazardous Gases/Chemicals Storage					S	P
					Mini Warehouse	S	S			P	P
					Open Storage (No Enclosure)					P	P
					Open Storage (Screened)		P	S		P	P
					Petroleum Products Storage and Warehouse		S			P	P
					Warehouse/Storage (Inside)		P	P	P	P	P
					Wrecking, Junk, Salvage or Reclamation Yard					S	S
					MANUFACTURING and MINING USES						
Residential					Permitted Use P=Permitted, A=Accessory Use, S=SUP	Commercial				Industrial	
AG	R-1	R-2	R-3	R-4		B-1	B-2	B-3	MD	I-1	I-2
					Food-Related Products						
					Animal or Poultry Slaughtering						P
					Bakery Products; Manufacturing					P	P
					Beverage Manufacturing						P
					Bottling or Canning of Soft Drinks & Carbonated Water					P	P
					Bottling Works					P	P
					Canned, Frozen, and Preserved Fruits, Vegetables and Other Foods						P

					Dairy Products - Processing or Manufacturing					P	P
					Fats and Oils Manufacturing or Processing					S	P
					Grain Mill Products; Processing and Manufacturing						P
					Ice Manufacturing					P	P
					Meat Products; Processing or Manufacturing - Not Including Slaughtering					P	P
					Microbrewery		S	S		P	P
					Sugar and Confectionery Products, Manufacturing					P	P
					Sugar Manufacturing						P
					Articles and Equipment						
					Apparel Manufacturing					P	P
					Broom & Brush Manufacturing					P	P
					Cabinet & Woodworking Manufacturing		P			P	P
					Chemical and Allied Products Manuf.						P
S					Concrete or Asphalt Batch Plant - Temp.	S	S			S	P
					Costume Jewelry, Novelties, Buttons & Misc. Notions Mfg.					P	P
					Fabricated Metal Products Manufacturing					S	P
					Fur Dressing & Dying						P
					Jewelry, Silverware & Plateware Mfg.					P	P
					Laboratory - Medical or Dental		P	P	P	P	P
					Laboratory - Scientific Testing		P	P	P	P	P
S					Land Fill (Private or Municipal)						S
					Light Manufacturing/Assembly		S	S		P	P
					Linoleum, Asphalt - Felt Base & Other Hard Surfaced Floor Covering Mfg.						P
					Machine Shop					P	P

					Match Manufacturing						P
					Musical Instruments & Parts Mfg.					P	P
					Paper and Allied Products Manufacturing						P
					Pens, Pencils & Other Office & Artists' Materials Mfg.					P	P
					Printing Publishing and Allied Industries		P	P		P	P
					Professional, Scientific & Controlling Instruments; Photographic & Optical Goods; Watches & Clocks Mfg.					P	P
					Rubber and Misc. Plastics Manufacturing						P
					Salvage and Reclamation (Enclosed)					P	P
					Sign & Advertising Display Manufacturing					P	P
					Textile Mill Product Manufacturing						P
					Tobacco Products Mfg.						P
					Toys, Amusement, Sporting & Athletic Goods Mfg.						P
					Welding Shop					P	P
					Natural Resources						
					Lumber and Wood Products Manufacturing						P
S	S	S	S	S	Oil & Gas Extraction	S	S		S	S	P
S	S	S	S	S	Oil & Gas Field Services	S	S		S	S	P
					Petroleum Refining and Related Industries						P
					Primary Metal Products Manufacturing						P
					Stone, Clay, Glass & Concrete Products Manufacturing						P
S	S	S	S	S	Stone, Sand, Gravel & Mineral Extraction	S	S		S	S	S
					Stone, Sand, Gravel or Earth Sales and Storage					S	P

(Ord. No. 1130, art. III, § 1, 11-3-1998; Ord. No. 1184-12-99, 12-7-1999; Ord. No. 1185-12-99, 12-7-1999; Ord. No. 1204-5-00, 5-16-2000; Ord. No. 1329-9-03, 9-2-2003; Ord. No. 1350-2-04,

2-3-2004; Ord. No. 1431-8-06, 8-1-2006; Ord. No. 1439-10-06, 10-3-2006; Ord. No. 1516-5-09, 5-5-2009; Ord. No. 1560-10-10, 10-19-2010; Ord. No. 1626-5-13, 5-7-2013; Ord. No. 1676-7-14, 7-15-2014; Ord. No. 1721-10-16, § 2, 10-18-2016)

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 118 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the _____ day of May 2025, by a vote of _____ (ayes) to _____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

Rhonda Lewis, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Jerry Baker, City Attorney

Juan Pollette, Interim City Planner

PRESENTER: Jerry Baker, City Attorney

ITEM/SUBJECT: Public Hearing: Consider amending the Code of Ordinances of the City of Nacogdoches, Texas, including Chapter 118– “Zoning”; Article I-Section 118-5–“Fees”; Article II–Section 118-67–“Public Hearing Postponement, Recess and Continuations”; and Article IV–Section 118-325–“Urban Core Overlay District Sidewalks”, to clarify where the fee and fee amounts are specified in the Code of Ordinances. (City Attorney)

SUMMARY/BACKGROUND: On March 18, 2025, the City Council approved the adoption of a Master Fee Schedule, consolidating all city fees into a single, easily accessible document. This initiative serves the best interests of the City, its staff, and residents by improving transparency and efficiency. The Master Fee Schedule will be incorporated as an addendum to the Code of Ordinances and will include:

- Cross-references to the specific sections of the Code that authorize each fee.
- A brief description of each fee.
- The current fee amount assessed by the City.

Currently, multiple sections within Chapter 118 – Zoning reference fees that are maintained by the Planning or Engineering offices. To ensure consistency with the new Master Fee Schedule, amendments are necessary in the following sections:

- Section 118-5 – Fees
- Section 118-67 – Public Hearing Postponement, Recess, and Continuations
- Section 118-325 – Urban Core Overlay District Sidewalks

These amendments will clarify where fees and fee amounts can be found, ensuring alignment with the newly adopted Master Fee Schedule. The Planning and Zoning Commission heard this item on April 14, 2025, and voted unanimously to recommend approval of these changes.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Jerry Baker, City Attorney
bakerj@nactx.us
(936) 559-2503

- ATTACHMENTS:**
1. CH. 118_Fee Schedule Changes with Redline Changes
 2. Ordinance w/out Redlines_Final

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 118 – “ZONING”; ARTICLE I-SECTION 118-5–“FEES”; ARTICLE II-SECTION 118-67–“PUBLIC HEARING POSTPONEMENT, RECESS AND CONTINUATIONS”; AND ARTICLE IV-SECTION 118-325–“URBAN CORE OVERLAY DISTRICT SIDEWALKS”, OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches is authorized under Chapter 211 of the Texas Local Government Code to adopt zoning regulations for the purpose of promoting the public health, safety, morals, or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural significance; and

WHEREAS, the City Council of the City of Nacogdoches has adopted ordinances for the purpose of promoting health, safety, and the general welfare of the City, with reasonable consideration of the character of each zoning district, its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, in order to further these objectives, the City Council has determined the need to amend certain portions of these ordinances as set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

CHAPTER 118 – “ZONING”, ARTICLE I. – “IN GENERAL, “SECTION 118-5- “FEES” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-5. Fees.

Every application under this chapter shall be accompanied by a nonrefundable fee made payable to the "City of Nacogdoches" and shall be collected and deposited with the planning department. Current fees and charges are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. on file in the city's planning department.

(Ord. No. 1130, art. I, § 5, 11-3-1998; Ord. No. 1388-9-05, 10-1-2005; Ord. No. 1679-8-14, § 2, 8-19-2014)

CHAPTER 118 – “ZONING”, ARTICLE II. – “ADMINISTRATION”, “DIVISION 2.- PLANNING AND ZONING COMMISSION”, “SECTION 118-67- “PUBLIC HEARING POSTPONEMENT, RECESS AND CONTINUATIONS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-67. Public hearing postponement, recess and continuations.

- (a) *Postponement.* A public hearing before the planning and zoning commission for which notice has been given may be postponed by announcing the postponement at or after the time and place the hearing is scheduled to begin.
- (b) *Recess.* A public hearing may be recessed and continued any time after the hearing has commenced.
- (c) *Time limit; notice of delay.* If a postponement or continuance of a public hearing is to a specific date and time no later than 60 days from the first or most recent hearing, the announcement of the postponement or continuance at the public hearing in which the application has been postponed or continued shall be sufficient notice, and no additional notice is required.
- (d) *Location of delayed public hearing.* Postponed or continued public hearing shall be presumed to be held in the same location, unless a different location for the hearing is announced at the time of the postponement or continuance.
- (e) *Applicant-delayed hearings.* If any request or amendment is being considered, whether or not a public hearing is involved, and it is continued at the request of the applicant more than one time, an additional fee shall be required as may be set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. ~~established by the ordinance setting fees.~~
- (f) *Continuation.* The body conducting the hearing may, on its own motion or at the request of any person, for good cause, continue the hearing to a fixed date, time and place. No notice shall be required if a hearing is continued. An applicant shall have the right to request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. All adjourned public hearings shall commence only upon the giving of all notices which would have been required or at the initial call of the public hearing.

(Ord. No. 1130, art. IX, § 2.1, 11-3-1998)

CHAPTER 118 – “ZONING”, ARTICLE IV. – “SUPPLEMENTARY”, “DIVISION 1.- GENERALLY”, “SECTION 118-325- “URBAN CORE OVERLAY DISTRICT SIDEWALKS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-325. Urban core overlay district sidewalks.

- (a) In areas of the urban core overlay district where sidewalks do not already exist, sidewalks shall be constructed concurrent with construction of:

- (1) The first structure on any lot or tract of land, whether or not the tract of land is platted or being subdivided;
 - (2) The first structure of any size on a lot or tract of land after all previously existing structures were demolished and removed on or after January 1, 2017;
 - (3) The addition to an existing building of 5,000 square feet or greater;
 - (4) An additional building(s) of 2,500 square feet or greater;
 - (5) An improvement or renovation of an existing building and the cost of such changes exceed fifty percent of the fair market value of the building improvements prior to the subject improvements or renovation.
- (b) The sidewalk shall be constructed to the full length of the property line of the lot or tract involved along the portion of the lot adjacent to state or federal highways.
 - (c) The sidewalk shall meet standard details and specifications on file in the city engineering office.
 - (d) The sidewalk shall be placed within the adjacent street right-of-way or a publicly dedicated access easement.
 - (e) All required sidewalks must be constructed prior to issuance of a certificate of occupancy, unless a written request for a temporary certificate of occupancy to allow for a later construction of sidewalks is approved in writing by the city manager or their designee.
 - (f) Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
 - (g) Sidewalk plans shall be included on a site plan in the building permit submittal for the project described in subsection (a) above.
 - (h) Payment in lieu of sidewalk installation.
 - (1) An applicant may request to pay a fee instead of installing a sidewalk by filing a written request at the time the applicant submits a permit application for a project requiring sidewalk installation. An applicant, who has not filed a request at the time of application, may later amend the application to request to pay a fee instead of installing a sidewalk.
 - (2) For a project requiring sidewalk installation, the city manager may approve payment of a fee instead of installation of a sidewalk, if the city manager determines the property is only used for a residential use and has no more than two dwelling units.
 - (3) For a project requiring sidewalk installation, the city manager may approve a fee in lieu of installation of a sidewalk, if the city planner determines the installation is impractical because:
 - a. Installation of the sidewalk would require the removal of a tree larger than one foot in diameter or other major obstruction within the right-of-way;
 - b. A stormwater drainage ditch or similar public utility prevents installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility;

- c. Adequate right-of-way does not exist nor can be obtained to wholly contain the sidewalk;
 - d. The topography would require the construction of a retaining wall more than two feet high to accommodate the sidewalk; or
 - e. Other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.
- (4) The amount of the fee is the current sidewalk installation cost, as determined in accordance with the fee schedule set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, on file in the city engineer's office.
- (5) A fee paid under this section must be used to install a sidewalk or curb ramp in the urban core overlay district.

(Ord. No. 1720-9-16, § 2, 9-20-2016; Ord. No. 1738-7-17, § 3, 8-8-2017)

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 118 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the _____ day of May 2025, by a vote of _____ (ayes) to _____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

Rhonda Lewis, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Jerry Baker, City Attorney

Juan Pollette, Interim City Planner

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 118 – “ZONING”; ARTICLE I-SECTION 118-5–“FEES”; ARTICLE II-SECTION 118-67–“PUBLIC HEARING POSTPONEMENT, RECESS AND CONTINUATIONS”; AND ARTICLE IV-SECTION 118-325–“URBAN CORE OVERLAY DISTRICT SIDEWALKS”, OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches is authorized under Chapter 211 of the Texas Local Government Code to adopt zoning regulations for the purpose of promoting the public health, safety, morals, or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural significance; and

WHEREAS, the City Council of the City of Nacogdoches has adopted ordinances for the purpose of promoting health, safety, and the general welfare of the City, with reasonable consideration of the character of each zoning district, its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, in order to further these objectives, the City Council has determined the need to amend certain portions of these ordinances as set forth herein;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

CHAPTER 118 – “ZONING”, ARTICLE I. – “IN GENERAL, “SECTION 118-5- “FEES” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-5. Fees.

Every application under this chapter shall be accompanied by a nonrefundable fee made payable to the "City of Nacogdoches" and shall be collected and deposited with the planning department. Current fees and charges are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(Ord. No. 1130, art. I, § 5, 11-3-1998; Ord. No. 1388-9-05, 10-1-2005; Ord. No. 1679-8-14, § 2, 8-19-2014)

CHAPTER 118 – “ZONING”, ARTICLE II. – “ADMINISTRATION”, “DIVISION 2.- PLANNING AND ZONING COMMISSION”, “SECTION 118-67- “PUBLIC HEARING POSTPONEMENT, RECESS AND CONTINUATIONS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-67. Public hearing postponement, recess and continuations.

- (a) *Postponement.* A public hearing before the planning and zoning commission for which notice has been given may be postponed by announcing the postponement at or after the time and place the hearing is scheduled to begin.
- (b) *Recess.* A public hearing may be recessed and continued any time after the hearing has commenced.
- (c) *Time limit; notice of delay.* If a postponement or continuance of a public hearing is to a specific date and time no later than 60 days from the first or most recent hearing, the announcement of the postponement or continuance at the public hearing in which the application has been postponed or continued shall be sufficient notice, and no additional notice is required.
- (d) *Location of delayed public hearing.* Postponed or continued public hearing shall be presumed to be held in the same location, unless a different location for the hearing is announced at the time of the postponement or continuance.
- (e) *Applicant-delayed hearings.* If any request or amendment is being considered, whether or not a public hearing is involved, and it is continued at the request of the applicant more than one time, an additional fee shall be required as may be set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.
- (f) *Continuation.* The body conducting the hearing may, on its own motion or at the request of any person, for good cause, continue the hearing to a fixed date, time and place. No notice shall be required if a hearing is continued. An applicant shall have the right to request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the hearing only upon good cause shown. All adjourned public hearings shall commence only upon the giving of all notices which would have been required or at the initial call of the public hearing.

(Ord. No. 1130, art. IX, § 2.1, 11-3-1998)

CHAPTER 118 – “ZONING”, ARTICLE IV. – “SUPPLEMENTARY”, “DIVISION 1.- GENERALLY”, “SECTION 118-325- “URBAN CORE OVERLAY DISTRICT SIDEWALKS” of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 118-325. Urban core overlay district sidewalks.

- (a) In areas of the urban core overlay district where sidewalks do not already exist, sidewalks shall be constructed concurrent with construction of:
 - (1) The first structure on any lot or tract of land, whether or not the tract of land is platted or being subdivided;

- (2) The first structure of any size on a lot or tract of land after all previously existing structures were demolished and removed on or after January 1, 2017;
 - (3) The addition to an existing building of 5,000 square feet or greater;
 - (4) An additional building(s) of 2,500 square feet or greater;
 - (5) An improvement or renovation of an existing building and the cost of such changes exceed fifty percent of the fair market value of the building improvements prior to the subject improvements or renovation.
- (b) The sidewalk shall be constructed to the full length of the property line of the lot or tract involved along the portion of the lot adjacent to state or federal highways.
- (c) The sidewalk shall meet standard details and specifications on file in the city engineering office.
- (d) The sidewalk shall be placed within the adjacent street right-of-way or a publicly dedicated access easement.
- (e) All required sidewalks must be constructed prior to issuance of a certificate of occupancy, unless a written request for a temporary certificate of occupancy to allow for a later construction of sidewalks is approved in writing by the city manager or their designee.
- (f) Sidewalks must connect to existing adjacent sidewalks, or be designed and placed to allow connection to future adjacent sidewalks.
- (g) Sidewalk plans shall be included on a site plan in the building permit submittal for the project described in subsection (a) above.
- (h) Payment in lieu of sidewalk installation.
 - (1) An applicant may request to pay a fee instead of installing a sidewalk by filing a written request at the time the applicant submits a permit application for a project requiring sidewalk installation. An applicant, who has not filed a request at the time of application, may later amend the application to request to pay a fee instead of installing a sidewalk.
 - (2) For a project requiring sidewalk installation, the city manager may approve payment of a fee instead of installation of a sidewalk, if the city manager determines the property is only used for a residential use and has no more than two dwelling units.
 - (3) For a project requiring sidewalk installation, the city manager may approve a fee in lieu of installation of a sidewalk, if the city planner determines the installation is impractical because:
 - a. Installation of the sidewalk would require the removal of a tree larger than one foot in diameter or other major obstruction within the right-of-way;
 - b. A stormwater drainage ditch or similar public utility prevents installation of the sidewalk, and neither the sidewalk nor the facility can be reasonably relocated to accommodate both the sidewalk and the facility;
 - c. Adequate right-of-way does not exist nor can be obtained to wholly contain the sidewalk;

- d. The topography would require the construction of a retaining wall more than two feet high to accommodate the sidewalk; or
 - e. Other unusual circumstances make the sidewalk installation requirement unreasonable or inappropriate.
- (4) The amount of the fee is the current sidewalk installation cost, as determined in accordance with the fee schedule set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. .
- (5) A fee paid under this section must be used to install a sidewalk or curb ramp in the urban core overlay district.

(Ord. No. 1720-9-16, § 2, 9-20-2016; Ord. No. 1738-7-17, § 3, 8-8-2017)

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 118 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the _____ day of May 2025, by a vote of _____ (ayes) to _____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

Rhonda Lewis, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Jerry Baker, City Attorney

Juan Pollette, Interim City Planner

PRESENTER: Jerry Baker, City Attorney

ITEM/SUBJECT: Consider approval of an Ordinance of the City of Nacogdoches, Texas Amending Chapter 6 – “Animals”, Chapter 10 – “Aviation”, Chapter 14 – “Buildings and Building Regulations”, Chapter 18 – “Businesses”, Chapter 22 – “Cemeteries”, Chapter 26 – “Charitable Solicitations”, Chapter 28 – “Taxicabs”, Chapter 38 – “Fire Protection and Prevention”, Chapter 62 – “Library”, Chapter 72 – “Oil and Gas Wells”, Chapter 74 – “Parks and Recreation”, Chapter 78 – “Signs”, Chapter 82 – “Solid Waste”, Chapter 86 – “Streets, Sidewalks and Other Public Places”, Chapter 90 – “Subdivisions”, Chapter 98 – “Telecommunications”, Chapter 102 – “Traffic and Vehicles”, Chapter 106 – “Utilities”, Chapter 110 – “Vehicles for Hire”, and Chapter 114 – “Waterways”, of the Code of Ordinances of the City of Nacogdoches, Texas to Reference the Master Fee Schedule and Repeal All Ordinances or Parts of Ordinances in Conflict Therewith; Providing a Severability Clause; Providing a Continuation Clause; Providing a Repeal Clause; and Providing an Effective Date. (City Attorney)

SUMMARY/BACKGROUND: On March 18, 2025, the City Council approved the adoption of a Master Fee Schedule, consolidating all city fees into a single, easily accessible document. This initiative serves the best interests of the City, its staff, and residents by improving transparency and efficiency.

The Master Fee Schedule will be incorporated as an addendum to the Code of Ordinances and will include:

- Cross-references to the specific sections of the Code that authorize each fee.
- A brief description of each fee.
- The current fee amount assessed by the City.

Currently, there are numerous references throughout the Code of Ordinances to fee amounts and schedules located in various departments of the City. These amendments seek to replace these references with a general reference to the Master Fee Schedule in order to avoid any potential conflicts with the information contained in the Master Fee Schedule.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Jerry Baker, City Attorney
bakerj@nactx.us

(936) 559-2503

ATTACHMENTS: 1. Amended Fee Ordinances

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS AMENDING CHAPTER 6 – “ANIMALS”, CHAPTER 10 – “AVIATION”, CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, CHAPTER 18 – “BUSINESSES”, CHAPTER 22 – “CEMETERIES”, CHAPTER 26 – “CHARITABLE SOLICITATIONS”, CHAPTER 28 – “TAXICABS”, CHAPTER 38 – “FIRE PROTECTION AND PREVENTION”, CHAPTER 62 – “LIBRARY”, CHAPTER 72 – “OIL AND GAS WELLS”, CHAPTER 74 – “PARKS AND RECREATION”, CHAPTER 78 – “SIGNS”, CHAPTER 82 – “SOLID WASTE”, CHAPTER 86 – “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, CHAPTER 90 – “SUBDIVISIONS”, CHAPTER 98 – “TELECOMMUNICATIONS”, CHAPTER 102 – “TRAFFIC AND VEHICLES”, CHAPTER 106 – “UTILITIES”, CHAPTER 110 – “VEHICLES FOR HIRE”, AND CHAPTER 114 – “WATERWAYS”, OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS TO REFERENCE THE MASTER FEE SCHEDULE AND REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Nacogdoches is a Texas home-rule city acting under its Charter adopted pursuant to Article XI, Section 5, of the Texas Constitution, which, among other things, provides authority to the governing body to assess fees related to permits and services provided by the City; and

WHEREAS, in its March 18, 2025 Regular Meeting, the City Council adopted a “Master Fee Schedule”, identifying the current fees being charged by the City of Nacogdoches, and incorporating it as an Addendum the Code of Ordinances; and

WHEREAS, the City Council has determined the need to remove references throughout the Code of Ordinances to such fees and schedules and replace them with a general reference to the Master Fee Schedule in order to avoid any potential conflicts with the information contained in the Master Fee Schedule, as set forth herein.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

CHAPTER 6 – “ANIMALS”, ARTICLE V. - DANGEROUS DOGS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 6-66. Requirements for owner of a dangerous dog.

Not later than the 30th day after it has been determined that a person is the owner of a dangerous dog, the person shall comply with all requirements set out in state law V.T.C.A., Health and Safety Code §§ 822.042 and 822.043. In addition, the following requirement and restrictions shall apply to any dog in the city determined to be a dangerous dog:

- (1) The dog must be altered within ten days of the determination that the dog is dangerous.
- (2) If the dog is subsequently responsible for the death of or serious injury to any person or animal, the dog will be destroyed pursuant to this chapter.
- (3) The owner or person harboring a dangerous dog shall have the animal identified by a numbered tattoo, numbered ear-tipping, or other identifier approved by the animal control authority, and all identifying information shall be provided to the animal control authority immediately.
- (4) The dog shall at all times wear a collar and attached tag marked with an orange color visible at a minimum distance of 50 feet.
- (5) The dog, when taken outside the enclosure required in this chapter, must be securely muzzled in a manner that will not cause injury to the dog or impair its vision or respiration, but shall prevent it from biting any person or animal, and must be restrained by a substantial chain or cable leash having a minimum tensile strength of 1,000 pounds and not to exceed six feet in length.
- (6) The owner or person harboring such a dog shall keep the dog in a secure enclosure, as defined in this chapter.
- (7) The animal control department may, as a condition of registration for the dog, require of the owner or person harboring the dog, annual attendance of a class on responsible pet ownership conducted by the city animal control department or its designee.
- (8) The city animal control department may inspect the enclosure in which any dangerous dog is maintained, without notice, at any reasonable hour.
- (9) The city may charge a reasonable fee for the licensing of dangerous dogs. Such fee shall be set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.
- (10) The owner of any dangerous dog must register the animal with the city within ten days of bringing the animal into this jurisdiction.

(Ord. No. 1495-7-08, 7-15-2008)

CHAPTER 6 – “ANIMALS”, ARTICLE VI. – “ANIMAL FACILITIES; BREEDERS, KENNELS, PET SHOPS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 6-73. Sales permit required.

