

**City of Woodcreek Special City Council Meeting**

**December 12, 2019; 1:00 p.m.**

**Woodcreek, Texas**

**Notice of Agenda**

*This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551). The Woodcreek City Council will hold a Special City Council Meeting on December 12, 2019, at 1:00 p.m. at Woodcreek City Hall, 41 Champions Circle, Woodcreek, Texas at which time the following items will be considered:*

**1. Call to Order**

**2. Invocation**

**3. Pledge of Allegiance:**

**A. To the Flag of the United States of America**

"I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all."

**B. To the Flag of the Great State of Texas**

"Honor the Texas Flag; I pledge Allegiance to thee, Texas, one state under God, one and indivisible."

**4. Roll Call**

**5. Public Comments:**

Interested persons are required to sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak and whether they wish to speak on the item at the beginning of the meeting or during the meeting when the agenda item is being considered by the City Council. Speakers shall refrain from comments regarding the City's staff, elected officials, or council appointed committee membership which are prohibited by law. Delegations of more than five persons shall appoint one person to present their views before the City Council. The City Council may not discuss or comment about an item not included on the agenda, except that the Council may (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose that the item be placed on a future agenda. Comments will be limited to three (3) minutes per speaker.

**6. Citizen Communications:**

**7. Consent Agenda: All the following items are considered self-explanatory by the Council and may be acted upon with one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests. For a Citizen to request removal of an item from the Consent Agenda, a written request must be completed and submitted to the City Manager.**

**A. Approval of Mayor Whitehead's City of Woodcreek Holiday Schedule for Calendar Year 2020**

**B. Approval of a Request from Waste Connections Lone Star, Inc for the Annual Consumer Price Index Adjustment Per the Franchise Agreement with the City of Woodcreek**

- C. Approval of the Appointment of a Representative from the Elected Body of the City of Woodcreek to the Capital Area Council of Governments (CAPCOG) General Assembly
- D. Approval of a Resolution of the City Council of the City of Woodcreek Designating Authorized Signatures on the Various City of Woodcreek Bank and Investment Accounts
- E. Approval of a Resolution Designating Vicki Alvord as the Representative on the Community Elections Advisory Commission (CEAC) of Hays County

**8. Agenda:**

- A. Discussion and Take Appropriate Action on the following Appointments:
  - i Municipal Judge
  - ii Planning and Zoning Commission
- B. Discussion and Take Appropriate Action on a Citizen Ordinance Advisory Committee
- C. Discussion and Take Appropriate Action on Council Responsibilities
- D. Discussion and Take Appropriate Action on a Resolution of the City Council of the City of Woodcreek Creating an Audio and Video Recording Policy for the City of Woodcreek's Public Meeting Space
- E. Discussion and Take Appropriate Action on a Resolution Amending Resolution NO. 19-02-13-2 Section I. Rule 1. Meetings, Regular and Special as it Relates to Meeting Time for Regular Meetings
- F. Discussion and Take Appropriate Action on an Ordinance Repealing Ordinance NO. 19-265 of the City of Woodcreek, Texas Code of Ordinances, Chapter 91 as it Relates to Trees
- G. Discussion and Take Appropriate Action on an Ordinance; Establishing Procedures for Control and Disposition of Diseased and Dead Trees within the City, Providing for a Permitting Process for Tree Trimming, Regulating Removal and Disposal of Diseased Red Oak and Other Substantially Dead Trees, Providing for Notice and Abatement, Defining Terms, Providing Penalties, Providing for Enforcement, Removing Live Oak Trees Infected with Oak Wilt from the Classification of Public Nuisance, Prohibiting Transport of Firewood Derived from Trees Infected with Oak Wilt, Prescribing Standards for the Retention of Oak Wilt Infected Live Oak Firewood, Prohibiting Retention of Firewood from Red Oak Infected with Oak Wilt, Requiring and Prescribing the Means of Destruction of Red Oak Trees Infected with Oak Wilt, Requiring the Sealing of All Wounds to Susceptible Oak Trees, and Providing for Enactment, Repealer, Severability, Codification, and Effective Date, and Finding Proper Notice of Meeting as it Effects Title IX, Chapter 91, Sections 91.01 Through 91.99 of the City of Woodcreek Code of Ordinances
- H. Discussion and Take Appropriate Action on an Ordinance Repealing Ordinance NO. 19-266 of the City of Woodcreek, Texas Code of Ordinances, Chapter 152 as it Relates to Signs
- I. Discussion and Take Appropriate Action on an Ordinance Establishing Sign Regulations for Signs in the City Limits and Extraterritorial Jurisdiction, Providing for the Following: Rules; Standards; Procedures; Criminal Penalties; and Severability as it Effects Title XV: Chapter 152, Sections 152.01 through 152.99 of the City of Woodcreek Code of Ordinances

**J. Discussion and Take Appropriate Action on Setting a Workshop to Review and Discuss Chapter 50: Water Quality of the City of Woodcreek Code of Ordinances**

**9. Adjourn**

*Executive sessions held during this meeting will generally take place in the City Manager's office, at the discretion of the City Council.*

*The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.*

*This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.*

**Attendance by Other Elected or Appointed Officials:**

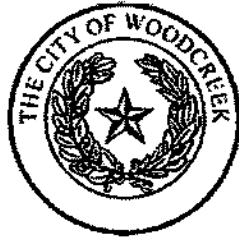
*It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.*

*The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-547-9390 for information. Hearing-impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.*

*Pursuant to Section 36.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.*

I certify that the above notice was posted on the 9th day of December, 2019 at 11:30 a.m.

By:   
Brenton B. Lewis, City Manager



## City of Woodcreek

### Holiday Schedule 2020



New Year's Day	Wed. Jan. 1
MLK Birthday	Mon. Jan. 20
President's Day	Mon. Feb. 17
Good Friday	Fri. Apr. 10
Memorial Day	Mon. May 25
Independence Day	Fri. July 3
Labor Day	Mon. Sept. 7
Indigenous People's Day	Mon. Oct. 12
Veterans Day Observed	Wed. Nov. 11
Thanksgiving Break	Wed. Nov. 25
	Thurs. Nov. 26
	Fri. Nov. 27
Christmas Break	Wed. Dec. 23
	Thurs. Dec. 24
	Fri. Dec. 25

\_\_\_\_\_  
Gloria Whitehead, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brenton B. Lewis, City Manager

\_\_\_\_\_  
Date



### HAYS COUNTY HOLIDAYS FOR 2020

NEW YEARS .....	JAN 01	WED
MARTIN LUTHER KING'S BIRTHDAY.....	JAN 20	MON
PRESIDENT'S DAY.....	FEB 17	MON
GOOD FRIDAY.....	APR 10	FRI
MEMORIAL DAY.....	MAY 25	MON
INDEPENDENCE DAY.....	JUL 03	FRI
LABOR DAY.....	SEP 07	MON
<del>INDIGENOUS</del> COLUMBUS DAY.....	OCT 12	MON
VETERAN'S DAY.....	NOV 11	WED
THANKSGIVING.....	NOV 25	WED
	NOV 26	THU
	NOV 27	FRI
CHRISTMAS.....	DEC 23	WED
	DEC 24	THU
	DEC 25	FRI

PASSED AND ADOPTED THIS THE 1<sup>st</sup> DAY OF October 2019


#### HAYS COUNTY COMMISSIONERS' COURT

  
 \_\_\_\_\_  
 Commissioner Pct. 1

  
 \_\_\_\_\_  
 County Judge

  
 \_\_\_\_\_  
 Commissioner Pct. 2

  
 \_\_\_\_\_  
 Commissioner Pct. 3

  
 \_\_\_\_\_  
 Commissioner Pct. 4

ATTEST:  
  
 \_\_\_\_\_  
 COUNTY CLERK





WASTE CONNECTIONS  
*Connect with the Future*

Brenton Lewis  
City of Woodcreek  
41 Champions Circle  
Woodcreek, TX 78676

November 18, 2019

Dear Brenton:

As your partner in providing solid waste services to the City of Woodcreek, Waste Connections Lone Star, Inc. always strives to provide this quality service at the lowest possible price. As you know, our costs of labor, health insurance, disposal and fuel increase every year.