All persons engaged in commercial sale of any animals, domestic or otherwise, including, but not limited to, pet stores and stores in which pets and animals are not the central item of sale within the store such as department stores, drugstores and convenience stores, must apply for a commercial sales permit. The commercial sales permit shall be issued provided the applicant meets all provisions of this chapter. The fee shall be set by the city council and set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, and shall be valid for one year from the date of issuance. Those persons currently engaged in selling animals in the aforementioned manner are required to apply for a commercial sales permit immediately. Any advertising must include [a] permit number. Upon inspection by the animal control officer of the premises where the animals are bred or sold, the permit shall be issued if the following conditions are met:

- (1) Facilities in which animals are stored or housed must be adequate for number and type of animals kept. Facilities shall be of sufficient size as to allow animals to move about freely. This shall apply to each animal kept. Size of facility shall be in proportion to size of each individual animal's height and weight.
- (2) Adequate food and water must be provided so that any and all animals kept shall be maintained in good health and free of malnutrition and/or dehydration.
- (3) Premises shall be kept in sanitary condition and reasonably free of animal waste, parasites, insects and flies that could be harmful to the animal's health and/or to the health of the general public.
- (4) Animals and facility must be kept free of odor or stench, which is offensive to a person of ordinary sensibilities.
- (5) Animals must be maintained in a manner, which does not pose a danger to the health of the animals themselves, or adjacent animals.
- (6) Animals must not cause noise, which is offensive or disturbing to a person of ordinary sensibilities on adjoining, adjacent, or neighboring premises.
- (7) The applicant for permit has not been issued citations for violation of this chapter on three separate occasions within a one-year period.
 - a. Limited breeders shall be issued a limited breeder disposal permit in order to sell any puppies or kittens on public or private property within the city limits. No private breeder may sell any dog, cat or pet animal in the city limits without such a disposal permit. A licensed veterinarian must verify the basic health of the animal(s) before a permit is issued. Any advertising must include the permit number.
 - b. Any person or group of person offering or advertising for sale or trade a dog or cat within the city, whether or not the person resides within the city, must demonstrate compliance with the conditions for the appropriate sales permit as described in this chapter. Any advertising must include the permit number.

(Ord. No. 1495-7-08, 7-15-2008; Ord. No. 1535-11-09, § 3, 11-17-2009)

...

Sec. 6-75. Fees for registrations, permits, impoundment and adoption.

~~The cost of registrations and permits shall be as follows:~~

~~Altered dog and cat registration annual \$5.00~~

~~Unaltered dog and cat registration, annual 15.00~~

~~Dangerous dog 100.00~~

~~Kennel, pet shop, commercial sales permit annual 150.00~~

~~Limited breeder permit 25.00~~

~~Multi-pet permit fee 25.00~~

~~The cost of reclaiming animals from city animal services facility shall be as follows:~~

~~Altered:~~

~~1st impoundment (per animal) 30.00/ticket~~

~~2nd 60.00/ticket~~

~~3rd 90.00/ticket~~

~~Unaltered:~~

~~1st impoundment (per animal) 45.00/ticket~~

~~2nd 100.00/ticket~~

~~3rd 150.00/ticket~~

~~Boarding fee (daily for all or part of any one day) 10.00~~

~~Micro-chipping fee 20.00~~

~~Rabies quarantine fee 100.00~~

~~Small animals (sheep, goats, etc.):~~

~~Capture and impoundment, per head 25.00/week~~

~~Boarding, per head per day 10.00~~

~~Large animals (cattle, horses, etc.):~~

~~Capture and impoundment, per head 25.00/week~~

~~Boarding fee, per head per day 10.00~~

~~The cost of adopting an animal from the city animal services facility shall be as follows:~~

~~Dogs, cats, ferrets, reptiles, birds, other 20.00~~

~~..... plus cost of spay/neuter, rabies vaccination~~

~~Already altered pets 30.00~~

~~Euthanasia fee-no livestock 35.00 per animal~~

~~Surrender fee 15.00 for adult animal~~

~~..... plus \$5.00 for a litter~~

Fees for registrations, permits, impoundment and adoption are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. Citations may be issued for failure to pay applicable fees.

(Ord. No. 1495-7-08, 7-15-2008)

CHAPTER 10 – “AVIATION”, ARTICLE I. – “IN GENERAL”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 10-3. Minimum standards for fixed base operators and airport tenants adopted.

(a) *Definitions.*

Fixed-base operator. Any person, firm or corporation performing any of the functions or furnishing any of the services as hereinafter set out for fixed-base operators at the A. L. Mangham, Jr. Regional Airport. No person, firm or corporation shall engage in any commercial activity as a fixed-base operator as herein defined unless the same is done in full compliance with the standards herein set forth, and as is contained in the airport rules.

Airport tenant. Any person, firm, or corporation leasing or subleasing property at the A. L. Mangham, Jr. Regional Airport who is not a fixed-base operator, and owns, leases or subleases not more than 35 percent of the number of hangars of all types located at the A. L. Mangham, Jr. Regional Airport, whether or not such hangars are subleased.

Air transportation. Carriage of cargo or persons for hire beyond a 25 statute mile radius from the airport of departure per CFR 14 Parts, 91, 121, and 135.

Specialized commercial services. Operations and activities for compensation, including but not limited to:

- (1) Aerial photography
- (2) Seismography operations
- (3) Banner towing and aerial advertising
- (4) Pipeline or power line patrol
- (5) Non-stop sightseeing flights that begin and end at the same airport
- (6) Aircraft cleaning, painting or detailing
- (7) Car rental
- (8) Sale of aviation parts and equipment
- (9) Manufacturing of aircraft components

Airport authority or authority. The City of Nacogdoches, Texas

- (b) All fixed-base operators shall protect the public generally, the customers or clients of such fixed-base operators, and the City of Nacogdoches from any and all lawful damages, claims or liability and shall carry comprehensive general liability insurance in a company authorized to do business in the State of Texas with limits of not less than \$300,000.00 per person, \$500,000.00 for each occurrence for personal injury, and \$200,000.00 property damage with the City of Nacogdoches named as an additional insured, which policies must be approved by the city manager and the airport manager and a certificate of insurance thereof furnished to the authority. It is further understood that as circumstances in the future dictate, the authority may require an increase in bodily injury and property damage insurance.
- (c) A fixed-base operator shall satisfy the authority that it is technically and financially able to perform the services of a fixed-base operator. This may include the responsibility for demonstrating continued financial solvency and business ability by the submitting of an annual balance sheet, credit references and other proof that the lessor may require from time to time. In cases of doubt by the authority of such ability of a fixed-base operator, the authority may conduct a hearing to determine appropriate action. In each instance, the authority shall be the final judge as to the qualification and financial ability of the fixed-base operator.
- (d) Any person, firm or corporation capable of meeting the minimum standards set forth herein for any of the stated fixed-base operator categories is eligible to become a fixed-base operator at the airport, subject to the execution of a written agreement for not less than five years containing such terms and conditions as may be determined

by the authority. A fixed-base operator or airport tenant shall not engage in any business or activity on the airport other than that authorized under a particular FBO category or categories. Any person who wishes to gain approval as a fixed-base operator, or, if already approved as a fixed-base operator and who desires to extend his operation into more than one category, shall first apply in writing to the airport authority for permission to do so, setting forth in detail the reasons and conditions for the request. The authority may then grant or deny the request based on such terms and conditions as the authority deems to be prudent and proper under the circumstances. The request will be submitted first to the airport advisory board for a recommendation and then to the city manager, who shall exercise final authority to approve or deny the request. The authority may require submittal of a detailed site plan and any other information or documentation deemed necessary to aid in making a decision. In the event the request is denied, the person, firm or corporation may appeal the city manager's decision to the city council, in writing, within ten days of the date the request was denied.

- (e) All construction required of such operators shall be in accordance with design and construction standards required or established by the authority for the facility or activity involved. All construction shall be in accordance with the approved A. L. Mangham, Jr. Regional Airport Layout Plan (ALP). FAA Form 7460-1 "Notice of Proposed Construction" will be submitted to the Federal Aviation Administration, airport district office along with an information copy to the Texas Department of Transportation, Division of Aviation. No construction may begin unless and until approval of the request is received from the FAA. No structure will be erected that will violate the airport building restriction line (BRL), be located within the runway protection zone of any runway or violate the transition or approach surface of any runway. When and if subject lessee vacates the lease for any reason, he may either remove said buildings at his expense within 30 days or title will automatically pass to the authority.
- (f) The rates or charges for any and all activities and services of such operators shall be determined by the operators and all such rates or charges shall be reasonable and be equally and fairly applied to all users of the services.
- (g) All operators at the airport shall be full-time, financially sound and progressive business enterprises, with adequately manned and equipped facilities, including ample office and parking facilities, which observe normal or specifically required business hours.
- (h) All fixed-base operators shall, at their own expense, pay all taxes and assessments against any buildings or other structures placed on the premises by them, as well as all taxes and assessments against the personal property used by them in their operations.
- (i) All operators shall abide by and comply with all state, county and city laws and ordinances, the rules and regulations of the authority, and the rules and regulations of the state and Federal Aviation Administration.
- (j) In the event the authority constructs the physical plant facilities (hangars, etc.) for any operator under the provisions of any lease or other contract, such lease or contract with such operators shall be on such terms and conditions as to guarantee reasonable return of the investment.

- (k) All contracts and leases between such operators and the authority shall be subordinate to the provisions of any existing or future agreement between the City of Nacogdoches and the United States, relative the operation or maintenance or the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport properties.
- (l) Beginning with the effective date of adoption of these minimum standards, no lease term to fixed-base operators and airport tenants shall be for a period of less than five years. This paragraph shall not limit the ability of the authority to permit any number of renewal terms of duration of five years provided the authority has the right to end such lease at the end of each five-year period. In addition leases shall, at the discretion of the authority, be subject to review and reevaluation at the end of each year in relation to the United States Consumer Price Index For All Urban Consumers (CPI-U). In this regard, when at the end of each year, the cost of living index is determined by the authority to be five or more percent higher than at the date the lease became effective, the rental terms thereof may be increased to such percentage of increase or of said cost of living index. If, at the end of each year, the said cost of living index has changed less than five percent; the authority shall take no action to review or reevaluate the rental terms of the lease.
- (m) Lessee will, at all times during the continuance of the term of the lease and any renewal or extension thereof, conduct, operate and maintain for the benefit of the public, the fixed-base operation provided for and described therein, and all aspects and parts and services available to the public, and that it will make all such services available to the public, and that it will devote its best efforts for the accomplishment of such purposes, and that it will at all times make charges to patrons and customers for all merchandise or materials and services finished or rendered, but that it will refrain from imposing or levying excessive or otherwise unreasonable charges or fees for any facilities or services. Notwithstanding anything contained in a lease that may be or appear to the contrary, it is expressly understood and agreed that the rights granted thereunder are nonexclusive and the lessor reserves the right to grant similar privileges to another operator or operators upon formal application by that operator, and upon demonstration of compliance with subsections (c) and (d) herein.
- (n) The authority reserves the right to take any actions it considers necessary to protect the aerial approaches to the airport against obstructions, together with the right to prevent any fixed-base operator from erecting, or permitting to be erected, any building, sign, or other structure on the airport which, in the opinion of the authority, would limit the usefulness of the airport or constitute a hazard to aircraft or persons.
- (o) The provisions of these standards shall in no way negate or cause to be null or void existing leases with fixed-base operators or airport tenants at the A. L. Mangham, Jr. Regional Airport. Upon the adoption of these standards, any new leases entered into and any amendments to existing leases shall be in accordance with these standards.
- (p) The lessee shall remove from the airport, or otherwise dispose of in a manner approved by the airport manager all garbage, debris and other waste material (whether solid or liquid) arising out of its occupancy of the premises or out of its operations. Said lessee shall keep and maintain his leased premises in a neat and orderly manner; lessee shall keep the grass neatly trimmed and buildings maintained and painted. Any garbage, debris, or waste which may be temporarily stored in the

open shall be kept in suitable garbage or waste receptacles, the same to be made of metal and equipped with tight fitting covers and be of a design to safely and properly contain whatever may be placed therein. The lessee shall use extreme care when effecting removal of all such waste. Neither airport tenants nor fixed-base operators shall be involved in any operation, action or storage, which would lead to imposition of liability to the authority under any federal, state or local hazardous waste regulation.

- (q) The authority reserves the right to further adopt airport operational policies and procedures or develop or improve any area of the airport as it may deem appropriate, regardless of the desires or views of any fixed-base operators, and without interference or hindrance from any such fixed-base operators.
- (r) The authority reserves the right to enter upon any premises leased to fixed-base operators at reasonable times for the purpose of making such inspections as it may deem expedient, to the proper enforcement of these minimum standards and covenant or condition of any fixed-base operators contract or lease agreement.
- (s) The authority recognizes the rights of any person, firm or corporation operating aircraft on the airport to perform services on its own aircraft with its own employees. However, said persons, firms or corporations may not hire any unapproved vendors of aircraft services, aircraft parts or fuel from off-airport premises to perform services on the airport unless said vendors register with and receive approval of the airport manager in accordance with the airport rules and regulations.
- (t) An aircraft owner/lessor may hire a pilot to fly his personal aircraft on a contract basis without such owner/lessor or pilot being required to have fixed-base operator status.
- (u) Any fixed-base operator may be required to operate the airport UNICOM, as directed at any time by the authority.

A lessee shall not be deemed to be engaged in commercial operations for purposes of determining whether such person is or should become a fixed-base operator engaged in hangar rental if the lessee allows such storage or parking pursuant to a written sublease agreement on a form provided by the authority, which requires a sub-lessee to honor all terms and conditions of the primary lessee's lease with the city.

The fact that a lessee or sub-lessee is a corporation, partnership, joint venture, limited partnership, or association shall not, of itself, cause the lessee's or sub-lessee's use of the leased premises to be deemed commercial use. Use of the leased premises for purposes other than storage or parking of tenant's aircraft (whether owned or leased to tenant) and storage and use of aircraft related items such as tools and parts and lessee's or sub-lessee's maintenance on his personal owned or leased aircraft, or expense sharing as set out in this section, shall be deemed commercial.

The city shall waive enforcement of provisions of airport ground or tenant leases to the extent that such provisions are more restrictive regarding hangar construction, leasing or subleasing than this section, as amended by this amendment.

- (v) If and where there are conflicts in the minimum standards prescribed herein and the FAA's Federal Aviation Regulations (FAR), the latter shall prevail. If and where there exists a conflict between any of the minimum standards prescribed herein and any city council regulation, policy or ordinance applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

- (w) Contractual obligations as related to fixed-base operators do not apply to the authority should it choose to serve as a fixed-base operator.

Fixed-base operator categories

Category A. flight instruction: Fixed-base operators in this category shall:

1. Have available at least one person properly certified by the FAA as a flight instructor to conduct the type of training offered.
2. Provide and at all times maintain a minimum of one aircraft owned or leased by and under the exclusive control of this fixed-base operator, which is properly equipped and certified for flight instruction. A copy of the ownership or lease agreement shall be filed with the authority.
3. Lease from the authority sufficient land on which to locate all required building and parking improvements, to include for his exclusive use, a minimum of 1,000 square feet of classroom and/or office space, with a restroom.

Category B. Aircraft rental: Fixed-base operators in this category shall:

1. Have available at least one person having a commercial pilot's certificate with appropriate ratings.
2. Provide and at all times maintain a minimum of one aircraft owned or leased by and under his exclusive control, which is properly equipped and certified for rental. A copy of the ownership or lease agreement shall be filed with the authority.
3. Lease from the authority sufficient land on which to locate all required building and parking improvements, to include a minimum of 1,000 square feet of office space, with a restroom.

Category C. Air transportation: Fixed-base operator in this category shall:

1. Have available at least one FAA certified commercial pilot who is appropriately rated to conduct the air transportation service being offered.
2. Lease from the authority or sublease sufficient land to locate all required building and parking improvements under terms agreeable to the city, and for his exclusive use a minimum of 1,000 square feet in a building for passenger shelter, restrooms and telephone. The facilities shall meet current security guidelines for the processing of passengers, handling of luggage, ticketing and ground transportation.
3. Provide and maintain at least one aircraft owned or leased by and under his exclusive control, where the aircraft meets all FAA requirements for the type of air transportation service being provided. A copy of the ownership or lease agreement shall be filed with the authority.

When an individual or group rents an aircraft and makes separate arrangements for the services of a pilot(s) to provide air transportation on an infrequent basis, and payment of the cost of renting the aircraft and compensation of the pilot are distinct and separate from each other, then this type of arrangement does not require FBO status. However it is the responsibility of the parties involved in making the arrangements to determine if appropriate FAA regulations must be complied with.

Category D. Crop dusting and spraying: Fixed-base operators in this category shall:

1. Have available at least one FAA certified commercial pilot, properly rated for the aircraft to be used and meeting the requirements of Part 137 of the FAA and applicable regulations of the State of Texas.
2. Lease from the authority, or sub-lease sufficient land for building and parking improvements for his exclusive use, to include a minimum of 3,000 square feet of shop and storage space, with a restroom.
3. All agricultural chemicals, including empty chemical containers, shall be stored in an enclosed building or tamper-proof fenced area capable of being locked, and which may not be displayed or placed outside the storage area or other open area without surveillance.
4. The spray operator shall maintain a list of poison control centers in the state with their current telephone numbers in the case of chemical poisoning. The list shall be posted in plain sight for employees and the public.
5. All aspects of the agricultural spray operations on A. L. Mangham, Jr. Regional Airport shall be conducted in accordance with the Federal Environmental Protection Agency, Texas Commission On Environmental Quality (TCEQ), Texas Department of Agriculture, City of Nacogdoches and Nacogdoches County pesticides laws, rules and regulations, the word "pesticides" being the generic term for all chemicals, pesticides, herbicides, defoliant, fertilizers, etc, which may be used by the spray operator.

Category E. Aircraft sales: Fixed-base operators in this category shall:

1. Have available at least one FAA certified commercial pilot certificate properly rated for the types of aircraft being demonstrated.
2. Lease from the authority or sublease sufficient land on which to locate building and parking improvements, to include for his exclusive use a minimum of 1,000 square feet of office space, with a restroom.
3. Provide arrangements satisfactory to the authority for parking and storage of aircraft displayed for sale.

Category F. Aircraft, engine, propeller and accessory maintenance: Fixed-base operators in this category shall:

1. Have available at least one person certified by the FAA with an airframe and/or power plant rating appropriate for the work being performed.
2. Lease from the authority, or sublease sufficient land on which to locate building and parking improvements, to include for his exclusive use a minimum of 3,000 square feet of hangar, shop and storage space, with a restroom.
3. The operator shall provide sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturers' recommendations or equivalent.

Category G. Radio and instrument maintenance: Fixed-base operators in this category shall:

1. Lease from the authority, or sublease sufficient land on which to locate building and parking improvements, to include for his use a minimum of 1,000 square feet of hangar, shop and storage space, with a restroom.

2. Have available at least one FAA certified technician qualified to perform aircraft electronic and/or instrument service.
3. Provide arrangements satisfactory to the authority for access to and storage of aircraft being worked on.

Category H. Sale of aviation petroleum products and ramp service: Fixed-base operators in this category shall:

1. Lease from the authority or sublease sufficient land on which to locate storage and dispensing equipment, required buildings, vehicle parking area, aircraft parking area, tie downs, taxiways, apron or other facilities.
2. Construct or lease from the authority petroleum storage, dispensing equipment and required building with a minimum of 1,000 square feet conveniently located, to accommodate anticipated customer use and incorporating properly lighted and heated/air conditioned floor space for office(s), pilot lounge, public lounge, restrooms and public telephone.
3. Have personnel on full-time duty during daylight hours, seven days per week, adequately trained to operate fuel dispensing equipment in accordance with all applicable local, state, and federal laws. On-call service shall be required during hours of darkness.
4. Provide, in addition to fueling services, aircraft parking and tie down facilities, including approved ropes and chocks, for a minimum of ten aircraft. Demonstrate capability to efficiently and safely conduct or move aircraft to such areas and park them. Additional services such as aircraft washing and tire inflation shall be available.
5. Comply with the following criteria regarding fuel storage and dispensing facilities:
 - a. Provide, lease or sublease and maintain a minimum of 10,000 gallons of tank storage capacity for each grade of aviation fuel usually required for aircraft using the airport, with 100 octane and Jet A fuel tanks as a minimum.
 - b. Maintain separate pumping equipment for each grade of fuel, meeting all applicable safety requirements with reliable metering devices subject to independent inspection, and with a pumping efficiency capable of servicing all aircraft normally using the airport. Each fuel pump will be labeled and color-coded to indicate the type and octane of fuel dispensed. The pumps will be color coded blue for 100 low lead aviation gas, and black for Jet A Aviation fuel.
 - c. Provide and maintain metered filter-equipped dispensers, fixed or mobile, for dispensing each grade of aviation fuel usually required. Fuel dispensers and truck shall be properly and conspicuously marked as to the type and grade of fuel dispensed.
 - d. Prohibit any fuel transfer from a common carrier transport into anything except authority approved storage tanks.
 - e. Prior to fueling any aircraft, fuel trucks used for fueling aircraft shall have bonding cables for bonding the fuel truck to the aircraft being fueled. The fuel truck and the aircraft shall be properly bonded in accordance with NFPA Standard 407.

- f. Provide adequate fire extinguishers in all fuel dispensing areas and on all mobile dispensing fuel trucks as required in NFPA Standard Fire Prevention Code, latest edition adopted by the authority.
 - g. In all matters relating to fueling fire safety, the requirements of NFPA Standard Fire Prevention Code, latest edition as adopted by the authority, shall prevail.
 - 6. Have the following minimum amounts of liability insurance in force: \$1,000,000.00 each occurrence; \$1,000,000.00 aggregate
- Category I. Airport tenant: Airport tenants in this category shall:
- 1. Lease from the authority or provide under terms agreeable to the authority, sufficient land for his exclusive use, which shall be approved in accordance with applicable zoning and construction permits pertaining to the airport.
- Category J. Flying clubs: The following requirements pertain to all flying clubs desiring to base their aircraft on the airport.
- 1. Each club must be a non-profit corporation, association or partnership. Each member must be a bona fide owner of an interest in the aircraft or stockholder in the corporation. The club shall maintain a set of books showing all club income and expenses. Said books shall be available for inspection by the airport manager to determine compliance with these provisions.
 - 2. The club's aircraft will not be used by other than bona fide members for rental and by no one for commercial operations as defined by Category "A" through "L". Student checkouts and/or instruction can be given in a club aircraft to club members by either a fixed-base operator on the airport who provides flight training or by an instructor who is a bona fide club member.
- Category K. Parachute jumping: The following requirements pertain to businesses that desire to provide skydiving instruction, shuttling of jumpers, and/or to base their aircraft on the airport:
- 1. Lease from the authority sufficient land on which to locate all required building and parking improvements, to include for his exclusive use, a minimum of 1,000 square feet of classroom and/or office space, with a restroom.
 - 2. Have at least one jumpmaster or instructor available during jumping operations.
 - 3. Establish an approved drop zone IAW approved meeting FAA criteria.
 - 4. Issue proper NOTAMS in a timely manner prior to commencing drops to be coordinated with the airport manager.
- Category L. Specialized commercial services: The following requirements pertain to specialized commercial services as defined in Category L of this section: Fixed-base operators in this category shall:
- 1. Lease from the authority sufficient land on which to locate all required building and parking improvements, to include for his exclusive use a minimum of 1,000 square feet of appropriate office space, and a restroom.

2. The operator shall have in his employ at least one person having a current commercial pilot certificate with ratings appropriate for the aircraft to be flown, or one person fully qualified to perform the commercial service being offered.

Temporary FBO.

The airport manager may approve a temporary FBO designation for a particular commercial service, specialized commercial service or activity for a period not to exceed 30 days. The operator will be required to pay all appropriate FBO fees and provide general liability insurance in a form and amounts as determined by the authority. Facilities and land to be utilized for the commercial service is subject to approval by the airport manager. Such operators will be responsible for proper clean up of any areas of the airport utilized for their activity, as determined by the airport manager.

Variances.

For the purpose of granting variances to minimum standards for fixed-base operators in appropriate circumstances, the airport board is hereby constituted as the airport board of adjustment. The rules, membership, organization, leadership, quorum and the like of the airport board shall likewise apply to the airport board in its function as the airport board of adjustment.

(x) *Powers of the board:* The airport board of adjustment shall have the following powers:

- (1) Decide appeals of airport manager decisions. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the airport manager in the enforcement of these minimum standards;

- (2) *Variances to the standards:*

- A. Findings. The airport board of adjustment, pursuant to the powers conferred upon it by the city, may grant variances and exceptions to the provisions of the standards upon finding that:
 1. Such variance is in harmony with the intent and purpose of the airport layout plan, FAA regulations and assurances and the city's rules and leases;
 2. Such variance will not substantially or permanently injure the appropriate use of property;
 3. Such variance will not adversely affect the health, safety or general welfare of the public;
 4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the airport.
 5. The plight of the building or property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape, or slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions at the airport; and
 6. The requested variance is not a self-created hardship.
- B. Variances. The airport board of adjustment may permit such modification of the standards as the board may deem necessary to secure an appropriate use or development of airport property.

- C. Decision. The concurring vote of at least four members of the airport board of adjustment shall be necessary to authorize a variance.
 - D. Application for variance. Variances to be considered by the airport board of adjustment may be initiated by the lessee of the affected property or his/her authorized representative or any aggrieved party who files the required application and pays the appropriate fee, or by any person aggrieved by the airport manager. The application fee is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.
- (y) *Appeal of decisions made by officers of the city:* Appeal of airport manager's decision: Appeals to the airport board of adjustment may be taken by any person aggrieved, or by any officer, department or board of the city affected by any decision of the airport manager. Such appeal shall be taken within a reasonable time not to exceed 30 days, by filing with the airport manager and with the airport board of adjustment a notice of appeal, which shall specify the grounds thereof. The airport manager shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed was taken.
- (z) Appeal stays airport manager action: An appeal from the action of the airport manager shall stay all proceedings in furtherance of such action unless the airport manager certifies to the board that a stay would, in his opinion, cause immediate peril to life or property. In the event the airport manager shall make and file such certificate, that action shall not be stayed unless a restraining order which may be granted by the board, or by a court of record, upon application of the party aggrieved by the action of the airport manager, and after notice to the airport manager.
- (aa) Hearing: The airport board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and may authorize the city staff to do such. The airport board of adjustment shall decide such appeal within a reasonable time. Upon hearing of such appeal, any interested party may appear in person or by agent or attorney.
- (bb) Powers of the board of adjustment: In exercising the powers set out in this section, the airport board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the airport manager from whose action the appeal is taken.
- (cc) Airport board of adjustment decision:
- A. Required vote. A reversal by the airport board of any order, requirement, decision, or determination of the airport manager against the applicant, and a finding in favor of the applicant by the board of adjustment, shall require the concurring vote of three members of the board of adjustment.
 - B. Lapse of order. Any reversal by the airport board of adjustment shall lapse after the expiration of 90 days where action by the appellant is not taken pursuant thereto within such period.
- (dd) Appeal to the city council: Any person jointly or severally aggrieved by any decision of the airport board of adjustment, or any officer, department, or board of the city may appeal any such matter within ten days of the board decision to the city council for reconsideration at a public meeting.

(Code 1971, § 3¼-3; Ord. No. 1462-8-07, 8-21-2007; Ord. No. 1535-11-09, § 3, 11-17-2009)

CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE II. –
“BUILDING CODE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 14-31. - Adopted.

There is hereby adopted by the city for the purpose of establishing rules and regulations for the construction, alteration, repair, removal, demolition, equipment, use and occupancy of buildings and structures, including permits and penalties, certain building codes known as the International Building Code, 2015 edition, including Appendix C of said edition, and amendments thereto and International Residential Code for One and Two-Family Dwellings, 2015 edition, including Appendix H of said edition, and amendments thereto, save and except such portions as are hereinafter amended or deleted, of which one copy with all amendments notes therein shall be on file in the office of the city secretary, available to all persons for inspection, and the same are hereby adopted as the building code(s) of the city as fully as if set out at length herein and the provisions thereof shall be controlling within the corporate limits of the city. Any portions of the code specifying permit fees are hereby amended, and such permit fees shall be specified in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(Code 1971, § 8-13; Ord. No. 1265-9-01, 9-4-2001; Ord. No. 1430-7-06, 7-18-2006; Ord. No. 1617-2-13, 2-5-2013; Ord. No. 1797-03-19, § II, 3-19-2019)

...

Sec. 14-33. Amendments.

The International Building Code and International Residential Code adopted in section 14-31 is amended or altered in the following respects:

International Residential Code, Chapter 11, Table N1106.4 concerning the Energy Rating Index is hereby amended to comply with the compliance path established by Texas House Bill 1736 during the 84th Texas Legislature providing the following for single family homes:

The required Energy Rating Index scores are as follows: Climate Zones 2 and 3 are 65 or lower from September 1, 2016, to August 31, 2019; a score of 63 or lower from September 1, 2019 to August 31, 2022; a score of 59 or lower after September 1, 2022.

Section 105.1.3 of the International Building Code and Section 105.1.1 of the International Residential Code, "Contractor's License and Bond Required," shall be amended to read as follows:

- (a) Every contractor or builder who shall make contracts for the erection, construction, demolition, renovation or repair of buildings, structures or improvements for which a permit is required by the City of Nacogdoches and

every contractor or builder making such contracts and subletting or assigning the same or any part thereof shall apply to the building official of the City of Nacogdoches for a license for such occupation and possession of such license shall be prerequisite to the exercise of the occupation described in this sentence.

- (b) It shall be the duty of every contractor or ~~building~~builder, who shall make contracts for the erection, construction, demolition, renovation, repair or improvements of structures or buildings for which a permit is required by the City of Nacogdoches, and ~~very~~every contractor or builder making such contracts and subletting the same, or any part thereof, to pay an annual license fee to the City of Nacogdoches in the amount set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~of \$25.00~~, with no proration of said fee, which shall be due and payable in October of each year.
- (c) The building official shall register the name of each contractor or builder in a book provided for that purpose, giving the name, residence, and place of business; and in case of change of residence or place of business, the building official shall make a corresponding change in said register upon notice of such change. It shall be the duty of such contractor or builder to notify the building official of such changes.
- (d) It shall be the duty of every contractor or builder to give good and sufficient surety bond in the amount of \$5,000.00, as reasonably required and approved by the city attorney, conditioned to conform to the building regulations of this building code, and all other ordinances and laws of the City of Nacogdoches and State of Texas.
- (e) Persons erecting, constructing, or repairing buildings on their own homesteads, as reflected by public records, are exempt from the licensing and bonding provisions hereof; provided that such erection, construction or repair is performed only by the person owning the homestead, that a permit as provided shall have first been obtained by such person, and such person shall have complied with all other requirements of this Code except the licensing and bonding provisions.

Section 105.1.4 of the International Building Code and Section 105.1.2 of the International Residential Code, "Revocation of Contractor's License" shall be amended to read as follows:

A contractor's license issued pursuant to section 104.5 of this Code may be revoked by the building official for the following reasons:

- (a) It has been determined that the applicant knowingly gave false or misleading information on the application for a contractor's license.
- (b) The contractor or builder holding a license has been finally convicted in any court of the State of Texas or of any state of the United States of any charge of theft, robbery, fraud, unfair or deceptive business practices, or any other offense involving or constituting an act or acts of moral turpitude.
- (c) The contractor or builder holding a license has been finally convicted of a violation of this code.

Section 105.1.5 of the International Building Code and Section 105.1.3 of the International Residential Code, "Appeal of License Revocation," shall be amended to read as follows:

- (a) A decision of the building official to revoke a contractor's license may be appealed to the building code advisory board by giving written notice of intent to appeal said decision within ten calendar days from the date the contractor or builder is notified of the revocation of the license. Such notice shall contain the reason or reasons why the board should change the decision of the building official. Failure to state the reason(s) shall result in the termination of the appeal.
- (b) Upon receipt of said notice of intent to appeal, the building official shall schedule a meeting of the building code advisory committee to consider such appeal. Such meeting shall be held within ten calendar days of the building official's receipt of the notice of intent to appeal, unless the contractor or builder requests a longer period of time, whereupon the building official shall schedule a meeting within 30 calendar days of the building official's receipt of the notice of intent to appeal.
- (c) At the hearing for such appeal, the building code advisory committee shall receive evidence submitted by the appellant concerning the reason or reasons for license suspension and shall also receive evidence from the building official as to why the license revocation should be sustained. The committee shall render a decision sustaining, amending, or reversing the decision of the building official based upon the evidence presented at the hearing.

Section 114.4.1 of the International Building Code and Section 113.4.1 of the International Residential Code, "Violations and Penalties," shall be amended to read as follows:

Any person, firm, corporation or agent who shall violate or cause to be violated a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, demolish, or move any structure in violation of a detailed statement or drawing submitted and approved there under, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the code is committed or continued, and upon conviction of any such violation, such person shall be punished within the limits and as provided by section 1-14 of the Code of Ordinances of the City of Nacogdoches.

(Code 1971, § 8-15; Ord. No. 1362-5-05, 5-3-2005; Ord. No. 1388-9-05, 10-1-2005; Ord. No. 1535-11-09, § 3, 11-17-2009; Ord. No. 1637-6-13, 6-18-2013; Ord. No. 1797-03-19, § III, 3-19-2019)

CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE III. – “ELECTRICITY”, DIVISION 3. – “PERMITS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 14-128. Fees.

The fees to be charged for electrical permits and inspection of electrical work are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. ~~shall be \$25.00, and Fees~~ shall be paid at the office of inspection services before the work is commenced.

(Code 1971, § 11-21; Ord. No. 1388-9-05, 10-1-2005)

CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE III. – “ELECTRICITY”, DIVISION 5. – “ELECTRICIAN'S LICENSE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

~~Sec. 14-199. Fees.~~

- ~~(a) Before any master electrician license is issued, the applicant for the license shall pay a fee, which is on file in the city secretary's office, to the office of inspection services.~~
- ~~(b) Before any journeyman electrician license is issued, the applicant for the license shall pay a fee, which is on file in the city secretary's office, to the office of inspection services.~~

~~(Code 1971, § 11-67)~~

Sec. 14-200. Reciprocal licensing.

- (a) For the purposes of this division, the authority having jurisdiction may continue to honor current reciprocal agreements with cities, however no new cities may be added in lieu of the testing program.
- (b) An electrician holding a currently valid license or certificate of registration in another reciprocating city may apply for and receive a similar license or certificate of registration in this city without taking an examination, provided the following conditions are complied with:
 - (1) The electrician shall submit evidence satisfactory to a majority of the board of electrical examiners that the electrician's license or certificate of registration was issued under regulations at least as restrictive as those required by the city in this division for issuance of a license and that an electrician holding a license issued by this city would be permitted to apply for and receive a similar certificate of registration or license in such other city under the reciprocal agreement.
 - (2) The electrician shall pay the license fee set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~required~~ and comply with all other requirements of this article.
 - (3) The electrician shall submit a letter from the electrical inspector or the board of electrical examiners of the applicant's home city attesting to the fact that the applicant had successfully passed an appropriate written examination, giving the date the examination was administered and the passing score. Such information will be presented to the building official/inspection services

- department of the city where application is being made, whereby the information may be presented to the electrical examiners board.
- (c) The city reserves the right to exclude any individual coming within the provisions of the reciprocal agreement for valid and factual reasons.

(Code 1971, § 11-74)

CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE IV. - PLUMBING”, DIVISION 1. – “GENERALLY”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 14-237. Amendments to plumbing code.

The plumbing code adopted in section 14-236 is amended as follows:

Section 105, Permits is amended by adding the following subsections:

105.3 Permits required.

(a) It shall be unlawful to construct, install or cause to be installed any plumbing as defined herein without securing a plumbing permit from the City of Nacogdoches in the amount set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances of ~~\$25.00~~, therefore except as otherwise provided for in paragraph 105.4.

(b) It shall be unlawful for any person to make any extension to any lines or pipes, using water from city water mains, whether within or without the corporate limits of the city, or to add any pipes or to change any pipes or lines from a water line, apartment, house, premises, or meter without first securing a permit for such changes except as otherwise provided in paragraph 105.4.

(c) Permits shall be required for the replacement of water heaters.

105.4 Permits not required.

No plumbing permit is required to do minor repairs such as the maintenance, repair or replacement in kind of the following:

- (a) Yard hydrants and sillcocks;
- (b) Flush valves and float-balls in water closet tanks;
- (c) Accessible traps on lavatories or sinks;
- (d) Replacing of plumbing fixtures where no change on "roughing-in" is involved except replacement of water heaters. (See subparagraph 105.3(c).)

The above examples are representative only and should not be considered as a limitation on the term "minor repairs."

105.5 Issuance of permit.

The plumbing inspector or his designated representative shall issue all plumbing permits in accordance with the provisions and requirements of this code. All applications for permits shall give the correct location of the building, name of the owner of such building, and a complete statement of the work and fixtures to be installed. The plumbing inspector may require a complete plan of the work to be performed if considered necessary.

105.6 Special permits authorized.

A special permit may be issued, in writing, by the plumbing inspector when plumbing cannot be installed in accordance with all of the provisions of this code, if in his judgment the conditions require it. Application for this type permit shall be made in writing accompanied by a sketch showing the work to be done. Said sketch must be kept on file in the plumbing inspector's office. In other work pertaining to but not specifically covered by this code, the plumbing inspector may prescribe such specifications as may be necessary and shall be consulted before any work is started.

105.7 Persons who may obtain a permit.

Permits shall be issued only to the following:

- (a) Any master plumber licensed by the state board of plumbing examiners.
- (b) Any property owner for plumbing work to be done by him in a building owned or occupied by him as his home.
- (c) Any appliance dealer or employee of an appliance dealer who is acting as an appliance installation man or appliance service man in connecting appliances to existing piping installations.

105.8 Permits not transferable.

Each permit issued under this code shall be personal to the permittee. No such permit shall be assigned or transferred to another person, and no person shall permit another person to obtain a permit in his name or permit any plumbing or gasfitting work to be performed under his permit by any person other than a person authorized to do the same. If there is any doubt as to whether or not a person is authorized to do such plumbing work for the permittee, evidence of cancelled payroll check may be required.

105.9 False statement or bad faith.

Any person who shall willfully make a false statement in order to obtain a permit shall be guilty of a misdemeanor and subject to the penalty herein. Bad faith or unreasonable delay in the performance of plumbing work shall be deemed a sufficient reason for subjecting the plumber so offending to a suspension of the permit, and no further permit shall be issued until such act of bad faith or unreasonable delay has been corrected.

Section 705.2 Large pipes is amended to read as follows:

- (a) For building sewers six inches and larger, manholes shall be provided and located at each change in direction and at intervals of not more than 500 feet.
- (b) Building drains six inches and larger shall be provided with full size cleanouts.

Section 1302 is amended by adding the following subsection:

1302.6 Depth of building sewer.

Building sewer must be installed with minimum of 12 inches of cover. Where conditions prohibit the required amount of cover, cast iron soil pipe with caulked or approved mechanical joints must be used.

Appendix H(a), Permit fees is amended to provide that the permit fees are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, on file in the city inspections department.

(Code 1971, § 22-3; Ord. No. 1388-9-05, 10-1-2005; Ord. No. 1433-9-06, 9-5-2006)

CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE VI. – “MECHANICAL CODE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 14-358. Amendments.

Amendments to the mechanical code adopted in section 14-356 are as follows:
Appendix C, section C101.2, schedule of permit fees, shall be amended to read as follows:

Fees for mechanical permits shall be set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~\$25.00 per category~~.

(Code 1971, § 17³/₄-2; Ord. No. 1388-9-05, 10-1-2005)

CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE VII. – “FENCES”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 14-386. Permit required.

- (a) Prior to construction of any fence on any property located within the city, the owner or his agent or representative shall apply and submit plans to the city building inspection department and obtain the required permit.
- (b) Such plans shall show the location of the fence in regard to the distance of the proposed fence from the back of the curb or the center of the flow line where no curb and gutter exist. If such fence is within the visibility triangle as described in section 118-426, the plans must also show the height of the proposed fence.
- (c) The fee for the fence permit is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~shall be \$25.00~~.

(Code 1971, § 8-35; Ord. No. 1388-9-05, 10-1-2005)

CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE VIII. – “MINIMUM URBAN STANDARDS CODE”, DIVISION 4. – “UNSAFE STRUCTURES”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 14-759. Procedure for determination and abatement; notice; hearing; appeal.

The procedure set out herein shall be the minimum necessary for the building standards commission to enter a valid order concerning any building or structure in the city. A case before the commission may be commenced by the housing official or by the commission on its own initiative; in either case, the following procedures shall apply:

- (1) Upon written report of the housing official or recommendation of the building standards commission, the commission shall establish a docket and make inquiry into the present conditions and circumstances of any building or

structure alleged to be substandard under the criteria set out herein. If, upon receipt of such information, the building standards commission believes and concludes that there is a reasonable basis upon which to investigate such preliminary allegations and findings, then the commission shall proceed as herein provided.

- (2) Notice shall be provided to the property owners and all occupants and lienholders of the property, identifying such property owners and occupants and lienholders as can best be determined by statutory due diligence and further identifying the property, its location and the improvements thought to be substandard. A title examination may occur in order that all owners and lienholders might be identified. Such notice shall state the possible result if the condition(s) described are judged substandard and shall state any deadlines that have been established for the hearing and review process. The owners and occupants shall be given notice of an opportunity to appear and show cause why said building, structure or improvements should not be declared substandard under the criteria set out in this Code and why the Commission should not enter appropriate orders to remedy the conditions determined to exist.

Such notice shall be delivered by certified mail, with return receipt requested, or by delivery by the United States Postal Service using signature confirmation service, to the known owners and occupants and lienholders at their last-known business address or place of residence and may also be personally delivered to the owners, tenants or occupants residing upon the property. Notice to all unknown owners shall be given by posting the same by attaching a copy to the front door or as close to the front door as practicable on each structure situated on the affected property. The notice shall be mailed and posted before the tenth day before the date of the hearing before the Commission and must state the date, time and place of the hearing. In addition, the notice must be published in a newspaper of general circulation in the municipality on one occasion before the tenth day before the date fixed for the hearing.

Notice of a proceeding before the commission may be filed in the Official Public Records of Real Property of Nacogdoches County. The notice must contain the name and address of the owner of the affected property if that information can be determined from a reasonable search of the instruments on file in the office of the county clerk, a legal description of the affected property, and a description of the proceeding. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the proceeding on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice.

- (3) On the day set in such citation and notice to show cause, a hearing shall be held before the building standards commission. The housing official or other designated individual appointed by the city manager shall present evidence before the commission, and the commission shall hear any additional evidence or rebuttal that may be presented by any party to the hearing. Based upon the evidence and solely under the criteria set out in this Code, the commission shall

then determine whether or not such building or structure is a substandard building or structure.

- (4) The building standards commission shall have the power to order the demolition, partial demolition, repair, renovation or remodeling of any structure found to be substandard under the criteria herein provided. The commission shall issue an order as to any decision made, and such order shall specify the action to be taken and the time in which such action is to be taken and shall make affirmative findings as to the name of the property owner(s) and/or tenants and lien holders.

A copy of the final order of the commission shall be served upon the property owners and occupants and lien holders in the same manner as provided for the service of the notice herein required.

- (5) In the event any notice which is required herein to be served in person or by certified mail cannot be served because neither the owner nor occupant can be found, such notice shall be deemed to have been served if the same is published in a newspaper of general circulation. Any notice so published need not be the exact text of the notice intended to be mailed but may be a synopsis thereof so long as the same is of sufficient clarity and content to place all persons on notice as to the intent thereof.

- (6) Either the owner and/or occupant of any building or structure declared substandard by order of the building standards commission or any other third party aggrieved by a decision of the building standards commission may appeal the decision of the building standards commission by giving notice thereof to the city secretary within ten days from the date of such order and by paying a fee as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances of \$150.00.

Upon perfection of such appeal, the secretary of the building standards commission shall forward the record of the commission to the city secretary. The city council shall review the same and may make any additional investigations or hear additional evidence and/or receive additional documents, which may be tendered and/or deemed necessary in order to determine the merit of any appeal. Upon appeal, the city council shall have the power to affirm, reverse or modify the order of the building standards commission and shall enter its order in accordance with its findings. A copy of the final order of the city council shall be served upon the appellant, the property owners and occupants in the same manner as provided for the service of the notice herein required.

- (7) If the owner or his representative shall fail or refuse to carry out such order or shall fail to carry out such order satisfactorily, the building standards commission or the housing official may, upon approval of the city manager, proceed to carry out such orders either by private contract or through an agency of the city, and the cost thus incurred shall constitute a valid lien against the property.

(Ord. No. 1540-4-10, § 3, 4-20-2010)

CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE XI. –
“MOVING OF BUILDINGS AND HEAVY EQUIPMENT”, of the Code of Ordinances of the
City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 14-897. License and bond required.

No person, except a licensed housemover, shall move any building over or along any street or highway within the city limits. Every such person, before engaging in such occupation, shall obtain an annual license therefor, the fee for which license is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~shall be on file in the city secretary's office~~. Such license shall not be granted until the person applying for the license shall have given a bond in the sum of \$1,000.00 with two or more good and sufficient sureties, or one executed by an approved surety company doing business in the state. Such bond shall be approved by the city manager and shall be conditioned that the person will pay any and all damages which will occur to any tree, pavement, street or sidewalk; any awning, wire, cable, fire alarm, telegraph or other pole, provided such awnings, wires, cables and poles are in place in accordance with the ordinances governing such placement; or to any other thing injured by the housemover, whether such injury or damage be inflicted by the housemover or his agents, employees or workers. The bond shall be conditioned, also, that the housemover will save and indemnify and keep harmless the city against all liabilities, judgments, costs and expenses which may in any way accrue against the city in consequence of the granting of such license.

(Code 1971, § 8-16(a))

Sec. 14-898. Issuance of license; permit.

- (a) Upon the execution of the bond required in section 14-897 and its approval by the city manager, the building inspector shall inspect the equipment to be used by the housemover. Upon approval of the equipment and the payment of the license fee, a license shall be issued to the person applying therefor, as a licensed housemover.
- (b) Such licensed housemover shall in each case, before moving any building, apply to the building inspector for permission to do so. In the application the building to be moved shall be described, its location stated, the place to which it is proposed to move the building described, and the time required for such removal shall be stated, together with a description of the street or other public property over which it is proposed to move the building. If the building inspector shall grant such permission, he shall issue a permit. The permit shall prescribe the route to be taken and shall limit the time for such removal, and such housemover shall immediately notify the chief of the fire department and any and all companies maintaining electric, telephone or telegraph wire or cable across or along any street included in the designated route along which the house is to be moved and the time when it is to be moved.
- (c) Before any permit is issued to move any building in the city, the fee set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, ~~on file in the city~~

~~secretary's office~~ shall be paid for such permit, except this permit fee shall not be charged for the moving of a building or structure with dimensions less than eight feet in width and 14 feet in length.

(Code 1971, § 8-16(b), (f))

CHAPTER 14 – “BUILDINGS AND BUILDING REGULATIONS”, ARTICLE XIV. – “PAVING AND PARKING LOTS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 14-923. Permit fees.

The fee for a parking lot and paving permit is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. ~~shall be as follows:~~

- ~~—First 14,000 square feet = \$25.00~~
- ~~—14,001 to 20,000 square feet = \$50.00~~
- ~~—More than 20,000 square feet = \$75.00~~

(Ord. No. 1711-7-16, § 2, 7-19-2016)

CHAPTER 18 – “BUSINESSES”, ARTICLE II. – “ALCOHOLIC BEVERAGES”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 18-26. License and permit fees.

- (a) Except as otherwise provided by V.T.C.A., Alcoholic Beverage Code § 1.01 et seq., each holder of a state permit issued pursuant to the provisions of the Alcoholic Beverage Code shall pay to the city a fee equal to one-half the fee paid to the state for such permit.
- (b) Except as otherwise provided by V.T.C.A., Alcoholic Beverage Code § 1.01 et seq., each holder of a state license issued pursuant to the provisions of the Alcoholic Beverage Code shall pay to the city a fee equal to one-half the fee paid to the state for such license.
- (c) Fee amounts are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. All fees levied by this section shall be due and payable at the time at which the state license fee and permit fee is due.

State law reference(s)—Local permit fee authorized, V.T.C.A., Alcoholic Beverage Code § 11.38; local license fee authorized, V.T.C.A., Alcoholic Beverage Code § 61.36.

Sec. 18-27. Alcohol at city facilities.

- (a) No person, firm, corporation, or business entity of any land shall sell, store, possess or consume an alcoholic beverage in any city park, street, sidewalk, facility or city owned premises ("city facilities"), except as provided in this subsection. The term

"alcoholic beverage," as that term is used in this article, shall be defined as used in the Texas Alcoholic Beverage Code.

- (b) The city manager or designee may, notwithstanding the prohibition in subsection (a) of this section, issue a permit to a person or entity for the consumption, possession and/or sale of alcoholic beverages for on premises consumption, for a period not to exceed 72 consecutive hours, for city facilities. For such event, the city manager or designee may grant a special event permit to allow for the consumption, possession, and/or sale of beer and wine by a state licensed vendor or permit holder under the Texas Alcohol Beverage Code in accordance with state law and reasonable conditions as set forth herein.
- (c) No permit shall be issued until satisfactory proof has been provided for liability insurance and compliance with the Texas Alcoholic Beverage Code, as amended, and rules issued by the appropriate state agency. The city manager is further authorized to implement such other appropriate safety and control regulations concerning location, hours of operations, security and other appropriate conditions to protect the health, safety and welfare of the general public and event attendees.
- (d) The city by resolution may establish an appropriate fee for issuance of such permit and such fee shall be set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. Standard conditions, requirements and permit application will be published and made available to the public on the city website.

(Ord. No. 1910-05-22, § II, 5-3-2022)

CHAPTER 18 – “BUSINESSES”, ARTICLE III. – “FOOD SERVICE ESTABLISHMENTS”, DIVISION 1. – “GENERALLY”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 18-58. Permit and application.