We respectfully request the annual Consumer Price Index (CPI-U) price adjustment per our agreement for all services as listed in Exhibit "A" Rates for Collection and Disposal of Refuse for the City of Woodcreek. The criteria we are basing our request is outlined on page 8 in Section 10 Rate Adjustment (A) CPI-U Adjustments of our current agreement, dated January 1, 2018. The CPI U percentage for the time frame of September 1, 2018 to September 1, 2019 detailed is 1.7% and is based upon the Consumer Price Index for All Consumers (All Items).

Whereas:  $a - b = c$ ; and  $(1 + c/b) \times d =$  adjusted price for service, where

$a$  is the CPI computed by the Bureau for the month of the Year in Question

$b$  is the Base CPI

$c$  is the index point change

$d$  is the price for service specified in subparagraph B, Base Period Rate

$256.759 - 252.439 = 4.32$ , and  $(1 + 4.32/252.439) \times \$14.07 = (1 + 0.0171) \times \$14.07 = 1.7\% \times \$14.07 = \$0.24$  increase per residential unit per month. The new residential trash rate will be **\$14.31** per residential unit per month plus taxes and fees. We are requesting that this rate increase will be scheduled to take effect on January 1, 2020.

$256.759 - 252.439 = 4.32$ , and  $(1 + 4.32/252.439) \times \$4.27 = (1 + 0.0171) \times \$4.27 = 1.7\% \times \$4.27 = \$0.07$  increase per residential unit per month. The new residential recycling rate will be **\$4.34** per residential unit per month plus taxes and fees.

The total increase in services will be \$0.31 per residential unit per month with a new total rate of **\$18.65** per residential unit per month plus taxes.

We are requesting that this rate increase will be scheduled to take effect on January 1, 2020.

If you have any questions do not hesitate to contact me at 830-373-9303. We truly appreciate the opportunity to be your solid waste service provider and look forward to continuing our public-private partnership.

Best Regards

*James R. Hare*

James R. Hare  
District Municipal Marketing Manager  
Waste Connections Lone Star, Inc.

Agenda Item 7B

Attachments

**EXHIBIT "A"**

**Residential and Commercial Rate Schedule Effective January 1, 2020  
1.7% CPI U Adjustment**

**Residential and Commercial Hand Pick-Up**

	<b><u>Current Rate</u></b>	<b><u>New Rate</u></b>
Residential Trash Service Once Per Week:	\$14.07 Per Month	\$14.31 Per Month
Residential Recycling Service Every Other Week: (2.3% CPI + \$0.48/month)	\$ 4.27 Per Month	\$ 4.34 Per Month
Each Additional 95- Gallon Cart:	\$ 6.48 Per Month	\$ 6.59 Per Month
Each Additional 65- Gallon Cart:	\$ 3.24 Per Month	\$ 3.30 Per Month

**Commercial Container Service : (New Rates)**

<b><u>Size</u></b>	<b><u>One x Week</u></b>	<b><u>Two x Week</u></b>	<b><u>Three x Week</u></b>	<b><u>Extra Pick Up</u></b>
4 cubic yard	\$ 78.65	\$128.53	\$191.99	\$ 81.13
Additional 4 yd (each)	\$ 63.72	\$ 104.37	\$156.01	\$ 81.13
6 cubic yard	\$133.41	\$267.91	\$399.29	\$103.05
Additional 6 yd (each)	\$107.67	\$218.38	\$318.61	\$103.05
8 cubic yard	\$156.06	\$294.09	\$520.20	\$119.65
Additional 8 yd (each)	\$126.40	\$262.44	\$421.36	\$119.65

**Commercial Container Monthly Rental Rate: (New Rate)**

<b><u>Size</u></b>	<b><u>Monthly Rental</u></b>
4 cubic yard	\$32.54 per month
6 cubic yard	\$43.94 per month
8 cubic yard	\$57.23 per month

## Consumer Price Index News Release

Transmission of material in this release is embargoed until  
8:30 a.m. (EDT) October 10, 2019

USDL-19-1773

Technical information: (202) 691-7000 • [cpi\\_info@bls.gov](mailto:cpi_info@bls.gov) • [www.bls.gov/cpi](http://www.bls.gov/cpi)  
Media Contact: (202) 691-5902 • [PressOffice@bls.gov](mailto:PressOffice@bls.gov)

### CONSUMER PRICE INDEX - SEPTEMBER 2019

The Consumer Price Index for All Urban Consumers (CPI-U) was unchanged in September on a seasonally adjusted basis after rising 0.1 percent in August, the U.S. Bureau of Labor Statistics reported today. Over the last 12 months, the all items index increased 1.7 percent before seasonal adjustment.

Increases in the indexes for shelter and food were offset by declines in the indexes for energy and used cars and trucks to result in the seasonally adjusted all items index being flat. The energy index fell 1.4 percent as the gasoline index declined 2.4 percent. The food index increased 0.1 percent in September after being unchanged in each of the prior 3 months.

The index for all items less food and energy rose 0.1 percent in September after increasing 0.3 percent in each of the last 3 months. Along with the shelter index, the indexes for medical care, household furnishings and operations, and motor vehicle insurance all rose in September. The indexes for used cars and trucks, apparel, new vehicles, and communication all declined.

The all items index increased 1.7 percent for the 12 months ending September, the same increase as for the 12 months ending August. The index for all items less food and energy rose 2.4 percent over the last 12 months, also the same increase as the period ending August. The food index increased 1.8 percent over last year, while the energy index decreased 4.8 percent.

Table A. Percent changes in CPI for All Urban Consumers (CPI-U): U.S. city average adjusted changes from preceding month



Un-adjusted 12-mos.