- (a) No mobile food unit shall operate before first obtaining a permit from the City of Nacogdoches.
- (b) Permit application. No person shall operate a mobile food unit in the City of Nacogdoches without a permit issued by the City of Nacogdoches. Every permit shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's vehicle or trailer. A person shall make application for a permit to the city on forms furnished by the city health inspector.
- (c) All mobile food units shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, and a Texas Sales Tax permit. Proof of these items will be required at the time of permit application and available at time of any city inspection.
- (d) All fees required by this section are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~shall remain on file in the city secretary's office.~~
- (e) The city will evaluate the data furnished by the applicant and may require additional information. Within 30 days of receipt of a complete permit application, the city will determine whether or not to issue a mobile food vendor permit. The city may deny an application for a permit for any of the following grounds:

- (1) Failing to provide all of the information required by the city;
 - (2) The applicant's past record of ordinance violations;
 - (3) Safety record of the applicant or any driver based on such things as civil and criminal lawsuits and violations of health and life safety codes and ordinances;
 - (4) Providing false, misleading, or inaccurate information to the city; or
 - (5) Other valid grounds.
- (f) Permits shall be issued for a time period not to exceed 180 days.
- (g) A new permit is required to be submitted within 15 days of the following, whereupon the previous permit will be voided and the previous permit canceled:
- (1) When ownership of the operating entity is changed; or
 - (2) The city determines that operations or management methods are no longer adequately described by the existing permit application.
- (h) Permits are not transferrable.
- (i) A permit may be revoked by the city for any violation of this section.
- (j) A mobile food unit owner or operator has the right to appeal a determination made by the health inspector to the city manager by submitting a written appeal to the city secretary, with a copy to the health inspector, not more than five days after receiving notice of the suspension or denial of permit. The city manager or his or her designee will hear the appeal and issue a written finding not more than 30 days after the notice was delivered to the city secretary. The city manager's determination is final.
- (k) City-owned property permit.
- (1) In addition to the mobile vendor permit described in section 18-57 above, a mobile food unit operating in a public park must obtain a city-owned property permit.
 - (2) City-owned permit process.
 - a. A person wishing to operate in a public park must submit a completed application on a form provided by the city to the city manager or designee.
 - b. The public park permit shall be valid for a time not to exceed 180 days from the date of approval by the city manager or designee, unless revoked for violations of this chapter.
 - c. The city manager or designee shall have the authority to limit the total number of public park mobile food unit permits issued for each quarter.
 - d. The city manager or designee shall have the authority to regulate the hours of operation for mobile food units on city-owner property.
 - (3) A valid public park permit must be displayed at all times the mobile food unit is located in a public park.

(Ord. No. 1739-7-17, § 2, 7-18-2017; Ord. No. 1791-09-19, § 2, 9-3-2019)

CHAPTER 18 – “BUSINESSES”, ARTICLE III. – “FOOD SERVICE ESTABLISHMENTS”, DIVISION 2. – “PERMITS AND INSPECTIONS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 18-87. Fees.

~~(a) The fees charged annually for the issuance of a permit and inspections for the operation of any establishment described referenced in section (a) of this section article are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances as follows:~~

~~Food establishment permit 5 or less employees \$50.00~~

~~Food establishment permit 6-10 employees 75.00~~

~~Food establishment permit 11-20 employees 100.00~~

~~Food establishment permit 21-30 employees 125.00~~

~~Food establishment permit 31-40 employees 150.00~~

~~Food establishment permit 41-50 employees 150.00~~

~~Food establishment permit 51+ employees 200.00~~

~~Food sales permit 5 or less employees 50.00~~

~~Food sales permit 6-10 employees 75.00~~

~~Food sales permit 11-20 employees 100.00~~

~~Food sales permit 21-30 employees 125.00~~

~~Night club permit 5 or less employees 150.00~~

~~Night club permit 6-10 employees 150.00~~

~~Night club permit 11-20 employees 200.00~~

~~Nightclub permit over 20 employees 200.00~~

~~Roadside vendor permit 100.00~~

~~Temporary food permit 75.00~~

~~(b) The fees charged annually for the issuance of a permit and inspections for the operation of any establishment described in subsection (a) of this section are on file in the city secretary's office.~~

(Code 1971, § 14-30(1)a, (2); Ord. No. 1388-9-05, 10-1-2005)

CHAPTER 18 – “BUSINESSES”, ARTICLE IV. – “LODGING ESTABLISHMENTS AND INSTITUTIONS”, DIVISION 2. – “PERMITS AND INSPECTIONS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 18-142. Fees.

(a) Under this division, permit and inspection fees shall be required for convalescent or nursing homes, hospitals, hotels, motels, and bed and breakfasts.

(b) The fees charged annually for the issuance of a permit and inspections for the operation of any establishment described in subsection (a) of this section are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances as follows:

~~Health care permit \$75.00~~

~~Bed and breakfast permit 50.00~~

~~Daycare permit 100.00~~

~~Nursing home permit 150.00~~

~~Lodging permit 150.00~~

(Code 1971, § 14-30(1)a, (1)b, (2); Ord. No. 1388-9-05, 10-1-2005)

CHAPTER 18 – “BUSINESSES”, ARTICLE V. – “PUBLIC SWIMMING POOLS”, DIVISION 2. – “PERMITS AND INSPECTIONS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 18-197. Fees.

The fees charged annually for the issuance of a permit and inspections for the operation of any public or semipublic pool is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~\$100.00.~~

(Code 1971, § 14-30(2); Ord. No. 1388-9-05, 10-1-2005)

CHAPTER 18 – “BUSINESSES”, ARTICLE VI. – “ITINERANT VENDORS”, DIVISION 2. – “REGISTRATION CERTIFICATE AND IDENTIFICATION BADGE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 18-263. Fee.

Every registration statement shall be accompanied by a registration fee according to the following schedule to compensate the city for the administrative costs of this article.

- (1) *Itinerant merchant license.* Simultaneously with the filing of the application for an itinerant merchant license, the applicant shall file with the city a nonrefundable fee as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~in the amount of \$25.00.~~
- (2) *Open air vendor license.* Simultaneously with the filing of the application for an open air vendor license, the applicant shall file with the city a nonrefundable fee as set forth in the Master Fee Schedule~~in the amount of \$100.00.~~

(Code 1971, § 15-5; Ord. No. 1364-6-04, 6-1-2004)

CHAPTER 18 – “BUSINESSES”, ARTICLE VIII. – “MASSAGE ESTABLISHMENTS”, DIVISION 2. – “LICENSE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 18-374. Fee.

The annual license fee for each massage establishment shall be set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~on file in the city secretary's office.~~ If the license is obtained between January 1 and June 30 of any year, the full amount of the fee shall be paid. If the license is obtained between July 1 and December 31 of any year, the fee shall be one-half of such amount. No refund of license fees shall be made.

(Code 1971, § 17½-6)

CHAPTER 18 – “BUSINESSES”, ARTICLE IX. – “SEXUALLY ORIENTED BUSINESSES”, DIVISION 2. – “LICENSE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 18-447. Fees.

The annual fee for a sexually oriented business license is ~~on file in the city secretary's office.~~ set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(Code 1971, § 24¼-6)

CHAPTER 18 – “BUSINESSES”, ARTICLE X. – “ALARM SYSTEMS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 18-483. Registration required; application; fee; transferability; false statements.

- (a) No alarm user shall operate, or cause to be operated, an alarm system, existing or new installation at its alarm site without a valid alarm registration. A separate alarm registration is required for each alarm site.
- (b) The fee for an alarm registration or an alarm registration renewal is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, below and shall be paid by the alarm user. No refund of a registration or registration renewal fee will be made. The initial alarm registration fee must be submitted to the alarm administrator within five days after the alarm system installation or alarm system takeover. All existing alarm systems must be permitted within 90 days of the effective date [March 18, 2002] of this article.
 - (1) ~~Registration fees—\$30.00.~~ The registration fee will be waived for all alarm users that register their alarm system or systems within 90 days of the effective date [March 18, 2002]. The first registration fee of residential alarm users of the age of 65 years or older will be waived.
 - (2) ~~Renewal fees—\$30.00~~ If the alarm user fails to renew on or prior to expiration date or if the alarm user has been cited of a violation and fined in the previous year, a renewal fee shall be required.
- (c) Upon receipt of a completed alarm registration application form and the alarm registration fee, the alarm administrator shall register the applicant unless the applicant has:
 - (1) Failed to pay a fine assessed under section 18-489; or
 - (2) Had an alarm registration for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.
- (d) Each alarm registration application must include the following information:

- (1) The name, complete address (including apt/suite number), and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article;
- (2) The classification of the alarm site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
- (3) For each alarm system located at the alarm site, the classification of the alarm system (i.e. burglary, holdup, duress, panic alarms or other) and for each classification whether such alarm is audible or silent;
- (4) Mailing address, if different from the address of the alarm site;
- (5) Any dangerous or special conditions present at the alarm site;
- (6) Names and telephone numbers of at least three individuals who are able and have agreed to: (a) receive notification of an alarm system activation at any time; (b) respond to the alarm site within 30 minutes at any time; and (c) upon request can grant access to the alarm site and deactivate the alarm system if necessary;
- (7) Type of business conducted at a commercial alarm site;
- (8) Signed certification from the alarm user stating the following:
 - a. The date of installation, conversion or takeover of the alarm system, whichever is applicable;
 - b. The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion or takeover and of the alarm installation company responsible for providing repair service to the alarm system;
 - c. The name, address, and telephone number of the monitoring company if different from the alarm installation company;
 - d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the applicant by the alarm installation company; and
 - e. That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
- (9) That law enforcement response may be influenced by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.
- (e) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration.
- (f) An alarm registration cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator of any change that alters any of the information listed on the alarm registration application within five business days of such change.
- (g) All fees owed by an applicant must be paid before an alarm registration may be issued or renewed.

(Ord. No. 1276-2-02, § 3, 2-19-2002)

Sec. 18-484. Alarm registration duration and renewal.

An alarm registration shall expire one year from the date of issuance, and must be renewed annually by submitting an updated application on or prior to the expiration date. Any user that has been charged with any violation and fined during the proceeding year will be required to submit a ~~\$30.00~~-reinstatement fee, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. All applications for renewal submitted after the expiration date will require a ~~\$30.00~~-reinstatement fee. It is the responsibility of the alarm user to submit an application prior to the registration expiration date. Failure to renew within ten days of expiration will be classified as use of a nonregistered alarm system and citations and penalties shall be assessed without waiver. A ~~\$20.00~~-late fee, as set forth in the Master Fee Schedule, may be assessed if the renewal is more than 30 days late.

(Ord. No. 1276-2-02, § 3.1, 2-19-2002)

...

Sec. 18-489. - Fines.

- (a) An alarm user shall be subject to fines, depending on the number of false alarms within a 12-month period, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, ~~based upon the following schedule:~~

~~(1) False alarm fines~~

~~Number of false burglary or intrusion alarms Fines~~

~~1-5\$0.00~~

~~650.00~~

~~7 and after50.00 ;~~

~~Number of false panic, duress, robbery, or fire alarms Fines~~

~~1-2\$0.00~~

~~3100.00~~

~~4 and after100.00~~

- (b) In addition, any person operating a nonregistered alarm system will be subject to an additional fine ~~of \$50.00~~ for each false alarm in addition to any other fines, as set forth in the Master Fee Schedule. The alarm administrator may waive this additional fine for a nonregistered system if the alarm user submits an application for alarm registration within ten days after of notification of such violation.
- (c) An alarm user may have the option of attending an alarm user awareness class in lieu of paying one prescribed fine.

- (d) If cancellation occurs prior to law enforcement arriving at the scene, this is not a false alarm for the purpose of fines, and no fines will be assessed.
- (e) Notice of the right of appeal under this article will be included with any fines.

(Ord. No. 1276-2-02, § 7, 2-19-2002)

...

Sec. 18-492. Appeals.

- (a) If the alarm administrator assesses a fine or denies the issuance, renewal or reinstatement of an alarm registration, the alarm administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or alarm user and the alarm installation company and/or monitoring company.
- (b) The alarm user, alarm installation company or monitoring company may appeal an assessment of a fine or the revocation of an alarm registration to the alarm administrator by setting forth in writing the reasons for the appeal within 15 business days after receipt of the fine or notice of revocation.
- (c) The alarm user or the alarm installation company or monitoring company may appeal the decision of the alarm administrator to the chief of police as follows:
 - (1) The applicant, alarm user, alarm installation company or the monitoring company may file a written request for a review by paying an appeal fee, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, of one half of the required fine and setting forth the reasons for the appeal within 20 business days after the date of notification of the decision from the alarm administrator. Appeal fees will be returned to the appealing alarm user, alarm installation company or monitoring company if the appeal is upheld.
 - (2) The chief of police shall conduct a formal hearing within 30 days of the receipt of the request and consider the evidence by any interested person(s). The chief of police shall make its decision on the basis of the preponderance of evidence presented at the hearing. The chief of police must render a decision within 15 days after the date of the hearing. The chief of police shall affirm or reverse the decision of the alarm administrator.
- (d) Filing of a request for appeal shall stay the action by the alarm administrator revoking an alarm registration or requiring payment of a fine, until the chief of police has completed its review. If a request for appeal is not made within the 20-business day period, the action of the alarm administrator is final.
- (e) Alarm administrator or chief of police may adjust the count of false alarms based on:
 - (1) Evidence that a false alarm was caused by an act of God;
 - (2) Evidence that a false alarm was caused by action of the telephone company;
 - (3) Evidence that a power outage lasting longer than four hours caused a false alarm;
 - (4) Evidence that the alarm dispatch request was not a false alarm;
 - (5) Evidence that the law enforcement officer response was not completed in a timely fashion; and/or

- (6) In determining the number of false alarms, multiple alarms occurring in any 24-hour period shall be counted as one false alarm; to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.
- (f) With respect to fines of an alarm installation company or monitoring company the alarm administrator or law enforcement authority may take into consideration whether the alarm company had engaged in a consistent pattern of violations.

(Ord. No. 1276-2-02, § 10, 2-19-2002)

Sec. 18-493. Reinstatement.

- (a) A person whose alarm registration has been revoked may, at the discretion of the alarm administrator or the chief of police, have the alarm registration reinstated by the alarm administrator or the chief of police if the person:
 - (1) Submits a new application and pays the a \$30.00-reinstatement fee, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances;
 - (2) Pays, or otherwise resolves, all outstanding citations and fines; and
 - (3) Submits a certification from an alarm installation company, stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company;
- (b) In addition, the alarm administrator may require one or more of the following as a condition to reinstatement:
 - (1) Proof that an employee of the alarm installation company or monitoring company caused the false alarm;
 - (2) A certificate showing that the alarm user has successfully completed the alarm user awareness class as provided under subsection 18-488(e);
 - (3) Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;
 - (4) A written statement from an independent inspector designated by the chief of police that the alarm system has been inspected and is in good working order;
 - (5) Confirmation that all motion detectors are "dual technology" type;
 - (6) Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company;
 - (7) Confirmation that the alarm system requires two independent detectors to trigger before transmitting an alarm signal to the monitoring company;
 - (8) Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by a listen-in device;
 - (9) Certification that the monitoring company will not request an alarm dispatch unless the need for law enforcement is confirmed by a camera device; or
 - (10) Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by a person at the alarm site.

(Ord. No. 1276-2-02, § 11, 2-19-2002)

CHAPTER 22 – “CEMETERIES”, ARTICLE III. – “SUNSET MEMORIAL PARK”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 22-57. - Space prices—Sunset Memorial Park.

(a) Space and lot prices in various blocks and sections for Sunset Memorial Park shall be periodically set and amended by the city council by ordinance or resolution, and set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(b) Spaces and lots shall not be sold or accumulated for speculative purposes.

(Ord. No. 1632-6-13, § 2.J., 6-18-2013)

Editor's note— Ord. No. 1632-6-13, § 2.J., adopted June 18, 2013, repealed § 22-57 in its entirety and enacted a new § 22-57 to read as set out herein. Former § 22-57 pertained to lot prices and derived from Ord. No. 1232-10-00, § 9-19, adopted Oct. 17, 2000.

CHAPTER 22 – “CEMETERIES”, ARTICLE IV. – “PINE GROVE CEMETERY”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 22-77. - Space prices—Pine Grove Cemetery.

(a) Space and Lot prices in various Blocks and Sections for Pine Grove Cemetery shall be periodically set and amended by the City Council by ordinance or resolution, and set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(b) Spaces and Lots shall not be sold or accumulated for speculative purposes.

(Ord. No. 1632-6-13, § 2.K., 6-18-2013)

Editor's note— Ord. No. 1632-6-13, § 2.K., adopted June 18, 2013, repealed § 22-77 in its entirety and enacted a new § 22-77 to read as set out herein. Former § 22-77 pertained to lot prices and derived from Ord. No. 1232-10-00, § 9-27, adopted Oct. 17, 2000.

CHAPTER 26 – “CHARITABLE SOLICITATIONS”, ARTICLE II. – “REGISTRATION”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 26-32. Fee.

(a) Every registration statement required under this article, except as exempted in this chapter, shall be accompanied by a registration fee, which is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances ~~on file in the city secretary's~~

- ~~office~~, to compensate the city for the cost of administering this chapter. Such fee will be nonrefundable, irrespective of whether a certificate of registration is issued.
- (b) Any public or private school sanctioned group shall be exempt from the requirement to provide the registration fee.

(Code 1971, § 9½-4)

CHAPTER 28 – “TAXICABS”, ARTICLE II. – “FRANCHISE AND BUSINESS LICENSE”, DIVISION 3. – “VEHICLE LICENSE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 28-57. Inspection fees.

An inspection fee ~~of \$25.00~~ shall be charged for the inspection of each vehicle-, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. The payment shall be due at the time of the vehicle inspection.

(Ord. No. 1484-3-08, 3-4-2008)

CHAPTER 28 – “TAXICABS”, ARTICLE III. – “DRIVERS”, DIVISION 3. – “VEHICLE LICENSE”, DIVISION 2. – “CHAUFFEUR'S LICENSE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 28-81. Fee.

A fee ~~of \$10.00~~ shall be charged for each chauffeur's license issued by the city-, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. No chauffeur's license shall be issued until said fee is paid.

(Ord. No. 1484-3-08, 3-4-2008)

...

Sec. 28-84. Renewal.

A license under the provisions of this division may be renewed annually without filing a new application by payment of ~~a \$5.00~~ the license renewal fee set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. Renewal may be refused for any reason the original application could have been rejected.

(Ord. No. 1484-3-08, 3-4-2008)

CHAPTER 38 – “FIRE PROTECTION AND PREVENTION”, ARTICLE III. – “FIRE PREVENTION CODE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 38-93. - Amendments to code.

The fire prevention code adopted in this article is amended so that the following shall apply:

Section 101.1 Title shall be amended as follows:

These regulations shall be known as the Fire Code of the City of Nacogdoches, hereinafter referred to as "this code."

Section 109.4 Violation Penalties shall be amended as follows:

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed TWO THOUSAND and NO/100 (\$2,000.00) DOLLARS for each offense, and each and every day any such violation shall continue shall be deemed to be a separate offense.

Section 111.4 Failure to Comply shall be amended as follows:

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, shall be liable for a fine not to exceed TWO THOUSAND AND NO/100 (\$2,000.00) DOLLARS for each offense, and each and every day such violation shall continue shall be deemed a separate offense.

Section 302.1 Definition shall have added the following:

Land clearing operation - The uprooting, cutting, or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access, or production. It does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.

Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces shall read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

307.1.1 Prohibited open burning. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The on-site or off-

site burning of trees, brush, grass, leaves, branch trimmings or other plant growth which is not the product of a land clearing operation is deemed offensive and objectionable.

307.1.2 Prohibited Materials. Household waste, garbage, electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, tires and items containing natural or synthetic rubber must not be burned.

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, land clearing operation or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.2.2 Weather and Timing. Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s):

1. The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.
2. Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) or greater than 23 mph during the burn period.
3. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.
4. If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

307.3 Extinguishment authority. The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation or violates this section.

307.4 Location. The location for open burning shall not be less than 300 feet from any structure or less than 50 feet from any property line, and provisions shall be made to prevent the fire from spreading to within 300 feet of any structure or to within 50 feet of any property line.

Exceptions:

1. Fires in approved containers that are not less than 15 feet from a structure.
2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material except for portable outdoor fireplaces used at one- and two-family dwellings.

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

307.6 Responsibility. The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction,

even though the burning is otherwise conducted in compliance with this regulation.

Section 903.2.7 Group M shall be amended as follows:

An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 12,000 square feet (1115 m²).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²)."

Section 2304.3.2 shall be amended as follows:

Dispensing devices shall comply with section 2306.7. Dispensing devices operated by the insertion of coins or currency shall not be used.

Section 5704.2.9.6.1 Locations where above ground storage tanks are prohibited is amended to read as follows:

- (a) The limits referred to in section 5704.2.9.6.1 of the fire prevention code in which the storage of flammable and combustible liquids in outside aboveground storage tanks is prohibited are hereby established as follows:

500 feet from public and private schools, residences, and structures designated under historic overlay zoning.

- (b) The limits referred to in section 5706.5.1.1 in which bulk plants for flammable and combustible liquids are prohibited are hereby established as follows: all areas within the city limits.

Section 6104.2 Maximum capacities within established limits shall be amended as follows:

District limits prohibiting the bulk storage of liquefied petroleum gases shall be established as follows: all areas within the city limits except by special permission granted by the city council.

Appendix L Requirements for Fire Fighter Air Replenishment Systems shall be amended as follows:

Section L101 add new Section L101.2 to read as follows:

Section L101.2 Required Location. In new buildings, fill stations shall be required when any of the following conditions occur:

1. Any new building more than 6 stories in height.
2. Any new building with more 2 or more floors below grade.
3. Any new building 500,000 square feet or more in size.

Any portions of the code specifying permit fees are hereby amended, and any such fire protection and prevention related permit fees shall be specified in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(Code 1971, § 12-16; Ord. No. 1339-11-03, 11-4-2003; Ord. No. 1433-9-06, 9-5-2006; Ord. No. 1535-11-09, § 3, 11-17-2009; Ord. No. 1562-12-10, 12-21-2010; Ord. No. 1637-6-13, 6-18-2013; Ord. No. 1665-5-14, 5-6-2014; Ord. No. 1760-1-18, §§ I, II, 1-16-2018)

CHAPTER 62 – “LIBRARY”, ARTICLE III. – “REGULATIONS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 62-117. Library cards.

Each person must present his or her own current public library borrower's card in order to check out library materials. Cards are not transferable. To obtain a library card free of charge, an individual must complete an application form, along with a picture ID and verification of residency or property ownership in the county. Additionally, the following regulations shall apply to library cards:

- (1) Children under 18 years of age may be issued a card on the signature of the parent or guardian.
- (2) Texas residents who reside outside of the county may be issued a card with restricted borrowing privileges.
- (3) A replacement fee will be charged for cards that are lost-, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(Ord. No. 1765-03-18, § II, 3-6-2018)

Sec. 62-118. Overdue materials.

Every person borrowing materials from the public library who has not returned the borrowed materials by the due date thereof shall be assessed late charges-, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. The director or the director's designee(s) shall have the authority to waive any fee with cause.

(Ord. No. 1765-03-18, § II, 3-6-2018)

Sec. 62-119. Lost or damaged materials.

Every person taking or borrowing materials from the library shall be responsible for payment of the replacement cost, plus a non-refundable processing fee, for any materials lost or damaged~~-, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~ Failure to pay fees for lost or damaged materials shall result in the suspension of privileges at the library until such fees are paid in full. The Director or the director's designee(s) shall have the authority to waive any fee with cause.

(Ord. No. 1765-03-18, § II, 3-6-2018)

Sec. 62-120. Interlibrary loans.

Patrons in good standing may request to borrow materials not available at the library from other libraries across the country through the interlibrary loan system. A processing fee shall be assessed for each item borrowed through the interlibrary loan system~~-, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~

(Ord. No. 1765-03-18, § II, 3-6-2018)

...

Sec. 62-122. Charges for library services, fees, or fines.

All charges for library related services, fees or fines shall be periodically set and amended by city council by ordinance or resolution. The schedule of charges for library related services, fees or fines is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~maintained by and kept on file and available for review at the Nacogdoches Public Library.~~

(Ord. No. 1765-03-18, § II, 3-6-2018)

CHAPTER 72 – “OIL AND GAS WELLS”, ARTICLE II. – “PERMITS TO DRILL OR OPERATE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 72-21. Application; filing fee; required information.

Every application for a permit to drill and operate a well shall be in writing, signed by the applicant or by some person duly authorized to sign same on his behalf, and it shall be filed with the city secretary and be accompanied with a filing fee~~of \$500.00 in cash-~~ as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. Each application shall request a permit to drill and operate but one well, and the said application shall include full information, including the following:

- (1) The date of said application;

- (2) Name of the applicant;
- (3) Address of the applicant;
- (4) Proposed site of the well, including;
 - a. Name of the fee owner;
 - b. Name of the lease owner;
 - c. Brief description of the land;
- (5) Type of derrick to be used;
- (6) The proposed depth of the well (which shall not be deeper than 20,000 feet);
- (7) Drawing showing location of well and any structures within 300 feet;
- (8) Written permission from owners if well is within 300 feet;

(Ord. No. 1251-3-01, 3-20-2001; Ord. No. 1535-11-09, § 3, 11-17-2009)

Sec. 72-22. Issuance or refusal of permit.

The city council, within 30 days after the filing of the application for a permit to drill and operate a well, shall determine whether or not said application complies in all respects with the provisions of this chapter, and if it does, the city council shall then fix the amount of the principal of the bond and insurance provided for in section 72-24 herein, and after such determination shall issue a permit for the drilling and operation of the well applied for. Each permit issued under this chapter shall:

- (1) By reference have incorporated therein all the provision of this chapter with the same force and effect as if this chapter were copied verbatim in said permit;
- (2) Specify the well location with particularity to lot number, block number, name of addition or subdivision, or other available correct legal description;
- (3) Contain and specify that the term of such permit shall be for a period of one year from the date of the permit and as long thereafter as the permittee is engaged in drilling operations with no cessations of such operations for more than 90 days, or oil or gas is produced in commercial quantities from the well drilled pursuant to such permit; provided that if at any time after discovery of oil or gas the production thereof in commercial quantities shall cease, the term shall not terminate if the permittee commences additional reworking operations within 90 days thereafter, and if they result in the production of oil or gas, so long thereafter as oil or gas is produced in commercial quantities from said well;
- (4) Contain and specify such conditions as are by this chapter authorized;
- (5) Specify the total depth to which the well may be drilled not exceeding the projected depth; and,
- (6) Contain and specify that no actual operations shall be commenced until the permittee shall have complied with section 72-24 of this chapter.

Said permit, in duplicate originals, shall be signed by the city manager and prior to delivery to the permittee shall be signed by the permittee (with one original to be retained by the city and one by the permittee); and when so signed shall constitute the permittee's drilling and operating license and the contractual obligation of the permittee to comply with they terms of such permit, and such bond, and this chapter.

If the permit for the well be reused, or if the applicant notifies the city council in writing that he does not elect to accept the permit as tendered and wishes to withdraw his application, or if the bond of the applicant be not approved and the applicant notifies the city council in writing that he wishes to withdraw his application, then upon the happening of said events the cash deposit provided for to be filed with the application shall be returned to the applicant, except that there shall be retained therefrom by the city ~~\$100.00 as a processing fee,~~ as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(Ord. No. 1251-3-01, 3-20-2001; Ord. No. 1535-11-09, § 3, 11-17-2009)

Sec. 72-26. Deeper drilling.

- (a) Once any well has either been completed as a producer or abandoned as a dry hole, it shall be unlawful and an offense for any person to drill such a well to a deeper depth than that reached in the prior drilling operations without the permittee as to such well obtaining a supplemental permit after filing a supplemental application with the city secretary specifying:
 - (1) The then condition of the well and the casing therein;
 - (2) The depth to which it is proposed such well be deepened, not to exceed in any event a total true vertical depth from the surface in excess of 20,000 feet;
 - (3) The proposed casing program to be used in connection with, proposed deepening operations;
 - (4) And evidence of adequate current tests showing that the casing strings in said well currently pass the same tests as are in this chapter provided for in case of the drilling of the original well.
- (b) In the event the city council is satisfied that said well may be deepened with the same degree of safety as existed in the original well, a supplemental permit may be issued to the permittee, with an additional filing fee, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, ~~of \$500.00 to the permittee~~ authorizing the deepening and operation of the well to such specified depth as applied for, not exceeding in any event a total true vertical depth from the surface in excess of 20,000 feet. In any deeper drilling or any deeper completion or any deeper production operations the permittee shall comply with all other provisions contained in this chapter and applicable to the drilling, completion and operation of a well or wells.

(Ord. No. 1251-3-01, 3-20-2001; Ord. No. 1535-11-09, § 3, 11-17-2009)

CHAPTER 74 – “PARKS AND RECREATION”, ARTICLE III. – “REGULATIONS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 74-66. Fees and charges.

All fees charged for the use of city parks, recreational facilities and for recreational sports programs shall be periodically set and amended by the city council by ordinance or resolution. Fees and charges are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~on file in the city's parks and recreation department.~~

(Ord. No. 1678-8-14, § 2.A., 8-19-2014)

CHAPTER 74 – “PARKS AND RECREATION”, ARTICLE IV. – “SPECIAL EVENTS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 74-84 Fees and costs.

- (a) Event permit fees are set by city council and can be found in the Master Fee Schedule, Addendum A to the Code of Ordinances~~at the city secretary office.~~
- (b) Applicant shall pay all required all fees and costs, including site rental, with the special event application, and applicant shall at the same time be required to pay all fees and costs required by other city ordinances to conduct specific activities in conjunction with or as part of a special event.
- (c) If the city determines that a special event may require the special attention and involvement of city personnel or city facilities, the applicant shall be required pay any additional costs to the city within a reasonable time following notification, but no later than fourteen (14) days prior to the date of the event. Failure to pay the additional costs may result in a revocation of the special event permit as provided under section 74-88 below.
- (d) No special event permit fee shall be charged for a First Amendment activity. However, if street closures are requested for activities in conjunction with or as part of such activity, fees may be required for the city's cost to close the street or right-of way for traffic control.
- (e) All or a portion of the event permit fees or costs that may be associated with the special event may be waived by the city manager. The decision to waive special event fees and costs is solely within the discretion of the city manager and may not be the basis of any appeal under Section 74-89.
- (f) Special event permits may be canceled by the applicant by submitting written notification to the city manager or the city manager's designee no less than ten (10) days prior to the date of the event. If a special event is canceled, fees paid in advance for city services which have not already been performed by the city shall be refunded

CHAPTER 78 – “SIGNS”, ARTICLE I. – “IN GENERAL”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 78-4. Signs prohibited.

The following types of signs are prohibited in all districts:

- (1) Abandoned signs.

- (2) Banners, except allowed in sections 78-98 and 78-100.
- (3) Signs imitating or resembling official traffic or government signs or signals.
- (4) Snipe signs or signs attached to trees, utility poles, public benches, or streetlights.
- (5) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying the sign. This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business. Vehicles or trailers must have a current license and inspection. Also see section 78-77(6) for approval of motor vehicles.
- (6) Off-premises signs except as allowed in subsection (10)a and b of this section.
- (7) Portable and trailer signs.
- (8) Signs on public rights-of-way, as follows:
 - a. With the passage of the ordinance creating this chapter, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street or grounds, on any public bridge or part of same or utility pole, or on any public building or structure of any kind belonging to the city, or in any public place or on any public improvement unless express consent therefore shall have been first granted by the city manager. However, coin-operated devices used to display and vend newspapers may be so placed, so long as they are not placed to impede vehicular or pedestrian traffic. This subsection (8)a does not apply to public property leased for private business purposes.
 - b. Any unlawful sign found within a public right-of-way of a public street, public sidewalk, or public alley shall be seized and the removal thereof is authorized. The authority having jurisdiction, police officer and the department of inspection services are authorized to impound any unauthorized signs found on a public street, public sidewalk, or public alley and transport or cause the same to be transported to a location to be designated by the authority having jurisdiction for storage. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the signs in the storage area for a period of not more than 30 days. Any sign so held may be redeemed by the owner thereof upon the payment of a fee to the city through the custodian thereof for hauling the same to storage plus a per-day storage fee for each day the sign is stored. Such fees are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinance on file in the city secretary's office and shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter.
 - c. Signs permitted under subsection 78-77(23) are not prohibited by this section.
- (9) Balloon signs except as allowed in sections 78-98 through 78-100.
- (10) Off-premises signs, both commercial and noncommercial, except on public property, where there has been a determination of the authority having jurisdiction that the display of the sign:

- a. Promotes a positive image of the city for the attraction of business or tourism; and
- b. Depicts an accomplishment of an individual or group.

Upon such determination, the city can authorize, upon approved construction plans, a sign to be located on city right-of-way. The sign shall be displayed for a period ordered by the authority having jurisdiction.

- (11) Off-premises commercial signs and portable signs within the extraterritorial jurisdiction of the city.
- (12) Signs painted on rooftops.
- (13) Flashing signs.
- (14) Any sign which emits sound, odor, or visible matter.
- (15) Pennants and festoons except as allowed in sections 78-98 through 78-100.
- (16) Searchlights.
- (17) Temporary changeable advertisements except as allowed in sections 78-98 through 78-100.
- (18) Pole banners except as allowed in sections 78-98 through 78-100.

(Ord. No. 1361-4-05, 4-5-2005; Ord. No. 1463-8-07, 8-7-2007; Ord. No. 1649-10-13, §2, 10-1-2013; Ord. No. 1662-3-14, § 2, 3-4-2014)

...

Sec. 78-9. - Sign contractor's license.

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without all required state and federal licenses. A permit will not be issued to anyone for the erecting, altering, relocating, construction, or maintenance of signs until a sign contractor's license is secured from the city. The fee amount for the license is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(Ord. No. 1361-4-05, 4-5-2005)

CHAPTER 78 – “SIGNS”, ARTICLE II. – “ADMINISTRATION AND ENFORCEMENT”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 78-36. Variances.

- (a) As part of the permit application process under this chapter, the applicant may apply to the authority having jurisdiction for a variance from certain requirements of this chapter. A variance may be granted by the authority having jurisdiction where the literal application of this chapter would create an undue hardship for the sign user and the following criteria are met:
 - (1) A literal application of this chapter would not allow the property to be used.
 - (2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.

- (3) Any hardship is not in any way the result of the applicant's own action or the result of a self-created or personal hardship or for financial reason alone. Simply dividing a building into multiple occupancies shall not be sufficient grounds for granting a variance. Hardship caused the sign user under a literal interpretation of this chapter is due to conditions unique to that property and does not apply generally to the city.
- (4) Applications for a variance may only be accepted when the site complies with this chapter. A variance request shall not be accepted after a sign is installed in violation of this chapter.
- (5) All variance application fees are paid. The application fee is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.
- (6) The granting of the variance would not be contrary to the general objectives of this chapter.
- (b) In granting a variance, the authority having jurisdiction may attach additional requirements necessary to carry out the spirit and purpose of this chapter in the public interest.
- (c) If the authority having jurisdiction denies an application for a variance from the requirements of this chapter, then the applicant may appeal the authority having jurisdiction's denial of the variance request to the planning and zoning commission. Such appeal must be made within 30 days after the date that the applicant receives notice from the authority having jurisdiction that the variance has been denied.
- (d) City council approval or denial. The city council may take the following actions on any sign variance request:
 - (1) *Approval*. The city council may approve the request as presented.
 - (2) *Denial with prejudice*. The city council may deny the request with prejudice. If a request or amendment is denied with prejudice, a new application may be submitted within one year only if the new request is for a sign which more closely meets the guidelines listed in sections 78-96—78-101. If a request or amendment is denied by the city council without an indication of "with" or "without" prejudice, the action shall be considered to be "denied with prejudice."
 - (3) *Denial without prejudice*. The city council may deny the request or amendment without prejudice, in which case a request for a variance may be filed at the applicant's discretion.

(Ord. No. 1361-4-05, 4-5-2005; Ord. No. 1499-9-08, 9-2-2008; Ord. No. 1535-11-09, § 3, 11-17-2009; Ord. No. 1568-2-11, 2-15-2011)

CHAPTER 78 – “SIGNS”, ARTICLE IV. – “PERMITS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 78-79. Permit and license fees.

- (a) Sign permit fees are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~shall be as follows~~, and all fees shall be continued in full force and effect as the same may be amended from time to time.÷

~~Banner signs \$10.00~~

~~Temporary changeable advertisements 25.00~~

~~Pole banners 25.00~~

~~Balloon or inflatable signs 25.00~~

~~Pennants and festoons 25.00~~

~~Feather signs \$25.00~~

(b) All temporary portable sign permits will expire on December 31, 2007.

(c) Fees for electronic message center permits will be determined by their valuation and corresponding fee in the current adopted building code.

(Ord. No. 1361-4-05, 4-5-2005; Ord. No. 1388-9-05, 10-1-2005; Ord. No. 1463-8-07, 8-7-2007)

Editor's note(s)—Section (c) was added from Ord. No. 1463-8-07, adopted August 7, 2007, at the direction of the city.

CHAPTER 78 – “SIGNS”, ARTICLE IV. – “PERMITS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 78-134. Fees.

Temporary overhead street banners ~~fees are set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~ ~~\$200.00~~

Fees for electronic message center permits will be determined by their valuation and corresponding fee in the current adopted building code, ~~or as may be set forth in the Master Fee Schedule.~~

(Ord. No. 1361-4-05, 4-5-2005; Ord. No. 1463-8-07, 8-7-2007)

CHAPTER 82 – “SOLID WASTE”, ARTICLE I. – “IN GENERAL”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 82-4. Permit for hauling.

No person, other than employees of the sanitation department, may collect or haul garbage, refuse or other waste materials within the city, with the following exceptions:

- (1) Any person operating a business, commercial or industrial establishment may haul garbage, refuse or other waste materials originating in his own establishment to the official city landfill if his means of conveyance is approved by the city as being sanitary and of a type that will prevent the spilling or leakage of its contents and the emanation of disagreeable odors. Such a person shall pay an annual fee for the privilege of disposing in said landfill, the amount thereof to be determined by the city by any practicable method prescribed by the city manager, ~~and set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~ ~~but in no case shall such annual fee be less than \$24.00.~~ Each such annual fee shall be paid in advance at the city landfill, after which an account shall be opened that shall not be

transferable to any other person, business, commercial or industrial establishment. The term of such annual fee shall run from January 1 to December 31 of each year, and the fee for part of a year ending on December 31 shall be prorated.

- (2) A person, other than provided in subsection (1) of this section, may collect and haul garbage, refuse or other waste materials where wet garbage or garbage for livestock use is involved from within Nacogdoches County; provided that such person is permitted through TNRCC as a licensed transporter and that all route documentation is delivered to city landfill and approved for acceptance.
- (3) A commercial recyclable waste hauler lawfully permitted and operating pursuant to the requirements set forth in article IV of this chapter may collect, transport and haul recyclable waste within the city.

(Code 1971, § 13-18; Ord. No. 1243-2-01, § 13-18, 2-6-2001; Ord. No. 1264-9-01, 9-4-2001; Ord. No. 1295-9-02, 9-17-2002; Ord. No. 1298-10-02, 10-22-2002; Ord. No. 1335-9-03, 9-16-2003; Ord. No. 1374-9-04, 9-21-2004; Ord. No. 1387-9-05, 9-20-2005; Ord. No. 1437-9-06, 9-19-2006; Ord. No. 1806-09-19, § II, 9-3-2019)

CHAPTER 82 – “SOLID WASTE”, ARTICLE II. – “COLLECTION AND DISPOSAL”, DIVISION 3. – “COLLECTION”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 82-98. Building wastes.

- (a) The person creating or in possession of building wastes shall be responsible for the disposal of such wastes in such a manner and at such places approved by the city manager.
- (b) Building wastes shall not be collected as a part of the city's refuse and garbage collection service except as a special collection under subsection 82-131(e), in which event such wastes shall be prepared for collection as required by section 82-96.
- (c) City-owned roll-off dumpsters may be rented for three days, based on availability, for a rate as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinance in section 82-131. Disposal fee will be per cubic yard of dumpster size times the rate set in the Master Fee Schedule section 82-131. No waste will be allowed above the sides of the roll-off dumpster.
- (d) The city may refuse to collect or dispose of any garbage, refuse, yard waste, or other substance which it reasonably believes to be toxic or hazardous, which requires special handling in pickup or disposal of which the city's landfill is not permitted to handle. No person shall place such materials for pickup by the city in containers furnished by the city.

(Code 1971, §§ 13-8, 13-9; Ord. No. 1243-2-01, §§ 13-8, 13-9, 2-6-2001; Ord. No. 1264-9-01, 9-4-2001; Ord. No. 1295-9-02, 9-17-2002; Ord. No. 1298-10-02, 10-22-2002; Ord. No. 1335-9-03, 9-16-2003; Ord. No. 1374-9-04, 9-21-2004; Ord. No. 1387-9-05, 9-20-2005; Ord. No. 1437-9-06, 9-19-2006)

Cross reference(s)—Buildings and building regulations, ch. 14.

CHAPTER 82 – “SOLID WASTE”, ARTICLE III. – “RATES, CHARGES AND BILLING PROCEDURE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 82-131. Service collection and disposal fees and standards.

- (a) *Scope.* This section is a schedule and shall not be deemed to require the city to accept any type or volume of waste from any location or source, though it shall serve as a basis and criteria for rejection of waste.
- (b) *Minimum fee.* All active water accounts serving commercial, business, institutional, or residential, which are charged for sewer (with the exception of residents utilizing approved septic systems), shall be charged at least the minimum garbage collection fee, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, plus a fuel adjustment charge per collection, respectively. The fuel adjustment charge shall be calculated by the city manager on a monthly basis, and shall cover the city's monthly fuel cost for the sanitation department.
- (c) *Residential waste collected by city.* Minimum fees are established for waste commonly generated from residential units where the waste is collected by the city either at the house side for qualified handicapped citizens, or in approved containers for collection by the city. Curbside collection shall utilize city-supplied containers only. Such charges are per month, per residential unit except where applicable to other established rate schedules, and shall include the cost of collection, hauling and disposal. For the purpose of this rate schedule, a single-family residence shall be one residential unit; a duplex shall be two units; triplex three units; and quadraplex four units. Each unit in an apartment complex above four units that is separately metered for other city utilities, and has approved containerized service, will be considered as a separate residential unit with collection fees to be based on charges established for this customer class. Service collection and disposal fees and standards for residential waste picked up by the city shall be as follows:

- (1) Residential unit—Curbside collection—One day a week pickup÷.

- a. ~~Effective 10/1/2018.~~

- 1. ~~One container\$24.77* per month~~

- 2. ~~Two containers\$41.39* per month~~

- 3. ~~Three containers\$63.08* per month~~

- Note: ~~*Plus fuel adjustment~~

- Tax will be charged on all garbage accounts

- (2) Apartment unit in apartment complex having more than four units and separately metered for other city utilities and having approved dumpster collection - One pickup per week.

~~Effective 10/1/2018\$19.89* per month~~

- (3) Apartment complexes, mobile homes and manufactured housing parks above four units that have master meter(s) for utility services shall be required to have

approved containerized collection service with collection fees to be based on the containerized rate established on a cubic yard basis.

- a. Apartment complexes, mobile homes or manufactured housing parks metered by a master meter(s) for city utility service shall have approved containerized collection service - ~~\$5.04* per cubic yard of waste collected per collection~~ - one to six collections per week.
 - b. Each unit in a mobile home or manufactured housing park separately metered for other city utility services will be classified as a residential unit.
- (4) A residential customer who can provide a certificate on a city supplied form from a medical doctor stating that he/she is unable to physically carry his/her household waste to the curb and that no one else residing at this residence can carry waste to the curb shall be allowed, upon return of completed form/letter, to receive house side collection service at the curbside collection service rate. Waste must be placed in city-supplied containers (outside garage, fences, etc.). City may require updated disability forms at its discretion.
 - (5) All fees are for the amount and type of waste commonly generated by such residential units. Excessive amounts or unacceptable types of waste shall be subject to additional fees, requirements, or refusal by the city manager.
 - (6) Pilot Program - the city shall reserve the right to charge fees as approved by the City Council and deemed necessary for services provided in the implementation of various programs, such as commercial recycling, etc.
- (d) *Commercial, industrial, institutional and similar nonresidential waste.* Service collection and disposal fees and standards for commercial, industrial, institutional and similar nonresidential waste is as follows:
- (1) The city shall have the right to require any of the classes who generate more than four 96-gallon roll out containers per pickup to have approved containerized collection service. A minimum charge ~~of \$28.64*~~ will be assessed for roll out carts. Charges for minimum customers who desire multi-weekly collections will be based on the fee schedule ~~below set forth in the Master Fee Schedule~~. Number of collections per week shall be determined by the city manager.
 - (2) Multiple carts/collections. ~~The following rates will be charged for multiple Multiple~~ cart collections will be charged at the rates set forth in the Master Fee Schedule.:

Effective 10/1/2018

Carts	1 Day	2 Days	3 Days	4 Days	5 Days
1	\$28.64*	\$57.28*	\$85.92*	\$114.56*	\$143.20*
2	\$28.64*	\$57.28*	\$85.92*	\$114.56*	\$143.20*
3	\$44.11*	\$88.22*	\$132.33*	\$176.44*	\$220.55*
4	\$59.67*	\$119.34*	\$179.01*	\$238.68*	\$298.35*

Note: ~~* Plus fuel adjustment~~

Tax will be charged on garbage rates

- (3) The collection rate for dumpster service shall cover only one collection per week. Charges for minimum customers who desire multi-weekly collections

will be based on the number of collection times the minimum charge. The number of collections per week shall be determined by the city manager.

- a. Front load dumpsters - ~~\$5.04* per cubic yard of waste collected per collection~~ - One to six collections per week.
- b. After the city has made two separate attempts to collect waste from sites where dumpster is blocked, customers will be billed as if collection was made. To return and empty dumpster will be classified as an extra collection and appropriate fee charged.
- c. Roll-off rates - City owned roll-off dumpsters may be rented ~~for three days~~ ~~for at the a rates of \$140.29* set forth in the Master Fee Schedule~~. Each additional three-day period, or part of, for an additional ~~\$70.15* minimum fee~~. ~~A disposal rate will be \$13.48** per cubic yard, per dumpster size, per collection also be assessed at the rate set forth in the Master Fee Schedule.~~

Note: ~~** Plus pickup and return fuel adjustment.~~

Tax will be charged on garbage rates.

- (4) Regularly scheduled privately owned roll-off. The collection rate for regular scheduled service ~~is set forth in the Master Fee Schedule~~ ~~shall be \$5.04** per cubic yard of non-compacted waste/refuse; or \$5.55** per cubic yard of compacted waste/refuse collected, per collection.~~

Note: ~~** Plus pickup and return fuel adjustment on privately owned dumpsters of 20 or more cubic yards.~~ Tax will be charged on garbage rates.

- (5) Garbage collection service will be provided to tenants and/or commercial enterprises located on city owned property outside the city limits of Nacogdoches at a rate of one and one-half times the rate charged for commercial garbage collection inside the city limits. All such tenants and enterprises shall be considered commercial and shall abide by the collection standards contained in this section.
- (6) The city manager, shall have the right to set the schedule of frequency of pickup, specify the type of container, location of container, and refuse any waste based on volume, weight, dimension, hazard, state (liquid or solid), or type based on any city ordinance, state or federal law, regulations or permit pertaining to same including refusal based on health, air or water safety concerns. Under no circumstances will the city collect waste/refuse from any enclosed area, fenced yard.
- (7) Special waste collection fee based on type of waste requested for collection; ~~the following rates~~ shall ~~be assessed at the rate set forth in the Master Fee Schedule~~ ~~apply~~. The city manager shall have the right to determine equipment and personnel needed for collection.

Personnel	
1 man	\$29.58/hr.
2 men	40.71/hr.
Truck with operator	
Pick-up	20.75/hr.
Dump truck	37.51/hr.
Loader/backhoe	

*Note-All services are charged one-hour minimum. In addition to collection fee, current landfill gate rate disposal fee shall also apply.

- (e) *Waste delivered to city landfill.* Disposal standards and fees for the city landfill are as follows:
- (1) Minimum fees for waste delivered to the city landfill to be deposited in appropriate locations within the landfill according to city landfill rules or at the direction of the city employees on duty at the city landfill have been determined.
 - (2) For purposes of determining fees, the following definitions shall apply:
 - a. *City resident.* A person who resides within the corporate limits of the City of Nacogdoches.
 - b. *Commercial user.* A person, corporation, or partnership that engages in a business, service, calling or occupation that generates waste.
 - c. *Non-resident.* A person who does not reside within the corporate limits of the City of Nacogdoches.
 - d. *Special waste.* Waste requiring special disposal methods/handling that is not required of other waste.
 - (3) Without regard to residential or commercial use the ~~following~~ fees ~~are~~ set for special items generated within the City of Nacogdoches are set forth in the Master Fee Schedule. The city will not accept dead animals for disposal from outside the city.
 - a. ~~Appliances:~~
 Large \$14.82
 Small \$8.25
 - b. ~~Small dead animals no larger than a dog, each.~~ \$14.82
 - c. ~~Large dead animals, each~~ \$76.43
 - d. ~~Special waste:~~
 1. ~~City Resident, cu. yd.~~ \$14.82
 2. ~~Non-resident, cu. yd.~~ \$27.08
 - e. ~~Tires will be accepted and fee assessed in accordance with the state tire recycling fee schedule.~~
 - ~~(4) Household garbage, rubbish, waste and brush:~~
 - a. ~~City residents—\$6.77 per cubic yard non-compacted and \$7.44 compacted, with a \$14.82 minimum.~~
 - b. ~~Non-residents—\$13.36 per cubic yard non-compacted and \$14.65 compacted, with a \$29.53 minimum, except that non-residents may not bring brush to the landfill.~~
 - c. ~~Commercial brush/yard waste—\$8.01 per cubic yard, with a \$18.03 minimum.~~
 - (54) Upon proof of residence with a qualifying city water bill, city residents may make one delivery of such waste per month to the landfill free of any charge.
 - a. Proof of resident status shall be by means of a city water bill or water bill receipt no more than one month old, together with other proof of identity and residence such as a drivers license or identification card issued by the State of Texas, or other identification acceptable to the director of public

works for the city. Only one delivery shall be allowed on any one water bill per month. Free disposal cannot be accumulated and taken at one time.