	Mar. 2019	Apr. 2019	May 2019	June 2019	July 2019	Aug. 2019	Sep. 2019	ended Sep. 2019
All* items.....	.4	.3	.1	.1	.3	.1	.0	1.7
Food.....	.3	-.1	.3	.0	.0	.0	.1	1.8
Food at home.....	.4	-.5	.3	-.2	-.1	-.2	.0	.6
Food away from home (1) ..	.2	.3	.2	.3	.2	.2	.3	3.2
Energy.....	3.5	2.9	-.6	-2.3	1.3	-1.9	-1.4	-4.8
Energy commodities.....	6.2	5.4	-.4	-3.5	2.4	-3.3	-2.3	-8.2
Gasoline (all types)....	6.5	5.7	-.5	-3.6	2.5	-3.5	-2.4	-8.2
Fuel oil.....	2.1	1.3	-.3	-2.3	.6	-.9	-.8	-8.5
Energy services.....	.3	-.1	-.8	-.7	.0	-.2	-.1	-.1
Electricity.....	.4	.0	-.8	-.8	.6	-.3	.0	.7
Utility (piped) gas service.....	-.1	-.8	-1.0	-.3	-1.8	.1	-.7	-2.7
All items less food and energy.....	.1	.1	.1	.3	.3	.3	.1	2.4
Commodities less food and energy commodities....	-.2	-.3	-.1	.4	.2	.2	-.3	.7
New vehicles.....	.4	.1	.1	.1	-.2	-.1	-.1	.1
Used cars and trucks....	-.4	-1.3	-1.4	1.6	.9	1.1	-1.6	2.6
Apparel.....	-1.9	-.8	.0	1.1	.4	.2	-.4	-.3
Medical care commodities	.4	.9	-.4	-.2	.2	.3	-.6	-.3
Services less energy services.....	.3	.3	.2	.3	.3	.3	.3	2.9
Shelter.....	.4	.4	.2	.3	.3	.2	.3	3.5
Transportation services	.0	.1	.1	.0	.3	.4	.3	.8
Medical care services...	.3	.2	.5	.4	.5	.9	.4	4.4

1 Not seasonally adjusted.

**CPI for All Urban Consumers (CPI-U)  
Original Data Value**

Series Id: CUUR0000SA0  
 Not Seasonally Adjusted  
 Series Title: All items in U.S. city average, all urban consumers, not  
 Area: U.S. city average  
 Item: All items  
 Base Period: 1982-84=100  
 Years: 2009 to 2019

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
2009	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230
2012	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221
2013	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.161
2015	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336
2016	236.916	237.111	238.132	239.261	240.229	241.018	240.628	240.849	241.428	241.729	241.353
2017	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519	246.819	246.663	246.689
2018	247.867	248.991	249.554	250.546	251.588	251.989	252.006	252.146	252.439	252.885	252.038
2019	251.712	252.776	254.202	255.548	256.092	256.143	256.571	256.558	256.759	257.346	

<b>Dec</b>	<b>HALF1</b>	<b>HALF2</b>
215,949	213,139	215,935
219,179	217,535	218,576
225,672	223,598	226,280
229,601	228,850	230,338
233,049	232,366	233,548
234,812	236,384	237,088
236,525	236,265	237,769
241,432	238,778	241,237
246,524	244,076	246,163
251,233	250,089	252,125
	254,412	



**APPOINTMENT FORM - GENERAL ASSEMBLY REPRESENTATIVE  
CAPITAL AREA COUNCIL OF GOVERNMENTS**

The governing bodies of CAPCOG's members designate General Assembly representatives.

- Counties: Official appointments are made at Commissioners Court.
- Cities, Towns, Villages: Official appointments are made at City Council meetings.
- Organizations: Official appointments are made by the Board or other governing body.

**PLEASE COMPLETE THE FOLLOWING SECTION**

Governing Body:

\_\_\_\_\_ County Commissioners Court (e.g., Travis County Commissioners Court)

-OR-

\_\_\_\_\_ City Council (e.g., Austin City Council)

-OR-

\_\_\_\_\_ Other (Board or other governing body)

\_\_\_\_\_  
City, County, or Organization being represented

*Gloria Whitehead*

*Mayor of the City of Woodcreek*

\_\_\_\_\_  
Name of Representative

\_\_\_\_\_  
Position

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, Zip Code

( ) \_\_\_\_\_  
Telephone Number

( ) \_\_\_\_\_  
Fax Number

\_\_\_\_\_  
Email address (General Assembly Reps. will be subscribed to the CAPCOG Connections, Training, & Data Points email lists)

Check One:

\_\_\_\_\_ Reappointment

\_\_\_\_\_ Filling Vacancy

\_\_\_\_\_ Changing Representative

\_\_\_\_\_  
Name of Previous Representative

I confirm our governing body appointed the above individual to serve as a CAPCOG General Assembly

Representative for the above entity on \_\_\_\_\_

Date of Meeting

\_\_\_\_\_  
Signature of Chief Elected Official/Chair of Governing Board

\_\_\_\_\_  
Date

Please fax this form to 512-916-6001 or email it to [cavila@capcog.org](mailto:cavila@capcog.org). For questions about completing this form, call Cathy Avila at 512-916-6018. Agenda Item 7C

**CITY OF WOODCREEK, TEXAS**

**RESOLUTION NO. 2019-12-12-\_\_**

**A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS DESIGNATING  
AUTHORIZED SIGNATURES FOR THE CITY OF WOODCREEK'S BANK ACCOUNTS  
AND INVESTMENT VEHICLES**

**WHEREAS**, the City Council of the City of Woodcreek has established a financial responsibility to its citizens and to its employees, and

**WHEREAS**, the City Council of City of Woodcreek shall take action by Resolution to designate authorized signatures for the City's bank accounts and investment vehicles,

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WOODCREEK  
HEREBY ADOPTS THE FOLLOWING RESOLUTION THAT:**

**Section 1.**

The City Council of the City of Woodcreek designates authorized signatures on the City's bank accounts and investment vehicles as the Mayor Gloria Whitehead, the Mayor Pro-Tem \_\_\_\_\_, and the City Manager Brenton B. Lewis,

**Section 2.**

This Resolution shall be effective immediately upon its passage.

**PASSED AND APPROVED** this, the 12th day of December 2019, by a vote of \_\_\_\_ Ayes to \_\_\_\_ Nays to \_\_\_\_ Abstentions of the City Council of Woodcreek, Texas.

**City of Woodcreek:**

By: \_\_\_\_\_  
Mayor Gloria Whitehead

**Attest:**

By: \_\_\_\_\_  
Linda Land, City Secretary

CITY OF WOODCREEK, TEXAS

RESOLUTION NO. 2019-12-12-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS APPOINTING MS. VICKI ALVORD AS THE CITY OF WOODCREEK REPRESENTATIVE TO THE COMMUNITY ELECTIONS ADVISORY COMMISSION OF HAYS COUNTY.**

**WHEREAS**, the City of Woodcreek, Texas (the "City") was requested to participate in the Elections Advisory Commission of Hays County (the "EACHC"); and

**WHEREAS**, the mission of the EACHC is: "To serve Hays County as an independent advisory commission in the area of effectively identifying voting center locations and assessing the locations after each election period"; and

**WHEREAS**, the Mayor and City Council (the "Council") of the City of Woodcreek has requested Woodcreek resident Ms. Vicki Alvord represent the City as the municipal representative on the EACHC; and

**WHEREAS**, Ms. Vicki Alvord has graciously agreed to be the representative on the EACHC;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS HEREBY ADOPTS THE FOLLOWING RESOLUTION THAT:**

**SECTION 1:** The Council officially finds, determines, and declares that Ms. Vicki Alvord is to serve as a Municipality representative for the City on the EACHC for a two-year term commencing on the date of this appointment.