- b. For purposes of this rate schedule, a standard size pickup truck without special sideboards, frames, load extenders or similar methods loaded with acceptable waste shall be considered a load qualifying for one free disposal per month.
- (f) [*Cubic yardage.*] Cubic yardage shall be determined by the city employee on duty at the landfill according to the criteria established by the city manager.
- (g) [*Yard waste.*] Yard waste generated, cut, trimmed, or felled within the City of Nacogdoches and delivered to the landfill by private resident with a qualifying city water bill, as described in subsection (e)(4) above, may be disposed of at a location designated by the city employee on duty at no charge provided that: no other type waste is mixed with the load; limbs and bags are unloaded in the area designed by the landfill superintendent or his designee; and no trees or limbs are in excess of 12 inches in diameter. Bagged yard waste must be emptied at site. No plastic is allowed to remain within the designated area and shall either be removed from the landfill or disposed of as directed by the city employee on duty.
- (h) *Scope.* This is a schedule and shall not be deemed to require the city to accept any type or volume of waste from any location or source, though it shall serve as a basis and criteria for rejection of waste.

(Code 1971, § 13-14; Ord. No. 1222-9-00, § 13-14, 9-19-2000; Ord. No. 1243-2-01, § 13-14, 9-19-2001; Ord. No. 1264-9-01, 9-4-2001; Ord. No. 1295-9-02, 9-17-2002; Ord. No. 1298-10-02, 10-22-2002; Ord. No. 1335-9-03, 9-16-2003; Ord. No. 1374-9-04, 9-21-2004; Ord. No. 1387-9-05, 9-20-2005; Ord. No. 1417-5-06, 5-16-2006; Ord. No. 1437-9-06, 9-19-2006; Ord. No. 1497-9-08, 9-2-2008; Ord. No. 1506-9-08, 9-16-2008; Ord. No. 1535-11-09, § 3, 11-17-2009; Ord. No. 1627-5-13, 5-7-2013; Ord. No. 1714-8-16, 8-16-2016; Ord. No. 1743-9-17, 9-5-2017; Ord. No. 1779-09-18, 9-18-2018)

CHAPTER 82 – “SOLID WASTE”, ARTICLE IV. – “PERMITTING OF COMMERCIAL RECYCLABLE WASTE HAULERS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 82-158. Application required.

- (a) Any person desiring a new or renewal commercial recyclable waste hauler permit must submit a permit application to the director.
- (b) The application shall set forth or be accompanied by all of the following:
 - (1) The name, telephone number and address of the applicant;
 - (2) The trade name under which the applicant does or proposes to do business;
 - (3) The applicant's mailing address and office telephone number, and the applicant's facsimile number and e-mail address, if any;
 - (4) The physical address of the applicant's business, and address of the location where the applicant's vehicles and equipment will be parked or stored when not in use;

- (5) The number and type of vehicle(s) the applicant will operate, and the type and carrying capacity of each vehicle together with year of vehicle, model, and manufacturer's rate capacity;
- (6) The type(s) of recyclable waste the applicant intends to collect and transport;
- (7) The location(s) at which the applicant intends to dispose of the solid waste collected by the applicant, and the name, address and phone number of the operator of each location;
- (8) An insurance certificates verifying the liability insurance required by this article;
- (9) A statement that the applicant understands and agrees to abide by the provisions of this article;
- (10) A statement of the financial ability and responsibility of the applicant;
- (11) Container type, size and weight rating of recyclable waste containers to be used by applicant;
- (12) Days of week and hours of daily operation intended for collection, transportation and disposal activities;
- (13) Tender the permit fee set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances of \$250.00; and
- (14) A copy of the applicant's sales tax permit issued by the comptroller of public accounts.

(Ord. No. 1806-09-19, § IV, 9-3-2019)

CHAPTER 86 – “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE III. – “EXCAVATIONS”, DIVISION 1. – “GENERALLY”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 86-61. - Excavation and grading code adopted.

- (a) The Standard Excavation and Grading Code, 1975 edition, published by the Southern Building Code Congress International, Inc., with amendments, is adopted and enacted as the excavation and grading code for the city. One copy shall be on file in the office of the city secretary, available to all persons for inspection. The excavation and grading code is adopted as fully as if set out at length in this article, and the provisions thereof shall be controlling within the corporate city limits.
- (b) Any or all additions or amendments to such code, when passed in such form as to indicate the intention of the city council to make the amendment a part of such code, shall be deemed to be incorporated in such code and shall be understood and intended as additions and amendments to such code.
- (b)(c) Any portions of the code specifying permit fees are hereby amended, and any such excavation and grading permit fees shall be specified in the Master Fee Schedule, Addendum A to the Code of Ordinances.

(Code 1971, § 25-15; Ord. No. 1535-11-09, § 3, 11-17-2009)

CHAPTER 86 – “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE III. – “EXCAVATIONS”, DIVISION 2. – “PERMIT”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 86-93. Fee.

Each applicant for a permit required by this division shall pay a fee as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances ~~of \$25.00.~~

(Code 1971, § 25-19; Ord. No. 1388-9-05, 10-1-2005)

CHAPTER 90 – “SUBDIVISIONS”, ARTICLE II. – “PLATS”, DIVISION 3. – “PRELIMINARY PLAT”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 90-92. Processing.

- (a) Formal application for subdivision preliminary plat approval shall be made by the subdivider in writing to the planning and zoning commission at a regularly scheduled meeting.
- (b) The subdivider shall submit one copy of the preliminary plat to the planning and zoning commission at least ten days prior to the date at which the formal application for preliminary plat approval is made to the planning and zoning commission.
- (c) Each plat submitted for preliminary and/or final plat approval shall be accompanied by a filing fee, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances ~~on file in the city secretary's office.~~ Minor plats shall also have a filing fee, as set forth in the Master Fee Schedule ~~on file in the city secretary's office.~~ No action shall be taken by the planning and zoning commission until the filing fee has been paid. The filing fee shall not be refunded if the subdivider fails to make formal application for preliminary and/or final plat approval or if the plat is disapproved.
- (d) Each plat submitted for preliminary approval shall be accompanied by a certificate or letter from a title guaranty company or title attorney indicating a current search and certifying to at least the following concerning title to the land:
 - (1) A statement of records examined and date of examination.
 - (2) A description of the property in question, including a metes and bounds description of the tract.
 - (3) The name of the fee owner as of the date of examination and the date, file number, volume and page of the recording of the deed involved.
 - (4) The name, file, number, date of filing and volume and page of any lienholders.
 - (5) A general description of any easements or fee strips granted, along with the file number, date of filing, and volume and page of recording.
- (e) The planning and zoning commission shall review the preliminary plat as to its conformity with the standards and specifications set forth in this chapter or referred to in this chapter.

- (f) Pertinent copies of the preliminary plat data shall be submitted to the city engineer who shall check the data for conformity with the standards and specifications contained or referred to in this chapter.
- (g) The city engineer shall return the preliminary plat data to the planning and zoning commission with his suggestions as to modifications, additions or alterations of such plat data.
- (h) Within 30 days after the preliminary plat is formally filed, the planning and zoning commission shall conditionally approve or disapprove such plat or conditionally approve it with modifications. If it is conditionally disapproved or conditionally approved with modifications, the planning and zoning commission shall inform the subdivider, in writing, of the reasons at the time such action is taken.
- (i) Conditional approval of a preliminary plat by the planning and zoning commission shall be deemed as expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final or record plat. Conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.
- (j) Conditional approval of a preliminary plat will expire six months from the date of approval by the planning and zoning commission. However, if the subdivider shall apply in writing prior to the end of such six-month period, stating the reasons for needing an extension, this period may be extended for another six months, but not beyond a total of one year.

(Code 1971, § 26-8)

CHAPTER 98 – “TELECOMMUNICATIONS”, ARTICLE II. – “USE OF RIGHTS-OF-WAY”, DIVISION 3. – “PERMITS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 98-88. Fees.

- (a) *Wireless telecommunications system permit.* Except as provided, it shall be a term and condition of any wireless telecommunications system permit issued in accordance with this division that, as part of the consideration supporting the issuance of such wireless telecommunications system permit and the city's permission thereby to occupy and use its public ways, fees shall be paid as follows:
 - (1) All applicants shall pay the city a wireless telecommunications system permit request fee per cell site that uses the public ways. This fee is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances on file in the city secretary's office.
 - (2) The wireless telecommunications system permittee shall pay to the city an annual wireless telecommunications system permit fee per cell site that uses the public ways. This fee is set forth in the Master Fee Schedule on file in the city secretary's office. The city may adjust the annual wireless telecommunications system permit fee each year to the extent allowed under the laws. The minimum adjustment shall be set by the cumulative increase in the Consumer Price Index (CPI) published by the United States Department of Labor for Urban Wage Earners (1967=100%) since the initial establishment of this

wireless telecommunications system permit fee for any and all subsequent increases, and only after a public hearing with at least 20 days' notice to all wireless telecommunications system permittees.

- (3) The wireless telecommunications system permit fee provided for in subsection (a)(2) of this section shall be payable annually on or before October 1 of each calendar year for the portion of the wireless telecommunications system within the city's public ways on January 1 of that year. A prorated wireless telecommunications system permit fee, based upon the calendar quarter in which the application is filed, shall be paid at the time of the application for a wireless telecommunications system permit for all new portions of the wireless telecommunications system.
- (4) The wireless telecommunications system permittee shall pay to the city a quarterly wireless revenue fee, which shall be a minimum of five percent, or the maximum percentage allowed under the laws, of all total gross revenues from wireless telecommunications system cell sites that use the public ways. The quarterly wireless revenue fee is due January 1, April 1, July 1, and September 1 of each year.
- (5) Privately owned lines or cables placed by the wireless telecommunications system permittee to support the backhaul portion of the wireless telecommunications system network constitute a private telecommunications system and are subject to all applicable requirements set forth in this article.
- (b) *Private telecommunications system permit.* Except as provided in this article, it shall be a term and condition of any private telecommunications system permit issued in accordance with this article that, as a part of the consideration supporting the issuance of such private telecommunications system permit and the city's permission thereby to occupy and use the public ways, fees shall be paid to the city as follows:
 - (1) All applicants shall pay the city a private telecommunications system permit request fee, as set forth in the Master Fee Schedule~~on file in the city secretary's office~~.
 - (2) All private telecommunications system permittees shall pay the city an annual private telecommunications system permit fee, as set forth in the Master Fee Schedule~~on file in the city secretary's office~~, for the right to operate a private telecommunications system. The city may, at its option, adjust this private telecommunications system permit fee each year to the extent allowed under the laws or by an amount not exceeding the proportional cumulative increase in the CPI since the initial establishment of this private telecommunications system permit fee for any and all subsequent increases, and only after a public hearing and with at least 20 days' notice to all private telecommunications system permittees.
 - (3) The private telecommunications system permit fee provided for in subsection (b)(2) of this section shall be payable to the city annually on or before October 1 of each calendar year for the portion of the private telecommunications system within the public ways on January 1 of that year. A prorated private telecommunications system permit fee, based upon the calendar quarter in which the application is filed, shall be paid at the time of an application for a

private telecommunications system permit for all new portions of the private telecommunications system.

- (4) The private telecommunications system permittee shall pay to the city a quarterly private revenue fee, which shall be a minimum of five percent or the maximum percentage allowed under the laws, of all annual total gross revenues derived from transmissions that enter a private telecommunications system through the local access transport area. The quarterly private revenue fee is due and payable to the city on January 1, April 1, July 1 and September 1 of each year.
 - (5) Lines, cables or fiber optics of a private telecommunications system which are placed in a conduit or a duct-bank owned by an entity not exempt under the laws from this article shall require a private telecommunications system permit, unless the franchise, or other authorization by which the exempt entity has the right to place the conduit or duct-bank within the city property, prohibits the application of the private telecommunications system permit fee requirements contained in this division to the lessee of space within the conduit or duct-bank. The fee for the additional private telecommunications system permit shall be one-half the private telecommunications system permit fee required under subsection (b)(2) of this section.
- (c) *Report.* Each revenue fee payment shall be accompanied by a written report to the city, prepared by an independent certified public accountant and verified by an officer or other authorized representative of the regulated permittee, containing an accurate statement in summarized form, as well as in detail, of the regulated permittee's total gross revenues and the computation basis and method. Such reports shall be in a form satisfactory to the city.
- (1) No acceptance by the city of any permit fee or revenue fee payment shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the city may have for further or additional sums payable. All amounts paid under this section shall be subject to confirmation and recomputation by the city, provided that such audit and computation is completed within three years of the date any audited and recomputed payment is due.
 - (2) If the regulated permittee disputes the city's determination of underpayment, the regulated permittee shall place the disputed amount in an escrow account until final resolution.
 - (3) All regulated permittee's books, maps, and records directly concerning its total gross revenues under this article and concerning its calculation of permit fee or revenue fee payments to the city shall be open for inspection by proper city representatives upon no less than 48 hours' prior written notice during normal business hours. All other reports required by this Code and city ordinances shall be made available to city representatives by the regulated permittee, from time to time, as required.
- (d) *Interest on unpaid fees.* Permit fees or revenue fees not paid within ten days after the due date, including any such unpaid fees discovered during an audit and recomputation performed pursuant to subsection (c) of this section, shall bear interest at the rate of one percent per month from the date due until paid. Interest

shall be due on the entire late payment from the date on which the payment was due until the date on which the city receives the payment.

- (e) *Payment of other license fees, taxes or charges.* Payment of the permit fee or revenue fee shall not exempt any regulated permittee from the payment of any other license fee, tax or charge on the business, occupation, property or income of such regulated permittee that lawfully may be imposed by the city or other taxing authority, except as may otherwise be provided in the ordinance imposing such other license fee, tax or charge.

(Code 1971, § 28½-25)

CHAPTER 98 – “TELECOMMUNICATIONS”, ARTICLE III. - WIRELESS NETWORK PROVIDER USE OF RIGHTS-OF-WAY”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 98-110. Applicable fees and rental rates to the city.

- (a) ~~*Fees and rates payable to the city.*~~ As compensation for the network provider's use and occupancy of the city public rights-of-way, the network provider shall pay application fees and annual public right-of-way rental rates as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances below, which shall be in lieu of any lawful tax, license, charge, right-of-way permit, use, construction, street cut or inspection fee; or other right-of-way related charge or fee, whether charged to the network provider or its contractor(s) within the city, except the usual general ad valorem taxes, special assessments and sales tax levied in accordance with state law and equally applicable to all general businesses in the city.
- (b) ~~*Network nodes.*~~
 - (1) ~~*Application fee. The application fee shall be \$250.00 for each network node application covering up to five network nodes and \$125.00 for each additional network node per application.*~~
 - (2) ~~*Annual public right-of-way rate fee. The annual public right-of-way rate shall be \$250.00 per network node installed in the city public rights-of-way.*~~
 - (3) ~~*Public right-of-way rate adjustment.*~~ As provided in Section 284.054 of the Tex. Local Gov't Code, the city may adjust the amount of the annual public right-of-way rate not more than annually by an amount equal to one-half the annual change, if any, in the Consumer Price Index (CPI). The city shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the city on or after the 60th day following the written notice.
- (c) *Node support poles.* The application fee for each network support pole is set forth in the Master Fee Scheduleshall be \$500.00.
- (d) *Transfer facilities.* The ~~annual~~ transfer facility rental rate is set forth in the Master Fee Scheduleshall be \$28.00 monthly for each network node site located in a public right-of-way. However, no rate is required if the network provider is already paying the city an amount equal to or greater than the amount of other city right-of-way fees for access lines under Chapter 283 of the Code or cable franchise fees under Chapter 66 of the V.T.C.A. Utility Code.

- (e) *Micro network nodes.* No application fee is required for a micro network node if the installation is attached on lines between poles or node support poles.
- (f) *Collocation of network nodes on service poles.* Subject to the city's pole service agreement, the collocation of network nodes on city service poles shall be at a rate set forth in the Master Fee Schedule of \$20.00 per year per service pole.
- (g) *City-owned municipal utility poles.* A network provider shall pay an annual pole attachment rate, as set forth in the Master Fee Schedule, for the collocation of a network node supported by or installed on a city-owned utility pole based upon the pole attachment rate consistent with Section 54.024 of the V.T.C.A. Utilities Code, applied on a per-foot basis.
- (h) ~~*Payment in lieu prohibited.*~~ The city shall not seek or accept in-kind services in lieu of or as additional payment or consideration from any user of the public rights-of-way for use of the public rights-of-way.

(Ord. No. 1745-9-17, § II, 9-5-2017)

CHAPTER 102 – “TRAFFIC AND VEHICLES”, ARTICLE X. – “TOW TRUCK AND VEHICLE STORAGE BUSINESS REGULATIONS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 102-370. Truck permits required for rotation non-consent tows.

- (a) *Unlawful to operate tow trucks without permit.* It shall be unlawful for any person to engage in the tow truck business and make rotation non-consent and or police directed/initiated tows in the City of Nacogdoches unless such a person possesses a current, valid permit for that tow truck issued by the City of Nacogdoches Police Department.
- (b) *Truck permits.* The permit shall be affixed to the front windshield so that it can be read from the exterior of the vehicle. Permits will be issued upon successful inspection of each vehicle according to prescribed standards and/or equipment listed in the application. Permits may be suspended and/or revoked by the chief of police or the designee.
- (c) *Issuance or renewal of truck permits.* Permits, unless suspended or revoked, shall be issued/renewed by January 31 of each year and will expire the last day of January the following year. All tow truck inspections will be done in the month of January. Permits may be issued for tow trucks added to the tow truck business during the course of the year provided all necessary paperwork is completed.
- (d) *Tow truck permit fee.* The permit fee charged by the Nacogdoches Police Department is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances shall be \$30.00 per tow truck, annually, and is to cover the cost of inspections and maintaining records regarding the ability to safely and adequately operate each tow truck.
- (e) *Paperwork information.* Any applicant for a tow truck permit shall submit, on a form supplied by the Nacogdoches Police Department, a verified application form containing or accompanied by the following:

- (1) The true trade name, true owner's name, address, and telephone number of the tow truck company.
 - (2) A detailed description of each tow truck proposed to be operated, including Texas tow truck license plate number.
 - (3) A copy of the state issued tow truck license. (Cab card)
 - (4) The original certificate of insurance that lists public liability, property damage, and any and all other amounts as prescribed by the State of Texas. Must show City of Nacogdoches as certificate holder. The original will be returned to the owner after a photocopy has been made.
 - (5) A photocopy of the vehicle storage facility license issued by the State of Texas which must include the physical address and phone number of the facility to be used. The VSF must be located within the ETJ of the City of Nacogdoches and must be publicly listed with local telephone companies.
 - (6) Written proof that the VSF meets TAS standards.
 - (7) A copy of an updated non-consent tow fee schedule.
 - (8) If a tow company owner does not own a VSF, a letter from the proposed VSF storage facility granting permission to store vehicles, to that company owner/business, is required.
- (f) *Inspection of tow trucks.* Every tow truck to be used by the applicant for incident management tows in the tow truck business shall be inspected annually by the Nacogdoches Police Department delegate prior to the issuance of a permit to ascertain if it has met all state requirements along with the following items:
- (1) Current TDLR license (listing all trucks permitted with TDLR).
 - (2) Current tow truck license plate registration.
 - (3) Current safety inspection certificate.
 - (4) The company name and phone number must be permanently displayed on both sides of the tow truck at least four inches in height.
 - (5) One fire extinguisher, type ABC dry chemical, at least ten pounds or equivalent. Each extinguisher shall have a number permanently affixed that correlates with the truck it belongs on.
 - (6) Light set sufficient to provide rear brake/turn lights and taillights for the towed load (tow lights).
 - (7) Three portable red emergency reflectors or reflective orange safety cones.
 - (8) Broom and scoop along with a container to contain any and all debris removed from a scene. Each shall have a number permanently affixed that correlates with the truck it belongs on.
 - (9) Amber-colored overhead rotating/flashing lights that are to be used only while under the direction of a law enforcement officer at the scene of an accident or while assisting/hooks up to a disabled vehicle on a roadway.

It shall be unlawful for any permitted tow truck to operate at any time without the required equipment stipulated by state law or this article.

(Ord. No. 1570-4-11, 4-5-2011)

...

Sec. 102-382. Maximum fees to be charged for non-consent tows.

The maximum fees charged by tow companies for non-consent tows are hereby established by the city as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, below and reflect fair value of towing services. Itemized receipts shall be provided to owners or operators at the time payment of tow related fees are made. Violations of this provision may result in suspension or removal from the tow rotation list, and criminal penalties against the offender. Towing fees may be reviewed by the City of Nacogdoches bi-annually. A towing fee study shall be performed in conjunction with this review.

(Fees listed in the Master Fee Schedule below are for non-consent tows)

(Fees listed in the Master Fee Schedule below do not include any charges other than tow, to include the use of dollies, go-jacks and clean-up of debris when called for)

Light-Duty Tow Trucks	Heavy-Duty Tow Trucks
Incident Management—\$150.00	Incident Management—\$500.00
Private Property Tow—\$150.00	Private Property Tow—\$500.00
Drop Fee—\$75.00	Drop Fee—\$250.00
Stand-by Time over 1 hour—\$125.00 per additional hour	Stand-by Time over 1 hour—\$250.00 per additional hour

Fuel surcharge. Due to the ever increasing prices of fuel a surcharge will be allowed for each cent past the price of \$3.50 per gallon of fuel. Once it is determined that the price of fuel has surpassed the price of \$3.50, the police department will, on a monthly basis, advise what amount can be added to a towing invoice in the amount of \$0.30 for each cent over the amount of \$3.50 as a surcharge. The police department will base the price of fuel on the lowest price of two local distributors at the beginning of each month once it is determined that the price is above \$3.50 per gallon.

(Ord. No. 1570-4-11, 4-5-2011)\

CHAPTER 106 – “UTILITIES”, ARTICLE II. – “SEWER SYSTEM”, DIVISION 2. – “SEWER USE REGULATIONS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 106-67. Permits for industrial discharges.

- (a) *Permit required for industrial wastes.* Any significant or minor industrial user discharging or proposing to discharge industrial wastes (including unpolluted process water) into the city sewage works shall obtain a permit from the city for this purpose. This is in addition to any permits required by the plumbing ordinance. Any significant or minor industrial user proposing to discharge industrial wastes shall obtain a city permit before connecting to the city sewage works. This provision applies to: (1) new or relocated establishments; (2) new sources of industrial waste within an existing establishment; and (3) direct dischargers wishing to divert any part of their industrial waste to the city sewage works.

Permitting requirements shall apply to all significant or minor industrial users receiving, or to receive, service from the city's sewage works, whether located inside or outside the city. No industrial user may be served through a wholesale customer unless the city and the wholesale customer first make an agreement giving the city the same authority over industrial users as provided in this division.

Any person (not already permitted) whom the city reclassifies as a significant or minor industrial discharger shall apply for a permit within 30 days after receiving notice from the city.

Each permit for a significant industrial user shall specify appropriate limits for: (1) flow; and (2) concentrations and/or mass limits for pollutants.

Any significant industrial user who wishes to increase his flow, concentration, or mass of pollutants above the limits stated in his permit must obtain an amended permit from the city.

(b) *Users subject to permit requirement.* Each significant industrial user shall obtain a permit for the discharge of any industrial waste. Each minor user, including automobile repair and servicing; Shops and car washes; dry cleaners and laundries; hospitals and nursing homes; restaurants and food dispensing services; schools with cafeterias; and dry industries with a risk for accidental spills of toxic or harmful substances into the city sewer system shall likewise obtain a permit. This requirement shall apply to such facilities even when included within a larger establishment, such as restaurant facilities within a supermarket.

In the absence of evidence to the contrary, the following types of business shall not be considered significant industrial users: Automobile dealers and gas stations without repair or service facilities; and schools without cafeterias.

(c) *Application requirements.* Each application for a permit to discharge industrial waste into the sewage works shall be made on forms provided by the city or according to a format prescribed by the city. Each application shall be signed by an authorized representative of the industrial user, as defined in section 106-66, and certified by a qualified professional. A permit application shall also be required for any new sources of industrial waste within a facility.

The city may require any information in the permit application which may be deemed necessary to evaluate the application and/or to administer the pretreatment program or any other necessary monitoring. Information which may be required includes, but is not limited to, the following:

- (1) Name, address, location, applicable telephone numbers, and ownership of the industrial user (including major stockholders and/or parent corporations);
- (2) Supervisors (including shift supervisors) and other contact persons, including all persons on whom legal notice could be served;
- (3) List of any applicable environmental permits, including any permits related to transportation of waste materials;
- (4) SIC number;
- (5) Description of the operations: A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and SIC of the operation(s) carried out by the user. The description should include a schematic process diagram, which indicates points of discharge to the city's sewer system from the regulated processes;

- (6) Wastewater characteristics, certified by a reliable analytical laboratory, based on a sample which is representative of daily operations;
- (7) Time and duration of discharge;
- (8) Flow measurements: Average daily, maximum daily, and peak flow rates, in gallons per day, for industrial wastes, along with any daily or seasonal variations. This shall apply separately to each waste stream regulated by categorical standards, as necessary, to allow use of the combined waste stream formula set out in subsection 106-71(a)(2);
- (9) Site plans, floor plans, and details of all sewers within the plant which carry industrial waste;
- (10) Description and schedule for any facilities needed to meet pretreatment standards and/or requirements;
- (11) Each product produced by type, amount, process(es) and rate of production;
- (12) Type and amount of raw materials processed (average and maximum per day);
- (13) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (14) Justification for discharging unpolluted process water to the sewage works rather than to natural drainage; and
- (15) Type and amount of any toxic pollutants brought into the plant, or generated within the plant, and scheduled for disposal outside the sewage works.

If an industrial user considers any of the required information to be confidential in nature, he may request the city to withhold that information from the general public according to section 106-67. The user must be able to justify his request according to subsection (i).

The city shall evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, the city will determine whether to issue a permit. The city may deny any application.

(d) *Permit modifications.*

- (1) *Pretreatment standards.* Within 45 days after the promulgation of any new or revised national pretreatment standard, the city shall revise the permits of all users subject to that standard. The revised permits shall require compliance with the standard within the time frame prescribed by that standard. Each existing user subject to any new or revised pretreatment standard shall submit to the pretreatment coordinator the baseline report required by subsections 106-69(c)(1). This information shall be submitted within 180 days after the later of: (a) the promulgation of the standard and (b) the final administrative decision by the EPA that the standard (and/or one or more specific subcategories within the standard) is applicable to the user. New sources and sources which become subject to categorical standards after promulgation of the applicable categorical standard shall submit the required baseline report at least 90 days before beginning their indirect discharges. For these sources, the baseline report shall meet the requirements of subsections 106-69(c)(1).

This requirement for submitting information applies to any user, regardless of whether that user at the time is classified by the city as a significant industrial user.

- (2) *Conditions warranting temporary relief.* The city may modify existing permits to provide temporary relief from specific discharge limits when all of the following conditions are met:
- a. The city prohibits or limits by ordinance the discharge of a specific substance or parameter into the city's sewage works.
 - b. An industrial user which discharges such substance or parameter has asked the city from relief from such restrictions and has submitted justification for such relief.
The city reasonably anticipates that the restrictive ordinance provisions will be eliminated or relaxed through pretreatment program modifications to be submitted by the city to the approval authority for approval.
 - c. Both the city and the approval authority concur that temporary or permanent relief is justified.
- (3) *Actions to provide temporary relief.* In cases when the conditions above are met, the city may modify the permit of any applicable industrial user to include a compliance schedule for meeting the requirements for which temporary relief is warranted. Such compliance schedule shall at a minimum meet the following requirements:
- a. Recognize the current status of the city's proposed pretreatment program modifications and the anticipated revisions to the requirements in question.
 - b. Require the industrial user to submit his own compliance schedule for meeting current (unmodified) requirements no later than six months after the time that the city is scheduled to submit the pretreatment program modifications to the approval authority for approval.
 - c. Note the possibility that the compliance schedule issued by the city may be changed before the expiration of the six-month period to reflect developments regarding the pretreatment program modifications. The industrial user shall not be required to meet the requirements in question until the expiration of the six-month period, plus such additional reasonable time as may be required for compliance.
- (e) *Permit conditions.* City permits for industrial waste discharges shall be expressly subject to all provisions of this division and any other applicable regulations, user charges, and fees established by the city—, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. Permits shall contain conditions (1)—(6) below, or in the case of conditions (2) and (3) an explanation as to why these conditions are inapplicable (such as in the case of a dry industry or a minor industry). Permits may also contain any or all of the other conditions below, as applicable:
- (1) Duration (in no case more than five years) and statement of non-transferability;
 - (2) Limits on the average and maximum waste constituents and characteristics, based on applicable general pretreatment standards (in 40 CFR 403), categorical pretreatment standards, local limits, and state and local law;
 - (3) Effluent limits, including best management practices, based on applicable pretreatment standards;
 - (4) Requirements to control slug discharge, if determined by the water utilities manager to be necessary;

- (5) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law. Written documentation must be maintained to demonstrate alternate sample techniques are representative of discharge.
- (6) Requirements for maintaining and retaining plant records relating to industrial waste discharge as specified by the city, and affording the city access to those records;
- (7) Requirements for notification to the city of any new introduction of pollutants or any substantial change in the volume or character of the pollutants being introduced into the sewage works;
- (8) List of applicable civil and criminal penalties for permit violations, and any applicable compliance schedules (which may not extend the time for compliance beyond that required by applicable federal, state, or local law or regulations);
- (9) The unit charge or schedule of user charges and fees for the industrial waste to be discharged to the public sewer;
- (10) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (11) Notice that the flow and/or pollutant loadings in the permit are temporary or subject to future modification, water utilities manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - b. To address significant alterations or additions to the user's operation, processes, or wastewater or character since the time of the individual wastewater discharger permit issuance;
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - d. Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, or the receiving waters. (Note: The Control Authority should consider threats to the POTW's beneficial sludge use.)
 - e. Violation of any terms or conditions of the individual wastewater discharge permit.
- (12) Requirements for gradual phasing in and/or out of specified pollutants in the waste, when the city finds that sudden changes in concentration may interfere with treatment;
- (13) Requirements for installation and maintenance of inspection and sampling facilities, including protection from flooding and any all-weather roads necessary for access;
- (14) Requirements for submission of technical reports or discharge reports according to subsections 106-69(c), (d);
- (15) Requirements for notification of slug discharges as defined in section 106-66;
- (16) Identification of specific permitted waste streams;

- (17) Location of discharge point(s);
 - (18) Controls on batch dumping;
 - (19) Requirements for toxic organic plans and/or solvent management programs;
 - (20) Requirements for calibration of flow meters;
 - (21) Requirements for periodic cleanout (with documentation) of tanks, sumps, and grease traps;
 - (22) Requirements for operation of pretreatment facilities;
 - (23) Requirements for waste minimization plans to reduce the amount of pollutants discharged to the sewage works;
 - (24) Requirements for documenting the disposal of toxic pollutants outside the sewage works, where appropriate;
 - (25) Compliance schedules or a requirement for the user to submit a schedule;
 - (26) Stipulated administrative penalties up to \$1,000.00 per violation for further violations; and
 - (27) Other conditions as deemed appropriate by the city to ensure compliance with this division.
- (f) *Duration of permit.* Permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in subsection (e) are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (g) *Reporting of changes.* The industrial user shall promptly notify the city in writing of any significant changes in the data which was required for the permit application. Items which must be reported include the following:
- (1) Changes in ownership and mailing address;
 - (2) Significant changes in operations, processes, and products, including any change in the SIC number or any increase in flow of 20 percent or greater;
 - (3) Changes in strength or volume of industrial waste, including any new pollutants;
 - (4) Any changes in the layout of sewers carrying industrial wastes;
 - (5) Major changes in plant employment, production schedule, and pretreatment facility schedule;
 - (6) Any conditions which could increase the possibility of an accidental discharge;
 - (7) Changes in type or amount of toxic pollutants scheduled for disposal outside the sewage works;
 - (8) Any changes affecting the potential for a slug discharge; and
 - (9) A permit may not be assigned to a new owner or to a new or changed operation without the approval of the city. Any succeeding owner to which a permit is assigned shall comply with the conditions of that permit. Permits issued to new owners or due to changed operation shall be subject to the fee charged for a new permit.

- (h) *Suspension and revocation.* Any industrial user who commits the following violations of this division is subject to having his permit revoked and services terminated according to the procedure of section 106-75:
- (1) Misrepresentation or failure to fully disclose all relevant facts in the permit application;
 - (2) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
 - (3) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
 - (4) Tampering with monitoring equipment;
 - (5) Refusal of reasonable and timely access to the user's premises for the purpose of inspection, monitoring, or examination of records;
 - (6) Violation of conditions of the permit, including effluent limits, other pretreatment standards, and compliance schedule;
 - (7) Failure to pay user charges (including pretreatment fees) when due;
 - (8) Failure to pay fines and penalties; or
 - (9) Refusal to comply with emergency notices issued by the city under section 106-77 of this division.

The permit may also be revoked for cessation of operation with no evidence of intention to resume operation:

The permit may be reinstated only after all violations have been corrected, any applicable fines or damages have been paid to the city, and provisions have been made to prevent recurrence of the violation. Any disconnection and reconnection shall be at the expense of the user.

- (i) *Confidential information.* Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information processes or methods of production entitled to protection as trade secrets of the user:

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this division, the NPDES permit, state permit and/or the pretreatment programs; provided, however, that such portions of a report shall be immediately available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Waste constituents and characteristics and other effluent data defined in 40 CFR (2)302 will not be recognized as confidential information.

Information accepted by the city as confidential shall not be transmitted to any governmental agency (except as noted above) or to the general public by the city unless a ten-day notification is given to the user.

- (j) *Inactive permit status.* The city may place any permit in an inactive status in cases where no industrial wastes expected to be discharged over an extended period of time. Such cases include temporary suspension of existing discharges of industrial

wastes, or long-term or indefinite postponements of proposed discharges. As long as a permit remains in inactive status, the city may suspend reporting, monitoring, and/or inspection requirements to the extent warranted by the circumstances.

The city may move any inactive permit back to active status at the request of the user, or in event of actual or imminent resumption of discharge of industrial waste.

(k) *Cancellation of permits for former industrial users.* The city may cancel a permit for an industrial waste discharge and allow discharge without a permit in cases where a permit is no longer required. Such cases are as follows:

- (1) Industries which were permitted under previous ordinance requirements, but for which a permit is no longer mandatory because of adoption of this division or subsequent revisions.
- (2) Industries which no longer meet any of the criteria under which a permit is mandatory because of:
 - a. Major changes in operations;
 - b. Diversion of waste streams away from the sewage works;
 - c. Changes in federal regulations and/or application of regulations which cause the industry to be no longer subject to categorical standards; and/or
 - d. Determination by the city that a non-categorical industry does not meet the criterion in item (4) of the definition of a significant industrial user in section 106-66.

In such cases of permit cancellations; the user may continue to discharge as a non-industrial user unless his service is terminated according to other provisions of this division.

The city shall notify the approval authority before or after such permit cancellations, as may be required by the approval authority.

(Ord. No. 1983-10-23, 10-17-2023)

Sec. 106-68. Control of admissible wastes.

(a) *General.* Industrial wastes which do not violate the provisions of section 106-70, and which meet any pretreatment standards and requirements which may be applicable, may be discharged into the sewage works upon obtaining a permit according to section 106-67.

Septage, waste-activated sludge, or grease trap waste may be discharged at the treatment plant at designated locations according to subsection (i) below, provided the hauler meets all city requirements including permitting.

(b) *Monitoring facilities.* Each significant industrial user shall provide and maintain at his own expense one or more control manholes with such monitoring facilities as may be required for the type of operation and industrial waste involved. The purpose of these facilities shall be to allow inspection, sampling, and flow measurement of the building sewer(s). The monitoring facility(ies) should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility(ies) to be constructed in the public street or sidewalk area and located so that they will not be obstructed by landscaping or parked vehicles.

In cases where regulated waste streams are mixed with other regulated waste streams or with unregulated waste streams before discharge, the city may require the control manhole(s) to be upstream from the mixing point(s). The city may require more than one control manhole in cases where two or more industrial waste streams originate in the same establishment and, in the opinion of the city, require separate monitoring. There shall be ample room in or near such control manholes or facilities to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Facilities shall be protected from flooding and shall have an all-weather access road. Construction shall be completed within 90 days following written notification by the city.

All sampling and flow measurement equipment used in control manholes shall be calibrated at the expense of the user at least semiannually with written verification submitted to the city. This equipment shall also be subject to calibration by the city, unless other arrangements acceptable to the city are made.

Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, maintained in good working order, safe from flooding, and accessible at all times. The failure of a user to keep its monitoring facility accessible and in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(c) *Flow measurement.* The following provisions shall apply to all users, whether residential, industrial, or other:

The water consumption for any user during the previous month from all sources shall ordinarily be the basis for computing the sewage flow. Water supplied by the city shall be determined from the meter records of the water department. If any user obtains all or part of his water supply from private wells, surface water, or other suppliers, he shall furnish the city with certified meter readings, copies of water billings, or other evidence of the amount of water consumption during the month.

Any user who wishes to measure his sewage flow directly may at his own expense install and maintain a recording flow meter. The reading obtained from this meter shall become the basis for computing the sewage flow, provided the meter:

- (1) Is of a type approved by the city;
- (2) Remains properly calibrated;
- (3) Is accessible for reading and calibration by city personnel; and
- (4) Is verified semi-annually for accuracy, with a verification report submitted to the city, at the user's expense. Verification and calibration shall be provided by a certified instrument technician at the user's expense.

Should meter readings indicate that the effluent flow meter is inaccurate, the city shall notify the user, in writing, and the user shall verify that the reading is correct or have the meter repaired, recalibrated, or replaced as necessary. The city shall adjust the billing immediately to reflect a predetermined percentage of water consumption for the sewer charge.

Should meter readings the next month indicate that the meter is still inaccurate; the city shall adjust the sewer charge to reflect 100 percent of water consumption. This charge shall remain in effect until the user provides written notification and verification that the meter has been repaired and recalibrated, and is recording effluent flow accurately.

In lieu of a permanent recording flow meter, a user may apply for a reduction in the volume of computed sewage flow by using separate water supply meters for water not returned to the sewer. The user shall provide all necessary verification to the city, including flow and piping diagrams as required.

If an unusually large amount of water has been used for watering lawns throughout the city because of dry weather, the city may adjust computed sewage flow to reflect the estimated amount of such usage.

(d) *Sampling and analyses of wastes.*

- (1) All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the pretreatment coordinator or other parties approved by EPA.
- (2) The quantitative limits for all applicable pollutants shall be sufficiently sensitive to demonstrate compliance with applicable effluent limitations. For sampling and testing required by specific instructions of the EPA or the Texas Commission on Environmental Quality, the instructions from that agency shall govern.
- (3) Samples shall be taken at intervals to be established by the city: (1) to control the quality of industrial waste and/or (2) to determine surcharges. In all cases the sampling shall be performed often enough to be representative of average effluent quality. The following minimum standards are to be followed:
 - a. Except as indicated in subsections b. and c. below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by water utilities manager. Where time-proportional composite sampling or grab sampling is authorized by control authority the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented

in approved EPA methodologies may be authorized by the control authority as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

- b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - c. For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the control authority may authorize a lower minimum. For the periodic compliance reports, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.
- (4) All routine sampling and testing shall be performed by (or at the expense of) the user unless the city specifies otherwise under contract or permit provisions. The city shall have the right to perform its own sampling and testing at any reasonable time in order to check the accuracy of the user's testing. The city shall also have the right to require sample splitting upon proper notice.
 - (5) For all required sampling performed by the user, chain of custody documents from sample collection through final analysis shall be maintained in the user's records with copies included with all laboratory reports submitted to the city. Records shall be retained for at least three years per subsection 106-69(i).
- (e) *Pretreatment*. Industrial users must comply with any applicable pretreatment standards or requirements in accordance with sections 106-69 and 106-71.
 - (f) *Traps*. Where necessary to prevent the discharge of grease, oil, flammable substances, sand, or other harmful wastes into the sewage works, a user shall provide at his own expense a trap to intercept these substances. Traps shall not be required for private living quarters or dwellings, unless the city has observed problems in the sewage works resulting from the discharge from such dwellings.

Traps shall be required for all schools, restaurants, cafeterias, car washes, automotive services (including service stations), hospitals, nursing homes, and other commercial establishments for which, in the opinion of the city's pretreatment coordinator, a trap is necessary for protection of the sewage works. The owner or operator of an establishment shall have the right to appeal the pretreatment coordinator's decision to the water utilities manager.

The pretreatment coordinator may waive the requirement for a grease trap provided the user can verify that only domestic sewage is being discharged, with no floor drains or process water. The pretreatment coordinator may require testing by the user in connection with his request.

All traps shall be of a type and capacity approved by the city and shall be located so as to be readily accessible for easy cleaning and inspection. Grease and oil traps shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. All

traps shall be maintained by the user, at his expense, in continuously efficient operation at all times.

Each trap in active use shall be cleaned at least once every 60 days (unless the city specifies otherwise). Cleaning more frequently than 60 days may be specified by the city's pretreatment coordinator. Any user desiring a schedule less frequent than 60 days shall submit a request to the pretreatment coordinator along with testing (as required by the pretreatment coordinator) and copies of the cleaning records for the last four trap cleanings.

The user shall maintain written verification of the date when each trap is cleaned, with the location and identity of the trap clearly defined. Unless otherwise allowed by the city, such verification shall be provided by the commercial firm performing the cleaning. Such verifications shall be kept on site and available to the city for inspection and copying for a minimum of three years.

The city may assess penalties for grease trap violations according to the rate ordinance.

Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

- (g) *Dilution.* Dilution of wastes by increased use of process water, or by any other methods, will not be acceptable as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard or requirement, unless specifically allowed elsewhere in this division or in the applicable national pretreatment standard or local pretreatment requirement.
- (h) *Slug discharges.* Significant industrial users must be evaluated within one year of designation to determine if a plan or other action to control slug discharge is required. The results of such activities shall be made available to the approval authority upon request. Significant users are required to notify the POTW immediately of any changes at its facilities affecting the potential for slug discharge.
- (i) *Septage and other hauled wastes.*
 - (1) *Transporter registration.* Any person wishing to:
 - a. Transport septage, waste activated sludge, or grease trap wastes from sources within the city; or
 - b. Dispose of any of these wastes at the city sewage works (regardless of source) shall obtain a permit from the pretreatment coordinator for each company or individual hauling such wastes.

Haulers with city permits shall maintain copies of all city and state permits at their designated place of business and in each vehicle operated under the permit. These documents shall be available to the operating staff of the city treatment plant at the time of delivery.

Each permit shall be for the term of one year, with annual permit fee according to the rate ~~ordinance~~ set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances. Application for permit renewal shall be made at least 30 days before expiration. The permit shall be non-transferable without the approval of the city.

(2) *Vehicles/equipment.*

- a. *Marking and identification.* Owners or operators of vacuum pump trucks shall mark each truck to show the company name, city, telephone number(s), and city and state permit numbers.

- b. *Sanitation standards.* All vehicles and equipment used for the collection and transportation of the waste shall be operated and maintained to prevent loss of liquid or solid waste materials to prevent health and safety hazards to operating personnel and the public.
 - c. *Incompatible wastes.* Mixing of incompatible wastes (wastes that have different processing, storage, or disposal requirements) within the same vacuum truck for disposal at the city treatment plant is prohibited.
 - d. *Sight gauges.* All vehicles used to transport wastes regulated by this permit shall be equipped with sight gauges to determine the volume of the waste delivered. Gauges shall show what percentage of the tank capacity is filled. The city may require proof of calibration of sight gauges.
- (3) *Inspection.* All transport vehicles will be subject to inspection by the city for sight gauges, city and state registration, and truck marking.
A sample of the waste may be taken at the plant prior to unloading the truck. If the sample results prove unacceptable, the hauler will be responsible for the proper disposal of the waste elsewhere.
- (4) *Recordkeeping.* Persons who collect and transport waste under this permit shall maintain a record of each collection. Such records shall be in the form of a trip ticket, including:
- a. Name, address, telephone number, city registration number, and Texas Commission on Environmental Quality registration number of transporter.
 - b. Name, signature, address, and telephone number of the person who generated the waste and the date and time collected.
 - c. Type(s) and amount(s) of all waste collected and transported.
 - d. Name(s) and signature(s) of responsible person(s) collecting, transporting, and disposing of the waste.
 - e. Name and signature of the facility on-site representative acknowledging receipt of the waste and the type(s) and amount of waste(s) received. This applies whether the wastes are disposed of at the city treatment plant or elsewhere.

In cases where a load of waste is rejected by the city, the rejection shall be noted on the trip ticket or on a supplementary ticket. The treatment plant operating staff shall be provided with a copy of all relevant information concerning the rejected load.

Copies of the trip tickets shall be retained for five years and shall be readily available for review by the water utilities manager and/or the pretreatment coordinator.

- (5) *Accidental discharge or spills.* In the event of an accidental discharge or spill of waste, the collector or transporter must take appropriate action to protect human health and the environment. Transporters are responsible for cleanup and for reporting spills to the city's pretreatment coordinator; to the city health inspector, if health hazards exist; and to local law enforcement if there is a possibility of a traffic hazard.
- (6) *Time and place for wastes hauled to plant.* Wastes shall be hauled to the treatment plant for disposal during hours designated by the city. The wastes

shall be discharged into that portion of the plant designated by the city, provided:

- a. The plant is capable, in the opinion of the plant operator, of receiving and treating the wastes without inconvenience to the operating staff, overloading, or degradation of plant effluent.
- b. The city verifies by inspection that no toxic wastes, incompatible wastes (such as mixed septage and grease trap wastes), or other unacceptable wastes are present. The city reserves the right to require laboratory testing of the wastes at no cost to the city.
- c. Grease trap wastes are delivered within 24 hours after pumpout.
- d. Inspection and treatment fees are paid according to the rate ordinance and/or the user charge ordinance.

(7) *Penalties.*

- a. The following may result in cancellation of the city permit and/or loss of authorization to dispose of waste at the city's facilities:
 1. Failure of a transporter to maintain records, trip tickets, or other documents properly, without falsification;
 2. Failure of a transporter to submit to the city's pretreatment personnel correct information on a permit application by the required due date;
 3. Unauthorized discharge of waste; and
 4. Failure of a transporter to maintain a current state permit and to comply with state regulations.
- b. The city may also take any action authorized by law to secure compliance including:
 1. Assessment of administrative penalties of \$50.00 per violation per day up to \$5,000.00 maximum for the violation.
 2. Seeking civil penalties as prescribed by city ordinance.

(Ord. No. 1983-10-23, 10-17-2023)

CHAPTER 106 – “UTILITIES”, ARTICLE III. – “SERVICE CHARGES”, DIVISION 1. – “GENERALLY”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 106-321. Water rates and general sewer rates.

- (a) *Generally.* The charges for:
 - (1) Water sold and delivered to customers of the waterworks system of the City of Nacogdoches; and
 - (2) Sanitary sewer service for customers of the sanitary sewer system of the City of Nacogdoches (other than monitored users).
- (b) *Water rates.*
Effective 10/1/2024
Water rates are hereby fixed and prescribed according to the following schedules:
 - (1) *Minimum charges per meter size (0—2,000 gallons).*

All User Classes (Inside)	FY 24— 25	FY 25— 26	FY 26— 27	FY 27— 28	FY 28— 29
5/8"	13.97	13.97	13.97	13.97	13.97
3/4"	13.97	13.97	13.97	13.97	13.97
1"	20.95	20.95	27.93	27.93	34.92
1.5"	32.59	32.59	51.20	51.20	69.83
2"	46.56	46.56	79.13	79.13	111.72
3"	79.13	79.13	144.31	144.31	209.48
4"	125.69	125.72	237.41	237.41	349.14
6"	242.07	242.07	470.17	470.17	698.28
8"	381.73	381.73	749.48	749.48	1,117.24
10"	544.65	544.65	1,075.34	1,075.34	1,606.03
12"	1,010.17	1,010.17	2,006.37	2,006.37	3,002.58
Multi-Unit	13.97	13.97	13.97	13.97	13.97

All User Classes (Outside)	FY 24— 25	FY 25— 26	FY 26— 27	FY 27— 28	FY 28— 29
5/8"	20.95	20.95	20.95	20.95	20.95
3/4"	20.95	20.95	20.95	20.95	20.95
1"	31.42	31.42	41.90	41.90	52.37
1.5"	48.88	45.72	76.82	76.82	104.75
2"	69.83	69.83	118.71	118.71	167.59
3"	118.71	118.71	216.47	216.47	314.23
4"	188.54	188.54	356.13	356.13	523.71
6"	363.10	363.10	705.26	705.26	1,047.41
8"	572.59	572.59	1,124.23	1,124.23	1,675.86
10"	816.99	816.99	1,613.02	1,613.02	2,409.05
12"	1,515.26	1,515.26	3,009.57	3,009.57	4,503.88
Multi-Unit	20.95	20.95	20.95	20.95	20.95

(2) *Volumetric rates (per 1,000 gallons).*

Residential Water Inside	FY 24— 25	FY 25— 26	FY 26— 27	FY 27— 28	FY 28— 29
0—2,000 gallons	min	min	min	min	min
2,001—10,000 gallons	3.53	3.53	3.53	3.53	3.53
10,001—30,000 gallons	3.82	3.82	3.95	3.95	4.06
30,001—75,000 gallons	4.12	4.12	4.43	4.43	4.67
75,001 gallons and over	4.45	4.45	4.96	4.96	5.38

Irrigation Water Inside	FY 24— 25	FY 25— 26	FY 26— 27	FY 27— 28	FY 28— 29
0—2,000 gallons	min	min	min	min	min
2,001—10,000 gallons	4.42	4.42	4.42	4.42	4.42
10,001—30,000 gallons	4.76	4.76	4.94	4.94	5.08

30,001—75,000 gallons	5.15	5.15	5.53	5.53	5.84
75,001 gallons and over	5.57	5.57	6.21	6.21	6.71

Non Residential Water Inside	FY 24— 25	FY 25— 26	FY 26— 27	FY 27— 28	FY 28— 29
0—2,000 gallons	min	min	min	min	min
2,001—10,000 gallons	3.53	3.53	3.53	3.53	3.53
10,001—20,000 gallons	3.53	3.82	3.95	3.95	4.06
20,001—30,000 gallons	3.82	3.82	3.95	3.95	4.06
30,001—75,000 gallons	3.82	4.12	4.43	4.43	4.67
75,001 gallons and over	3.82	4.12	4.96	4.96	5.38

Heavy Industry Water Inside	FY 24— 25	FY 25— 26	FY 26— 27	FY 27— 28	FY 28— 29
0—2,000 gallons	min	min	min	min	min
2,001 gallons and over	2.62	2.84	3.05	3.26	3.50

<i>Outside City Limits</i>
1½ times the inside rate that is applicable

- (3) *Wholesale (outside city).* According to contract negotiated with each wholesale user.