**SECTION 2:** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

**SECTION 3:** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 4:** This Resolution shall be in force and effect from and after its final passage and it is so resolved.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Woodcreek on this, the 12<sup>th</sup> day of December 2019, by a vote of \_\_\_\_ Ayes to \_\_\_\_ Nays to \_\_\_\_ Abstentions of the City Council of Woodcreek, Texas.

**City of Woodcreek:**

**Attest:**

\_\_\_\_\_  
Mayor Gloria Whitehead

\_\_\_\_\_  
Linda Land, City Secretary

**City of Woodcreek**  
**Planning and Zoning Commission**

**Nov. 14, 2019**

<b>Name</b>	<b>Term Ending</b>	<b>Appointed</b>
Anne Greene Chairperson	Dec. 2019	3/11/2009
Joe Kotarba Vice Chairperson	Dec. 2020	10/8/2014
Larry Alford	Dec. 2019	8/8/2018
Jack Boze	Dec. 2020	1/9/2019
Jeff Rasco	Dec. 2019	5/8/2019
<b>Alternate Commissioners</b>		
Carl Weldon	Dec. 2020	9/13/2018
Kathy Maldonado	Dec. 2020	6/12/2019

**CITY OF WOODCREEK, TEXAS**

**RESOLUTION NO. 2019-12-12-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS TO CREATE AN AUDIO AND VIDEO RECORDING POLICY FOR THE MEMBERS OF THE PUBLIC IN THE CITY'S PUBLIC MEETING SPACE. THE PURPOSE IS TO SPECIFY THE LOCATION AND SIZE OF THE AUDIO/VIDEO RECORDING AREA SO THAT SAFETY IS MAINTAINED FOR THE CITIZENS IN THE PUBLIC MEETING SPACE.**

**WHEREAS**, the City Council (the "Council") of the City of Woodcreek, Texas (the "City") desires to comply with the Texas Government Code §551.023 regarding the audio or video recording of a meeting by a person in attendance; and

**WHEREAS**, § 551.023 of the Texas Government Code allows for the "governmental body" (i.e. The City of Woodcreek, Texas) to adopt reasonable rules to maintain order and public safety at any and all meetings; and

**WHEREAS**, the Council desires to address the safety of all Woodcreek citizens and non-citizens in attendance at a meeting in the unlikely event of an emergency, whether public or private; and

**WHEREAS**, the Council has determined that to ensure that an emergency egress is available for meeting attendees, the audio/video recording area of the City Council chambers shall be designated in the Council chambers with signage and may or may not be cordoned off. The size of the designated area may vary depending upon public attendance at the meeting and may be determined by the Mayor, City Manager or City Secretary; and

**WHEREAS**, the City Council makes an audio, and possibly, video recording of each meeting for public utilization or historical accuracy, this resolution will exempt the Council's recordings from having to be created from the designated area.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS THAT:**

**SECTION 1:** The Council officially determines that for the public safety of all meeting attendees in the City Council Chambers, an area of the Council chambers shall be designated and cordoned off for possible Audio and Video Recording. Signage will be used to designate the area and the area size may vary depending upon the number in attendance at the meeting and may be determined by the Mayor, City Manager or City Secretary.



**SECTION 2:** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

**SECTION 3:** It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 4:** This Resolution shall be in force immediately after its passage and it is so resolved.

PASSED, ADOPTED AND APPROVED on 12<sup>th</sup> day of December 2019 by a vote of \_\_\_\_\_  
Ayes, \_\_\_\_\_ Nays, and \_\_\_\_\_ Abstaining.

CITY OF WOODCREEK, TEXAS

---

Gloria Whitehead, Mayor

ATTEST:

---

Linda Land, City Secretary



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF WOODCREEK, TEXAS CHANGING THE REGULAR CITY COUNCIL MEETING TIME**

**WHEREAS**, the City Council of the City of Woodcreek has established, by Resolution, the second Wednesday of each month as the regular City Council Meeting; and

**WHEREAS**, the City Council of the City of Woodcreek has established, by Resolution, the Regular Meeting of the City Council shall commence at 6:30 p.m.; and

**WHEREAS**, the City Council of the City of Woodcreek shall take action by Resolution to change a regular City Council Meeting time; and

**WHEREAS**, the City Council of the City of Woodcreek has determined the need to set a different time to commence the Regular Monthly Meeting.

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF WOODCREEK HEREBY ADOPTS THE FOLLOWING RESOLUTION THAT:**

**Section 1.**

The City Council of the City of Woodcreek shall meet in the Council Chambers of the City Hall on the second Wednesday of each month, commencing at 5:00 p.m.

**Section 2.**

This Resolution shall be effective immediately upon its passage.

**PASSED AND APPROVED** this, the 12<sup>th</sup> day of December 2019, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) to \_\_\_\_ (absent and not voting) of the City Council of Woodcreek, Texas.

**City of Woodcreek:**

By: \_\_\_\_\_  
Mayor Gloria Whitehead, Mayor

**Attest:**

By: \_\_\_\_\_  
Linda Land, City Secretary

**CITY OF WOODCREEK, TEXAS**

**ORDINANCE NO. 19-\_\_\_\_**

**REPEAL OF ORDINANCE 19-265 – THE TREE ORDINANCE**

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS REPEALING ORDINANCE 19-265 OF THE CITY OF WOODCREEK CODE OF ORDINANCES. ORDINANCE 19-265 IN PART: ESTABLISHED A 7-MEMBER TREE BOARD, DEFINED PROTECTED TREES, AND REGULATED TREE TREATMENT ON PRIVATE PROPERTY; PROVIDING FOR THE FOLLOWING FINDINGS OF FACT: REPEAL OF ORDINANCE 19-265; REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of the City of Woodcreek finds that on August 14<sup>th</sup>, 2019 the City Council adopted Ordinance 19-265 which in part: established a seven-member Tree Board, defined Protected Trees, declared certain trees a public nuisance, established monetary payments to a Tree Fund as the penalty for some tree removal, mandated fertilizer treatments be applied to existing trees pre- and post-construction, and regulated tree treatment on private property; and,

**WHEREAS**, the City Council of the City of Woodcreek wishes to repeal Ordinance 19-265 adopted on August 14<sup>th</sup>, 2019.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK:**

**Section 1. FINDING OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2. REPEAL OF ORDINANCE 19-265**

City of Woodcreek Ordinance 19-265 is hereby repealed in its entirety.

**Section 3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**Section 4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**Section 5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of this repealing Ordinance, and any changes thereto, in the City's Code of Ordinances.

**Section 6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance.

**Section 7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place

and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this, the 12th day of December 2019, by a vote of \_\_\_\_ Ayes to \_\_\_\_ Nays to \_\_\_\_ Abstentions of the City Council of Woodcreek, Texas.

**City of Woodcreek:**

By: \_\_\_\_\_  
Mayor Gloria Whitehead

**Attest:**

By: \_\_\_\_\_  
Linda Land, City Secretary



TREE CITY USA

# Tree City USA Summary

## TEXAS BY THE NUMBERS

# 2018



### Growth Award

# 88

**Tree City USA**  
COMMUNITIES  
3 NEW

# 46.15%

OF TEXAS  
LIVES IN A TREE CITY USA  
COMMUNITY

Reported Number of Trees Planted **42,367**

# 11

Growth Award  
RECIPIENTS

# 100%

Recertification Rate

### TEXAS'

LONGEST-RUNNING ACTIVE  
TREE CITY USA COMMUNITY:

### Fort Worth

40 YEARS

# 0

**NEW** Growth Award  
RECIPIENT

### Largest

Houston  
POPULATION 2,100,000

### Smallest

Sunset Valley  
POPULATION 650

**\$86,472,277.66**  
spent on urban  
forestry management  
**\$6.62** average  
per capita

LONGEST ACTIVE  
Growth Award  
**Eules**  
28 YEARS

## Beyond Tree City USA



**30** Recognized  
Texas Schools

**0** NEWLY Recognized  
Schools



**5** Tree Line USA Utilities

Longest Running Active Tree Line USA Utility:  
**Omni Electric Delivery**



Learn more about  
our new tree  
planting initiative:  
[timefortrees.org](http://timefortrees.org)



 **Arbor Day Foundation**  
[arborday.org](http://arborday.org)

# 2018 Tree City USA Communities in Texas

## DOWNLOAD A STATE SUMMARY

Updated June, 2019. Next update, June 2020.

CITY	YEARS	POPULATION
Addison	18	15,458
Allen	18	101,566
Amarillo	22	199,826
Arlington	20	373,027
Austin	27	950,715
Bastrop	9	8,802
Boerne	9	16,000
Brownsville	20	183,299
Burleson	30	45,000
Cedar Hill	11	48,000
Childress	9	6,201
College Station	29	118,000
Colleyville	21	26,152
Coppell	24	39,000
<del>Cuero</del>	7	<del>6,841</del>
Dallas	14	1,320,000
Denton	28	136,268
Duncanville	17	38,456
El Paso	12	865,000
Eules	33	54,769
Fairview	8	8,950
Farmers Branch	35	31,719

Flower Mound	25	76,681
Fort Hood	14	118,766
Fort Worth	40	874,108
Frisco	15	179,656
Galveston	1	50,500
Garland	12	236,897
Grand Prairie	35	197,050
Grapevine	33	49,800
Greenville	24	26,600
Haltom City	6	44,417
Harker Heights	8	30,000
Hickory Creek	11	4,222
Highland Village	21	16,624
<del>Hollywood Park</del>	6	3,203
Houston	34	2,100,000
Hutto	1	23,832
Irving	10	240,373
Katy	8	18,282
Keller	26	44,620
Kennedale	8	6,800
Killeen	12	145,482
Lancaster	12	38,453
Leon Valley	7	10,151
Lewisville	25	106,021
Little Elm	6	43,005
Live Oak	8	15,500
Lubbock	17	253,888
Lufkin	29	35,000
Mansfield	13	68,928
McKinney	16	187,802
Mesquite	29	144,000

Mount Vernon	9	2,662
Muenster	17	1,544
Murphy	8	20,673
Nacogdoches	5	33,000
Naval Air Station Fort Worth Joint Reserve Base	23	11,300
New Braunfels	31	79,152
Odessa	24	114,923
Pearland	10	119,940
Pflugerville	12	63,359
Pharr	2	79,487
Priney Point Village	12	3125
Plano	30	286,143
Prosper	2	24,000
Rockport	20	9,357
Rowlett	16	65,000
Sachse	11	25,000
San Antonio	4	1,493,000
Sanger	4	7,800
Shavano Park	4	3,527
Shenandoah	11	3,000
Southlake	22	31,000
Sugar Land	8	117,869
Sunset Valley	23	650
Taylor	7	16,982
Temple	13	79,000
The Colony	11	42,090
Trophy Club	15	12,340
Tyler	10	104,798
University Park	14	23,324
Waco	29	113,000
Weatherford	28	30,000



West University Place

Westlake

Weston Lakes

Wylie

39

19

1

5,400

1,280

2,482

ORDINANCE NO. 19-\_\_\_\_

CITY OF WOODCREEK, TEXAS

**AN ORDINANCE ESTABLISHING PROCEDURES FOR CONTROL AND DISPOSITION OF DISEASED AND DEAD TREES WITHIN THE CITY, PROVIDING FOR A PERMITTING PROCESS FOR TREE TRIMMING, REGULATING REMOVAL AND DISPOSAL OF DISEASED RED OAK AND OTHER SUBSTANTIALLY DEAD TREES, PROVIDING FOR NOTICE AND ABATEMENT, DEFINING TERMS, PROVIDING PENALTIES, PROVIDING FOR ENFORCEMENT, REMOVING LIVE OAK TREES INFECTED WITH OAK WILT FROM THE CLASSIFICATION OF PUBLIC NUISANCE, PROHIBITING TRANSPORT OF FIREWOOD DERIVED FROM TREES INFECTED WITH OAK WILT, PRESCRIBING STANDARDS FOR THE RETENTION OF OAK WILT INFECTED LIVE OAK FIREWOOD, PROHIBITING RETENTION OF FIREWOOD FROM RED OAK INFECTED WITH OAK WILT, REQUIRING AND PRESCRIBING THE MEANS OF DESTRUCTION OF RED OAK TREES INFECTED WITH OAK WILT, REQUIRING THE SEALING OF ALL WOUNDS TO SUSCEPTIBLE OAK TREES, AND PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE OF MEETING AS IT EFFECTS TITLE IX, CHAPTER 91, SECTIONS 91.01 THROUGH 91.99 OF THE CITY OF WOODCREEK CODE OF ORDINANCES**

**WHEREAS**, the City Council of the City of Woodcreek ("City Council") desires to declare the City proud of its live oaks and other trees and to be a protector of all trees;

**WHEREAS**, the City Council has general authority to adopt the regulations herein relating to protecting each and every living tree within the City limits with an overview for the benefit of ALL trees,

**WHEREAS**, the City Council being a general-law municipality, the City has exclusive control to regulate the care and responsibility of our trees within the City limits,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Woodcreek:

**1. FINDINGS OF FACTS**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. ENACTMENT**

Chapter 91: Trees of the Code of Ordinances of the City of Woodcreek is amended as to read as Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 91, as amended by this Ordinance, in the City's Code of Ordinances.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance.

**7. PROPER NOTICE AND MEETING**

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

**PASSED & APPROVED** this, the 17 day of December, 2019, by a vote of      Ayes and      Nays and      Abstentions of the City Council of Woodcreek, Texas.

**CITY OF WOODCREEK:**

\_\_\_\_\_  
Gloria Whitehead, Mayor

**ATTEST:**

\_\_\_\_\_  
Linda Land, City Secretary

**Attachment A**  
**City of Woodcreek – Code of Ordinances**

**CHAPTER 91: TREES**

**Section**

91.01	Title
91.02	Oak wilt reporting
91.03	Purpose
91.04	Definitions
91.05	Certain trees declared a public nuisance
91.06	Inspections
91.07	Notice to owner
91.08	Abatement required; preventive measures; city may abate
91.09	Enforcement
91.10	Costs of preventive measures, treatment or removal and replacement
91.11	Tree-trimming permit required
91.99	Penalty

**§ 91.01 TITLE.**

This chapter shall be known and may be cited as the Tree Ordinance.

**§ 91.02 OAK WILT REPORTING.**

Any person who discovers or suspects the presence of oak wilt infestation or an oak wilt infected tree shall report that information to the City Manager/Administrator by the next business day.

**§ 91.03 PURPOSE.**

The provisions of this chapter are deemed to be necessary to promote the health, safety, property and general welfare of the residents of the city.

**§ 91.04 DEFINITIONS.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in this chapter and not defined herein shall have their ordinarily accepted meaning.

**DISEASED TREES.** Oaks infected by the fungus *Ceratocystis fagacearum*.

**FIREWOOD.** Branches and limbs larger than two inches in diameter cut from diseased oaks; also, such branches and limbs from an unknown source that may potentially harbor the oak wilt fungus.

**FUNGICIDE.** A chemical treatment used on non-symptomatic or slightly symptomatic trees within the trench line that could be vulnerable to infection.

**LIVE OAKS.** Members of a distinct group of the genus *Quercus* characterized by leathery oval leaves that includes two Texas species: plateau live oak (*Quercus fusiformis*) and coastal live oak (*Quercus virginiana*).

**OAK WILT.** A vascular wilt disease of oaks. The fungus responsible, *Ceratocystis fagacearum*, invades the water-conducting tissues of oak roots, trunks and limbs. *Ceratocystis fagacearum* does not actively grow anywhere in nature except in oak trees. Spores of this fungus can be moved around by certain insects and by humans.

**OAK WILT CENTER.** A site where the oak wilt fungus is spreading through the roots of diseased trees to infect healthy oaks, creating an area of sick, dead and dying oaks.

**PREVENTIVE MEASURES.** Actions that prevent the spread of oak wilt from diseased to healthy oaks, including but not limited to oak wilt suppression trench installation and the removal and destruction of diseased red oaks and firewood from any diseased oak.

**RED OAKS.** Members of a distinct group of the genus *Quercus* characterized by lobed leaves tipped by small soft spines, including but not limited to Texas red oak (*Quercus texana*, also called *Quercus buckleyi*), Shumard oak (*Quercus shumardii*), Southern red oak (*Quercus falcata*), and blackjack oak (*Quercus marilandica*).

**SUBSTANTIALLY DEAD TREE.** Trees in which more than 70% of the previously healthy branches have died due to any cause.

**SUSCEPTIBLE SPECIES.** All varieties of the genus *Quercus* that may be infected and killed by *Ceratocystis fagacearum*, including live oaks and all species of red oaks.

**TRENCHING.** Short for **OAK WILT SUPPRESSION TRENCH INSTALLATION**, a method used to isolate the infected area between healthy and diseased trees. **TRENCHING** equipment is used to cut connecting roots so that the fungus cannot spread between trees.

**WOODY DEBRIS.** Branches and limbs smaller than two inches in diameter cut from diseased trees; also, such branches and limbs from an unknown source that may potentially harbor the oak wilt fungus.

#### § 91.05 CERTAIN TREES DECLARED A PUBLIC NUISANCE.

(A) All red oak diseased trees, alive, dead or substantially dead, and all wood from diseased red oak trees to which any bark is still attached, are hereby declared to be public nuisances, as is any tree of any species that is dead or substantially dead.

(B) All species and varieties of trees that are dead or substantially dead, and all dead diseased oak wood to which the bark is still attached, which, because of its condition, may serve as a breeding place for any carrier of oak wilt disease, are hereby declared to be public nuisances.

## **§ 91.06 INSPECTIONS.**

(A) The city and the Texas A&M Forest Service, and their agents are authorized and empowered to enter upon any lot or parcel of land in the city at any reasonable hour for the purpose of inspecting any oak tree(s) or dead oak wood situated thereon.

(B) If such premises are occupied, the above personnel shall first present credentials and request entry.

(C) If such premises are unoccupied, the city shall first make a reasonable effort to locate the owner or other persons who have charge or control of the premises and request cooperation for entry.

(D) Permission of the owner, occupant or person in control of the premises is necessary for entry. If such entry is refused and the city has probable cause to believe that there exists on the premises a public nuisance as defined herein, the city shall go before the Municipal Court Judge and seek to obtain a search warrant. The purpose of the warrant is to determine the presence of a public nuisance and to obtain such specimens of trees as are required for the purposes of analysis to determine whether the same are infected.

## **§ 91.07 NOTICE TO OWNER.**

(A) If, on laboratory analysis of specimens removed from any red oak tree, it is determined that such tree is a public nuisance, as provided in this chapter, or if it is determined that any dead or substantially dead tree, is a public nuisance, as provided herein, and if it is determined that any such tree should be removed, the city may serve or cause to be served a written notice upon the owner of record and upon all lienholders of the lot or parcel of land on which the tree or dead oak wood is located, requiring such owner to comply with the provisions of this chapter. Diagnosis may be obtained via laboratory verification by the Texas A&M Forest Service or through a field survey by trained personnel.

(B) Service of notice provided for in this chapter shall be by certified mail to the owner's address as listed on the Tarrant County Appraisal District's tax roll. Notice to a lienholder or its agent may be made by personal service or by certified mail. Certified mail returned as "unclaimed" or "refused" shall be deemed delivered.

## **§ 91.08 ABATEMENT REQUIRED; PREVENTIVE MEASURES; CITY MAY ABATE.**

(A) Upon receipt of written notice by the city as described in § 91.07 it shall be unlawful for any owner of any lot or parcel of land within the city to permit or maintain on any such lot or parcel any dead oak wood or oak tree which is a public nuisance as defined in this chapter, and it shall be the duty of the owner of such to promptly remove and destroy such oak tree by cutting the tree off at ground level and removing all dead oak wood and woody debris as directed by the city.

(B) Should the property owner fail to abate the public nuisance within 14 days following the receipt of notification, the city shall have the right to cause the removal and destruction of the diseased trees. The full cost of such removal and destruction shall be assessed to the property owner. Should the property owner fail to pay the city within 30 days from the

date of invoicing the city may, at its discretion, file a lien against the property in the amount of all costs incurred by the city, plus interest. The assessment of expenses and lien shall follow the procedures established in Tex. Health and Safety Code Ch. 342.

(C) Red oaks known or suspected to have died of oak wilt may not be retained for firewood under any circumstances due to the high risk of fungal mat formation and insect transmission.

(D) Red oaks that are dead or dying of oak wilt as determined by the city staff or the Texas A&M Forest Service shall be cut at ground level, with all firewood and woody debris covered and hauled away or disposed of by burying, burning or chipping within three working days.

(E) It shall be unlawful to stack firewood taken from live oaks known to be infected or suspected of being infected by the oak wilt fungus around or near healthy oaks unless the entire stack is completely wrapped in clear plastic with the ends buried, tucked under, or completely secured with weights.

(F) It shall be unlawful for any person to transport or sell firewood within the city that was taken from trees known or suspected to be infected by the oak wilt fungus.

(G) Pruning or cutting of oak trees shall be prohibited in the spring months of February through June when fungal spore formation and beetle activity are highest unless such activities are completely unavoidable in order to protect the safety of people and property or the health of the tree.

(H) Pruning or cutting of oaks is permitted from July through January.

(I) Regardless of the time of year that the wound occurs, black tree wound dressing must be applied immediately to all wounds of any size on susceptible oaks, including the cut surface of healthy oak stumps, pruning cuts, construction damage, or any spot where the bark has been removed to expose the wood beneath, in order to discourage potential insect/disease contamination. Failure to seal any wound immediately upon creation of the wound is an unlawful violation of this chapter.

#### **§ 91.09 ENFORCEMENT.**

The City Manager or designee is charged with the enforcement of the provisions of this chapter.

#### **§ 91.10 COSTS OF PREVENTIVE MEASURES, TREATMENT OR REMOVAL AND REPLACEMENT.**

(A) The city shall appropriate funds as deemed appropriate by the City Council for oak wilt suppression.

(B) The city has no obligation to pay for preventive measures on any private property. However, in order to encourage participation by property owners, the city may enter into written agreements with certain property owners to pay for all or part of the costs of preventive measures.

(C) The city may enter into an agreement with the property owner(s) for cost-sharing of trenching or removal of dead red oaks.

(D) The city may enter into an agreement with the property owner(s) for cost-sharing of replacement trees.

(E) Fungicide treatment for non-symptomatic or slightly symptomatic trees or removal of infected or dead trees shall be the responsibility of the landowner.

#### **§ 91.11 TREE-TRIMMING PERMIT REQUIRED.**

No person, individual, firm, corporation, contractor, landscape contractor, tree trimmer, builder, utility service or any other type of business entity shall trim, prune or remove any tree within the city without having first obtained a permit from the city. Permits shall be issued without charge. Permits shall be effective for 30 days from the date of issuance and shall apply only to the lot or parcel of land for which it is issued. The permit shall be posted in a place where it can be seen from the nearest street while the work is in process.

#### **§ 91.99 PENALTY.**

It shall be unlawful for any person, firm or corporation to violate the provisions of this chapter. Any person violating any provision hereof shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every such violation and for each and every day or portion thereof during which any such violation continues or occurs. Upon the conviction of such violation, such offense shall be punishable by fine which shall not exceed \$1,000 for each separate offense.



**CITY OF WOODCREEK, TEXAS**

**ORDINANCE NO. 19-\_\_\_\_\_**

**REPEAL OF ORDINANCE 19-266 – THE SIGN ORDINANCE**

**AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS REPEALING ORDINANCE 19-266 OF THE CITY OF WOODCREEK CODE OF ORDINANCES. ORDINANCE 19-266 IN PART: EXPANDED THE DEFINED PURPOSE OF SIGNS, ADDED NUMEROUS DEFINITIONS, AMENDED THE DEFINITION AND USE OF BALLOONS AS SIGNS, PROHIBITED CHANGEABLE COPY SIGNS, AND ADDED A CITY ADMINISTRATOR AS WELL AS THE CITY MANAGER AS A SIGN ENFORCER; PROVIDING FOR THE FOLLOWING FINDINGS OF FACT: REPEAL OF ORDINANCE 19-266; REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS**, the City Council of the City of Woodcreek finds that on September 11<sup>th</sup>, 2019 the City Council adopted Ordinance 19-266 which in part: expanded the defined purpose of signs, added numerous sign definitions, amended the definition and use of balloons as signs, prohibited changeable copy signs, and added a City Administrator as well as the City Manager as a sign enforcer; and

**WHEREAS**, the City Council of the City of Woodcreek wishes to repeal Ordinance 19-266 adopted on September 11<sup>th</sup>, 2019.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK:**

**Section 1. FINDING OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2. REPEAL OF ORDINANCE 19-266**

City of Woodcreek Ordinance 19-266 is hereby repealed in its entirety.

**Section 3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**Section 4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**Section 5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of this repealing Ordinance, and any changes thereto, in the City's Code of Ordinances.

**Section 6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance.

**Section 7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place

and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this, the 12th day of December 2019, by a vote of \_\_\_\_ Ayes to \_\_\_\_ Nays to \_\_\_\_ Abstentions of the City Council of Woodcreek, Texas.

**City of Woodcreek:**

By: \_\_\_\_\_  
Mayor Gloria Whitehead

**Attest:**

By: \_\_\_\_\_  
Linda Land, City Secretary

**ORDINANCE NO. 19-\_\_\_\_**

**CITY OF WOODCREEK, TEXAS**

**AN ORDINANCE ESTABLISHING SIGN REGULATIONS FOR SIGNS IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION, PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES; AND SEVERABILITY AS IT EFFECTS TITLE XV: CHAPTER 152, SECTIONS 152.01 THROUGH 152.99 OF THE CITY OF WOODCREEK CODE OF ORDINANCES**

**WHEREAS**, the City Council of the City of Woodcreek ("City Council") desires to keep the City an aesthetically pleasing community; and

**WHEREAS**, the City Council has general authority to adopt the regulations herein relating to the display of signs within the City limits and the Extraterritorial Jurisdiction (ETJ); and

**WHEREAS**, the City Council being a general-law municipality, the City has exclusive control to regulate the signs and their display within the City limits; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Woodcreek:

**1. FINDINGS OF FACTS**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**2. ENACTMENT**

Chapter 152: Signs of the Code of Ordinances of the City of Woodcreek is amended as to read as Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**5. CODIFICATION**

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 152, as amended by this Ordinance, in the City's Code of Ordinances.

**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance.

**7. PROPER NOTICE AND MEETING**

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

**PASSED & APPROVED** this, the \_\_\_\_ day of December, 2019, by a vote of \_\_\_\_ Ayes and \_\_\_\_ Nays and \_\_\_\_ Abstentions of the City Council of Woodcreek, Texas.

**CITY OF WOODCREEK**

**ATTEST:**

\_\_\_\_\_  
Gloria Whitehead, Mayor

\_\_\_\_\_  
Linda Land, City Secretary

**Attachment A**  
**City of Woodcreek – Code of Ordinances**  
**CHAPTER 152: SIGNS**

**Section**

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**GENERAL PROVISIONS**

**§ 152.01 POPULAR NAME.**

This chapter shall be commonly cited as the "Sign Ordinance".

**§ 152.02 JURISDICTION.**

The provisions of this chapter shall apply within the city limits and extraterritorial jurisdiction (ETJ) of the city as defined by state law.

**§ 152.03 PURPOSE.**

(A) *General.* This chapter is adopted so that the City Council may promote the public health, safety, morals and general welfare within the city through the regulation of signs. The purpose of this chapter is to provide for the orderly construction, erection, repair, demolition, maintenance, removal and relocation of signs within the corporate boundaries and extraterritorial jurisdiction of the city. These rules and regulations are designed to provide uniform sign standards and to promote a positive city image reflecting order, harmony and pride. More specific objectives include the following.

(B) *Safety.* To promote the safety of persons and property by providing signs that:

- (1) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
- (2) Do not obstruct firefighting or police surveillance; and
- (3) Do not create traffic hazards by confusing or distracting motorists or by impairing the driver's ability to see pedestrians, obstacles, other vehicles or traffic signs.

(C) *Communications efficiency.* To promote the efficient transfer of information in sign messages by providing for signs that:

- (1) Give priority to messages and information most needed and sought by the public;
- (2) Allow businesses and services to identify themselves;
- (3) Allow customers and other persons to locate a business or service;
- (4) Do not arbitrarily deny any person or group the use of the lines of vision from the public right-of-way; and
- (5) Do not overwhelm persons by the number of messages presented or do not inhibit the observer's freedom of choice to observe or ignore said messages, according to the observer's purpose.

(D) *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economic value of the city, by providing those signs that:

- (1) Do not interfere with scenic views;
- (2) Do not create a nuisance to persons using the public rights-of-way;
- (3) Do not create a nuisance to the occupant of any property by their brightness, size, height or movement; and
- (4) Do not diminish or are not detrimental to land or property values.

## § 152.04 COMPLIANCE REQUIRED.

No person may construct, place, erect, repair, maintain or use a sign after the effective date of this chapter unless such erection, construction, reconstruction, repairs, maintenance or use meets all the provisions of this chapter, and all other applicable ordinances adopted by the City Council.

## § 152.05 DEFINITIONS.

(A) *Interpretation.* Words and phrases not defined in this chapter shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only. Unless otherwise expressly indicated, references to state and federal laws, final regulations and formal guidance shall refer to the then current enactment of such laws, final regulations and formal guidance, as they are amended from time to time.

(B) *General definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AREA.** As applied to any sign, means the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area. The area to be measured encompasses the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign material from the backdrop or structure against which the sign is placed, but excludes any sign supports or supporting framework. In cases where a sign, or a portion of a sign, is composed only of letters, figures or other characters standing against no sign face background, then the sign face **AREA** is the area of the smallest simple imaginary figure (circle, triangle, rectangle or other) which fully contains the sign content. The **AREA** of a sign with more than one face is the sum of the areas of all sign faces visible from any one point. However, a sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted only as the **AREA** of one face.

**AVERAGE ILLUMINATION.** As applied to any sign means the calculated average value of the maximum illumination and the minimum illumination ((maximum illumination + minimum illumination) / 2).

**CITY.** The City of Woodcreek, a duly incorporated municipality located in Hays County, Texas.

**CITY COUNCIL.** The governing body of the City of Woodcreek.

**CITY LIMITS.** The corporate municipal boundaries. The term does not include the city's extraterritorial jurisdiction, as that term is defined by state law.

**CITY MANAGER/ADMINISTRATOR.** The administrative officer appointed by the City Council, or the Manager's designated representative.

**COMMERCIAL COMPLEX.** Any development such as a shopping center, office park or industrial park, that consists of two or more establishments on a single platted lot, or that is designed, developed and managed as a unit.

**DIRECT ILLUMINATION.** As applied to any sign means that illumination arriving directly from a light source without reflection from other objects.

**ESTABLISHMENT.** A building on any land used for any purpose regardless of the commercial, non-profit or public nature of the activity, but excluding a building used solely as a residence.

**FIXTURE.** An assembly of one or more light sources and related components.

**FOOT CANDLE.** A standard unit of illumination (engineering term) defined as one lumen per square foot.

**HEIGHT.** As applied to any sign, the vertical distance between the highest attached component(s) of the sign or of its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of the existing grade prior to construction of the sign or the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the **HEIGHT** shall be measured from curb level.

**ILLUMINATION.** As applied to any sign, the intensity or brightness of light expressed in foot candles.

**LENS.** As applied to any sign, a transparent or translucent material enclosing, surrounding or placed between a light source and the area it illuminates.

**LIGHT SOURCE.** As applied to any sign, any construction, including a primary transparent or translucent envelope, that emits light; such as but not limited to an incandescent lamp, an arc lamp, a fluorescent tube or a neon tube.

**LINE OF SIGHT.** As applied to a light source used to illuminate any sign, a straight line from the eye of an observer three feet or more above the ground to the light source and/or its lens and/or an intended or incidental specular reflecting surface.

**LUMEN.** A standard unit (engineering term) of light flux defined as the flux emitted by a light source of one candle.

**MAXIMUM ILLUMINATION.** As applied to any sign, the illumination at the point on the sign having the greatest illumination.

**MINIMUM ILLUMINATION.** As applied to any sign, the illumination at the point on the sign having the least illumination.

**NON-RESIDENTIAL SIGN DISTRICT.** Any lot or tract of land located inside the city limits or in the city's extraterritorial jurisdiction, and which is not within a Residential Sign District.

**PERSON.** Any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity; this term includes a responsible party.

**PUBLIC RIGHT-OF-WAY.** The area on, below, above or bordering a public roadway, highway, street, sidewalk, alley, water way or easement, in which the city, any other governmental entity or any public utility has an interest.

**REFLECTED ILLUMINATION.** As applied to any sign, the light from a light source used to illuminate the sign reflected from any surface.



**RESIDENTIAL SIGN DISTRICT.** Any lot or tract of land which is located inside the city limits or in the city's extraterritorial jurisdiction, and which:

- (a) Is vacant;
- (b) Is in any form of agricultural use;
- (c) Has a residence as the principal use; or
- (d) Is zoned for residential use, including multi-family residential of any form.

**RESPONSIBLE PARTY or PARTY RESPONSIBLE.** The person, firm, organization or other entity whose establishment, product, service, activity or enterprise of any character is announced or advertised by the sign, or whose message is carried by the sign, and the owner of the land upon which the sign is located and the owner of the sign. The term expressly includes a tenant/lessee who exercises control or authority over a sign.

**SIGN.** Any structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, letter or series of letters, symbol, trademark, logo or device designed, intended or used to advertise, inform, convey or attract the attention of people to the subject matter thereof, including an individual, firm, profession, business, organization, institution, commodity, product, service, activity, cause or purpose. This term does not include a traffic-control device erected or maintained by a governmental entity.

**SPECULAR REFLECTING SURFACE.** Any mirror-like surface, whether part of a fixture or not, that reflects an image (no matter how imperfect or distorted) of a light source.

**WAIVER.** A deviation or departure from a strict standard, or application of one or more specific provisions in this chapter.

(C) *Types of signs.* Particular types of signs are defined by their purpose or use, by their location, and by the nature of their construction, and therefore any one actual sign may be encompassed by multiple definitions and subject to the regulations in multiple sections of this chapter. Types of signs that are regulated by this chapter are defined as follows.

**ATTACHED SIGN.** All wall signs, awning signs, canopy signs and projecting signs.

**AUXILIARY SIGN.** A sign of any construction, not exceeding one square foot in area, which is not part of another sign and which is customarily secondary and incidental to the principal use of any non-residential premises, such as one indicating hours of operation, credit cards accepted or restrictions of sale to minors, or which is customarily secondary and incidental to a residence, such as "no soliciting" or "beware of the dog".

**AWNING SIGN.** A sign painted on or attached to the outside of an awning, canopy or any similar structure such as is typically extended in front of a window or door or over a patio, deck or walkway as a protection from the sun or rain, regardless of whether the structure is retractable. A sign which is suspended from or projects into the space beneath an awning, canopy or similar structure, or which is painted on, attached to or suspended from interior surface, so as to be read from within the area enclosed by the structure, is a canopy sign.

**BALLOON.** Inflatable signs and inflatable devices of any other kind.

**BANNER.** A sign intended to be hung either with or without frames, made of paper, plastic, fabric or any other flexible material, and which is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment, product or event on the site thereof or which is a community service sign. Flags are distinguished from **BANNERS** for the purposes of this chapter