Where more than one residential, non-residential or industrial unit is served by the same meter (except for wholesale users):

- The minimum monthly charge shall be equal to the sum of the minimum monthly charges that would apply to the various units if they were metered separately.
- The minimum monthly meter charge shall cover the first minimum number of gallons (if any) times the number of units.
- Charges for water in excess of the minimum as defined above shall be at the highest rate for any user class represented in the various units served by the meter.

- (c) *Sewer rates.*

Effective 10/1/2024

- (1) *Minimum charges.*

	FY 24— 25	FY 25— 26	FY 26— 27	FY 27— 28	FY 28— 29
Residential Inside	15.81	15.81	16.07	16.07	16.07
Residential Outside	23.72	23.72	24.12	24.12	24.12
Non-Residential Inside (1)	18.18	18.18	18.49	18.49	18.49
Non-Residential Outside (1)	27.28	27.28	27.73	27.73	27.73
Monitored Customers (2)	6.90	6.90	7.04	7.04	7.04

- (2) *Volumetric charges (per 1,000 gallons).*

	FY 24— 25	FY 25— 26	FY 26— 27	FY 27— 28	FY 28— 29
Residential Inside	5.28	5.28	5.32	5.32	5.32
Residential Outside	7.93	7.93	7.99	7.99	7.99
Non-Residential Inside (1)	6.07	6.07	6.12	6.12	6.12
Non-Residential Outside (1)	9.11	9.11	9.18	9.18	9.18
Monitored Customers (2)	3.46	3.46	3.53	3.53	3.53

- a. Does not include monitored users such as poultry processors.
- b. Charges for BOD 0.2002 per 100 mg/liter and suspended solids 0.1127 per 100 mg/liter shall be added to flow calculation, according to section VII. This charge is exclusive of any applicable pretreatment. Billing industrial and commercial sewer customers who treat their effluent and have a settling pond. Industrial and commercial sewer customers who are required to treat their effluent and have a settling pond for such shall be billed on one of the following basis:
 1. Amount of water used or registered by the city water meter.
 2. If such industrial or commercial customer as defined above shall install an approved flow measuring device to measure the amount of water returned to the city sanitary sewer for treatment, then the reading from such measuring device will be used for determining the city sewer charge rather than the water meter reading.
- (4) *Exemption from sewer charge.* Customers who use water that is not deposited in the city's sewer lines for treatment shall comply with the following conditions to be eligible to be exempted from sewer charges:
 - a. Customers must have a separate water tap from the city's water main and a separate meter for water used but not deposited in the sewer. The customer will pay for such additional tap and meter cost.
 - b. If for any reason such service is disconnected or discontinued by said customer who later wishes to return this meter to service, a reconnect fee ~~of \$26.35~~ will be charged for each occasion or, ~~\$47.43~~ if after regular work hours, additional fees will be assessed, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.
- (d) *Other charges.* Tap fees, reconnection charges and other miscellaneous charges shall be as prescribed in the Master Fee Schedule ~~other city ordinances.~~
- (e) *Disconnection of service.* The city may disconnect water service to any customer for any of the following reasons:
 - (1) Written request of the customer.
 - (2) Failure to pay all water and sewer charges within a time limit prescribed in other city ordinances.
 - (3) Existence of a known dangerous condition resulting from water service to that customer.
 - (4) Service established through meter bypassing, unauthorized connection or unauthorized reconnection.

- (5) Tampering with meter.
- (6) Any reasons listed in the sewer use ordinance.

If disconnection is solely due to failure to pay bills the city must:

- (1) Give ten calendar days notice prior to disconnection.
- (2) Have city personnel available to collect delinquent bills and to make reconnection on the day of disconnection and on the following:
All city water, sewer and sanitation bills are due upon receipt and are considered delinquent 15 days after billing date. A delinquent fee of ten percent shall be added to all water, sewer and sanitation bills that are not paid within the 15-day period after billing date.

~~The following charges shall also apply:~~

Original service connect fee	\$26.35
Transfer of service fee	\$26.35
Re-connect service fee:	
Regular work hours 8:00 a.m. to 5:00 p.m.	\$26.35
After regular work hours	\$47.43

(Code 1971, § 31-16; Ord. No. 1221-9-00, § 31-23, 9-19-2000; Ord. No. 1263-9-01, 9-18-2001; Ord. No. 1290-7-02, 7-23-2002; Ord. No. 1297-9-02, 9-17-2002; Ord. No. 1333-9-03, 9-16-2003; Ord. No. 1373-9-04, 9-21-2004; Ord. No. 1386-9-05, 9-20-2005; Ord. No. 1436-9-06, 9-19-2006; Ord. No. 1504-9-08, 9-16-2008; Ord. No. 1554-9-10, 9-21-2010; Ord. No. 1658-3-14, 3-4-2014; Ord. No. 1713-8-16, 8-16-2016; Ord. No. 2013-09-24, 9-17-2024)

CHAPTER 106 – “UTILITIES”, ARTICLE III. – “SERVICE CHARGES”, DIVISION 2. – “ASSESSING AND COLLECTING SEWER SERVICE RATES AND CHARGES”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 106-355. Pretreatment fees.

- (a) Pretreatment fees shall be assessed to each permitted industry, as defined in section 106-351. These fees shall cover the city's cost of monitoring, administering, and enforcing the pretreatment program, including periodic inspections. Pretreatment fees shall consist of the following:
 - (1) Annual permit fees, billed to each permitted industry, based on average daily water usage for the preceding calendar year. Industries may be grouped into flow rate brackets with a specified permit fee applicable to each bracket. The annual permit fee shall apply separately to each permit and shall be assessed in its entirety for a year for any permit which is in effect for more than 15 days during the year. If an industry allows its permit to lapse during the year because of cessation of operations, then has the permit reinstated before the end of the year, the industry shall be subject to double assessment of the annual permit fee.
 - (2) Inspection fees shall be assessed to cover costs of inspection, sampling, and monitoring by city personnel. The inspection fee shall apply to all permitted

industries and shall be billed with the first billing cycle occurring 30 days or more after the annual inspection for an industry. Inspection fees shall be established for the following types of industries:

- a. Categorical (according to number of sampling points).
 - b. Other significant industrial users, nonfood (according to number of sampling points).
 - c. Other significant industrial users, food industries, as well as all minor users (according to flow brackets).
- (b) Pretreatment fees shall not be assessed for permits which remain on inactive status for the entire calendar year.
- (c) All pretreatment fees will be as prescribed in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~by the rate ordinance.~~

(Code 1971, § 31-25)

...

Sec. 106-357. Charges for hauled wastes.

The city shall charge an annual license fee according to the Master Fee Schedule, Addendum A to the Code of Ordinances, ~~rate ordinance~~ for each vehicle delivering septage, waste activated sludge, and/or grease trap wastes to the treatment plant for disposal. Inspection and treatment charges shall also be assessed according to the Master Fee Schedule~~rate ordinance~~.

(Code 1971, § 31-27)

CHAPTER 106 – “UTILITIES”, ARTICLE III. – “SERVICE CHARGES”, DIVISION 3. – “INDUSTRIAL SEWER RATES”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 106-393. - Permitted industries.

Any permitted industry discharging industrial wastes into the city sanitary sewer system shall be subject to the following charges:

- (1) For monitored users only, collection and treatment charge per thousand gallons shall be based on unit prices for flow, CBOD, and suspended solids as prescribed in section 106-321. Minimum values used in calculating collection and treatment charges shall be 4,000 gallons per month flow and 200 mg/l concentrations of CBOD and suspended solids. For any user who is being assessed a surcharge for COD, the CBOD concentration shall be treated as 200 mg/l.
- (2) Surcharges for conventional pollutant measurements outside allowable values shall be as follows. Both daily and unit surcharges, when listed, apply.

Parameter	Allowable Value*	Daily Surcharge	Unit of Violation	Unit Surcharge per 1,000 Gallons**
Carbonaceous biochemical oxygen demand	200 mg/l	***	100 mg/l	***
Total suspended solids	200 mg/l	***	100 mg/l	***
Chemical oxygen demand (COD)	300 mg/l max.	***	100 mg/l	***
Oil and grease	100 mg/l max.	***	100 mg/l	***
pH	5.5 min., 9.5 max.	***	0.1 unit on pH scale	***
Ammonia nitrogen	20 mg/l max.	***	1 mg/l	***
Temperature	65° Celsius (149° Fahrenheit), max.	***	1° C	***

* Or permitted limit, if different.

** Surcharge per 1000 gallons = (Unit surcharge per 1,000 gallons) × (number of units of violation).

*** ~~Set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances On file in the city secretary's office.~~

The daily lump sum surcharges for parameters listed in this subsection shall be applied only to days on which the parameter is found out of compliance by sampling/monitoring performed by the city or by self-reporting data, if applicable.

(3) For significant users only, the minimum penalty, ~~as set forth in the Master Fee Schedule shall be \$200.00 per day not to exceed \$1,000.00 per day,~~ shall be assessed for violating any permit limit for metals, priority pollutants per Environmental Protection Agency list (40 CFR 122), or any parameter designated in the permit as representing hazardous or toxic substances. This applies separately at each point of monitored discharge. This stipulated penalty shall not prevent the city from pursuing additional remedies including fines, except that it will apply toward the maximum legal limit for fines imposed directly by the city.

(4) There shall be a penalty ~~of \$25.00 per day,~~ as set forth in the Master Fee Schedule, for each grease trap for each of the following violations:

- a. Not having the trap cleaned at intervals prescribed by the city in accordance with the sewer use ordinance in division 2 of article II of this chapter.
- b. Not having the required trap cleaning records available for the city in updated form.
- c. The trap not meeting the requirements of plumbing ordinance.

(5) Pretreatment fees shall be as prescribed in section 106-395.

(Code 1971, § 31-43)

...

Sec. 106-395. Pretreatment fees.

- (a) *Permit fees.* Under this division, each permitted industry shall pay an annual permit fee for each separate permit which is to be maintained in active status during 15 days or more of the next 12 months following the permit issuance or anniversary date. The fee shall be based on the average daily sewerage water usage from the preceding year or from the portion of the year while the facility was in operation. The fee is on file in the city secretary's office. For a new or reactivated permit, the fee shall be based on the permitted average daily flow, or for the estimated average flow in cases of minor users with no specified flow. If actual flows during the year fall in a different range from those used in setting the permit fee, a corresponding adjustment shall be made in the next annual permit fee.
- (b) *Inspection fees.* An annual inspection fee to defray costs of inspection, sampling, and monitoring shall be assessed to each permitted industry ~~according to the schedule on file in the city secretary's office.~~, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.
- (c) *Billing schedules.* The permit fees for the first 12 months of the term of the permit shall be paid with the application for a new or renewed permit. Each succeeding permit fee for the duration of the permit shall be billed with the first monthly billing following the anniversary of permit issuance. Inspection fees shall be billed with each monthly billing for which the permit was on active status, with each monthly billing being 1/12 of the annual fee. The inspection fee shall be billed in this manner regardless of the number of inspections performed.
- (d) *Transition period.* Since permit and inspection fees are billed on an annual basis, payable after the end of the year for permit fees and after the annual inspection for inspection fees, the city shall make adjustments as necessary so that each permitted user will pay his prorated share of fees under the old or new schedule.

(Code 1971, § 31-45)

Sec. 106-396. Charges for hauled-in wastes.

- (a) *Annual license.* A license fee, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances ~~on file in the city secretary's office, per year~~, shall be charged for each vehicle transporting septage, waste activated sludge, or grease trap wastes as follows:
 - (1) To the city treatment plant for disposal; and/or
 - (2) From establishments within the city to any disposal site.
- (b) *Charges per load.* Charges, as set forth in the Master Fee Schedule, ~~on file in the city secretary's office~~, for the following shall be made for each load of hauled-in wastes in addition to the annual license fees:

- (1) Inspection charge for verifying that no toxic wastes, incompatible wastes, such as mixed septage and grease trap wastes, or other unacceptable wastes are present.
- (2) Treatment charges.

(Code 1971, § 31-46)

Sec. 106-397. Miscellaneous charges.

- (a) Service charges, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~on file in the city secretary's office~~, for the following shall be assessed when appropriate:
 - (1) Tap fees for new sewer connections:
 - a. Four-inch standard service line.
 - b. Six-inch standard service line.Proposed taps larger than those described in this subsection or involving unusual construction requirements shall be performed by the developer or property owner at his expense, when directed by the city. If the city elects to perform such taps, the developer or owner shall pay the city for the total cost prior to installation of the tap.
 - (2) Reconnection of separate water meter for water not returned to the sewer.
 - (3) Delinquent fee: ~~ten percent of the bill.~~
- (b) Sampling and/or monitoring of industrial wastes by city forces at the request of user, when such tasks are the user's responsibility, are to be negotiated between the city and the user.

(Code 1971, § 31-47)

CHAPTER 106 – “UTILITIES”, ARTICLE IV. – “WATER RATE SYSTEM FOR DEBT SERVICE AND OPERATION AND MAINTENANCE OF PUBLICLY OWNED WATERWORKS”, DIVISION 2. – “RATES”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 106-463. Other charges and tap fees.

- (a) Water and sanitary sewer tap fees shall be set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~on file in the city secretary's office~~.
- (b) A new split on a tap that has already been split will require special pricing at the time of the request. It is possible that a second split on the same tap may not be allowed. A split cannot have a meter set larger than the original tap size. A split on a tap located in or around concrete or asphalt paving, or in an area of difficult accessibility will require special pricing. Multiple splits (more than two meters) on the installation of a single larger tap will require special pricing at the time of the request. Any splits on larger taps will require pricing at the time of the request.
- (c) Proposed taps that are larger than those described in the tables on file in the city secretary's office or that involve unusual construction requirements shall be

performed by the developer or property owner at his expense, when directed by the city. Prior approval for construction and inspection by the city will be required. If the city elects to perform such taps, the developer or owner shall pay the city for the total cost prior to installation of the tap.

- (d) A charge on file in the city secretary's office shall be added to the customer's account each time a payment received is returned unpaid from an institution.
- (e) Reconnection charges and other miscellaneous charges shall be as prescribed in other sections of this Code or city ordinances.
- (f) The fees and policies for water and sanitary sewer taps should be reviewed annually with changes made as directed by the city council.

(Code 1971, § 31-93; Ord. No. 1240-12-00, § 31-93, 12-19-2000; Ord. No. 1535-11-09, § 3, 11-17-2009)

CHAPTER 106 – “UTILITIES”, ARTICLE IX. – “INSTALLATION AND MAINTENANCE OF IRRIGATION SYSTEMS”, DIVISION 2. – “DESIGN, INSTALLATION, AND MAINTENANCE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 106-697. Fees.

The city council may create a schedule of fees for obtaining and renewing an irrigation permit. These fees will be in amounts sufficient to cover the city's costs in issuing and renewing the permits, including, but not limited to, staff time and other overhead costs. ~~This schedule will be kept at the City of Nacogdoches Inspections and Permitting Department, and set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~

(Ord. No. 1727-3-17, § II, 3-21-2017)

CHAPTER 106 – “UTILITIES”, ARTICLE X. – “MUNICIPAL SETTING DESIGNATIONS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 106-724. Application for city ~~commission-council~~ approval of municipal setting designation.

- (a) A person, including the City of Nacogdoches, seeking city ~~commission-council~~ approval of a MSD for property within the corporate limits of the Nacogdoches or within its ETJ shall file eight copies of a MSD application with the city manager. An application may be filed in person, by United States mail, or by a document delivery service.
- (b) An application shall be on a form provided by the city manager, and shall contain:
 - (1) Applicant's name and address, and the name, address, daytime telephone number, and email address of a contact person;

- (2) The location and legal description of the proposed outer boundaries of the MSD;
- (3) A statement as to whether the applicant has filed an application with the Texas Commission on Environmental Quality (TCEQ) requesting a MSD designation for the property;
- (4) A statement, and supporting documentation, as to whether a public drinking water supply system exists that satisfies the requirements of V.T.C.A. Health and Safety Code Chapter 341, and that supplies or is capable of supplying drinking water to the property for which the MSD is sought, and that supplies or is capable of supplying drinking water to property within one-half mile of the property for which the MSD is sought;
- (5) A description of the groundwater sought to be restricted, including the identified chemicals of concern therein and the levels of contamination known to the applicant, and the identified vertical and horizontal area of the contamination;
- (6) Identification of the person(s) responsible for the contamination of the groundwater, if known;
- (7) A listing of:
 - a. All owners of real property lying within one-half mile of the subject property, as the ownership appears on the last approved tax roll;
 - b. All state-registered private water wells within five miles from the boundary of the property for which the designation is sought, including a notation of those wells that are used for potable water purposes (if known), and a statement as to whether the applicant has provided the owners with notice as provided in V.T.C.A. Health and Safety Code § 361.805;
 - c. Each retail public utility that owns or operates a groundwater supply well located not more than five miles from the property for which the MSD is sought, and a statement as to whether applicant has provided the utilities with notice as provided in V.T.C.A. Health and Safety Code § 361.805; and
 - d. Each municipality, other than the City of Nacogdoches, with a boundary located not more than one-half mile from the property for which the MSD is sought; or that owns or operates a groundwater supply well located not more than five miles from the property for which the MSD is sought; and a statement as to whether applicant has provided the municipalities with notice as provided in Texas Health and Safety Code Section 361.805;
- (8) A copy of the application to the executive director of TCEQ, if one has been filed;
- (9) A site map, drawn to scale, including a metes and bounds description of the property, the boundary of the proposed MSD, the location of groundwater on the property, and the extent of groundwater contamination to the limits that it has been defined. The map shall include a statement by a professional land surveyor registered by the Texas Board of Professional Surveying attesting to the accuracy of the metes and bounds property description; and
- (10) Any other information that the city manager deems pertinent.

- (c) The application shall be signed by an authorized representative of the applicant and shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in a manner designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (d) An application shall be accompanied by:

- (1) A set of printed mailing labels with the names and addresses of persons listed in subsection (b)(7) above;
- (2) An electronic file of the names and addresses of persons listed in subsection (b)(7) above, in a format acceptable to the city manager and compatible with city information systems; and
- (3) An application fee in the amount set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances of \$2,000.00.

- (e) An applicant may withdraw its application in writing by letter sent certified mail, return receipt requested, to the city manager, and withdrawal shall result in forfeiting the application fee. If the city manager has not issued public notice of the public hearing prior to the receipt of the withdrawal letter, the applicant may reapply at any time. If public notice of the public hearing has been issued when the withdrawal letter is received, a new application is subject to the limitations of section 106-730 below.

(Ord. No. 1533-11-09, § 4, 11-3-2009)

CHAPTER 106 – “UTILITIES”, ARTICLE XII. – “ROADWAY MAINTENANCE FEE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 106-752. Establishment and revision of roadway maintenance fee.

- (a) The city council hereby establishes a roadway maintenance fee to be paid by benefitted property utility customers within the city limits of Nacogdoches, Texas. Such roadway maintenance fee shall be set in amounts which will provide sufficient funds to properly maintain the transportation system.
- (b) Collection of the roadway maintenance fee against each benefitted property shall be made by a monthly charge to be added to the benefitted property utility customer's utility bill for such property.
- (c) The city council has established a fee schedule based upon the cost of maintaining the transportation system, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances, follows:
 - ~~(1) Single family residential benefitted property utility service customers shall be charged \$5.00 per month for each such property.~~

- ~~(2) Multi-family residential benefitted property utility service customers shall be charged \$2.50 per month for each dwelling unit located on each such property.~~
- ~~(3) Commercial benefitted property utility service customers shall be charged \$7.50 per month for each such property.~~
- ~~(4) Industrial benefitted property utility service customers shall be charged \$15.00 per month for each such property.~~
- (d) The ~~above stated~~ fee schedule may be amended by the city council based upon changes in the cost of maintaining the transportation system.
- (e) The roadway maintenance fund shall not be used to supplant funding of \$500,000.00 annually from the general fund of the city for roadway maintenance.

(Ord. No. 1756-12-17, § III, 12-5-2017)

CHAPTER 110 – “VEHICLES FOR HIRE”, ARTICLE II. – “PUBLIC TRANSPORTATION VEHICLES”, DIVISION 2. – “FRANCHISE AND BUSINESS LICENSE AND REGULATIONS”, SUBDIVISION III. – “VEHICLE LICENSE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 110-129. Inspection fees.

An inspection fee shall be charged for the inspection of each vehicle ~~-, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~ The payment shall be due at the time of the vehicle inspection.

(Code 1971, § 28-57; Ord. No. 1371-9-04, 9-7-2004)

CHAPTER 110 – “VEHICLES FOR HIRE”, ARTICLE II. – “PUBLIC TRANSPORTATION VEHICLES”, DIVISION 3. – “DRIVERS”, SUBDIVISION II. – “CHAUFFEUR'S LICENSE”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 110-235. Fee.

A fee ~~of \$10.00~~ shall be charged for each chauffeur's license issued by the city ~~-, as set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.~~ No chauffeur's license shall be issued until said fee is paid.

(Code 1971, § 28-81; Ord. No. 1371-9-04, 9-7-2004)

...

Sec. 110-238. Renewal.

A license under the provisions of this division may be renewed annually without filing a new application by payment of a ~~\$5.00~~ renewal license fee, as set forth in the

Master Fee Schedule, Addendum A to the Code of Ordinances. Renewal may be refused for any reason the original application could have been rejected.

(Code 1971, § 28-84; Ord. No. 1371-9-04, 9-7-2004)

CHAPTER 110 – “VEHICLES FOR HIRE”, ARTICLE III. – “HORSE-DRAWN CARRIAGES”, DIVISION 3. – “LICENSES AND PERMITS”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 110-374. Fees.

- (a) An applicant under this division shall pay the city a permit fee per year for each carriage authorized by the permit. Such fee is set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances~~on file in the city secretary's office.~~
- (b) Payment of the permit fee shall be made prior to the issuance of the permit.
- (c) A permit holder shall operate not more than the approved number of carriages authorized by the permit.

(Ord. No. 1217-9-00, § 28-119, 9-19-2000)

CHAPTER 114 – “WATERWAYS”, ARTICLE II. – “LAKE NACOGDOCHES RULES AND REGULATIONS”, DIVISION 3. – “BOATS AND BOATING”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 114-91. Boats for rent or hire and commercial concession permits.

- (a) No person shall rent or let for hire boats on Lake Nacogdoches without first having obtained a commercial permit, and paid the license fee, as may be set by the city council and set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances.
- (b) No person shall conduct a concession business in areas of city authority without first having obtained a commercial permit and paid the license fee as may be set by the city council.

(Code 1971, § 7-56; Ord. No. 1535-11-09, § 3, 11-17-2009)

CHAPTER 114 – “WATERWAYS”, ARTICLE II. – “LAKE NACOGDOCHES RULES AND REGULATIONS”, DIVISION 4. – “FISHING”, of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to read as follows:

Sec. 114-148. Fishing tournaments.

- (a) Fishing tournaments may be held on Lake Nacogdoches upon issuance of a city fishing tournament permit.
- (b) A city fishing tournament permit may be obtained from and is granted by the city parks and recreation department upon acceptance of an application and payment of a

permit fee as ~~may be set forth in the Master Fee Schedule, Addendum A to the Code of Ordinances from time to time by the parks and recreation department.~~

- (c) A permit must be obtained for all tournaments.
- (d) Activities in noncompliance of the conditions as set out in the application and/or permit will result in automatic revocation of the permit.
- (e) Revocation of a city fishing tournament permit or any violation of the sections of this article or such rules, regulations, and policies as from time to time may be adopted by the parks and recreation department to monitor or administer fishing tournaments shall be unlawful and shall constitute a misdemeanor. Each day that the violation continues shall constitute a distinct and separate violation offense.
- (f) Any criminal violation of this section, upon conviction, shall be punished by a fine as provided in section 1-14.

(Code 1971, § 7-65)

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapters 6, 10, 14, 18, 22, 26, 28, 38, 62, 72, 74, 78, 82, 86, 90, 98, 102, 106, 110, and 114 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time,

place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the ____ day of _____, 2025, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

Rhonda Lewis, City Secretary

BY: _____
Randy Johnson, Mayor

APPROVED AS TO FORM:

Jerry Baker, City Attorney



City Council Meeting

Date: May 6, 2025

Agenda Item: 6.G.

PRESENTER: Jerry Baker, City Attorney

ITEM/SUBJECT: Hold a discussion and provide the Nacogdoches City Council Members an update on the 2025 Legislative Priorities for the 89th State Legislative Session.

SUMMARY/BACKGROUND:

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

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ATTACHMENTS: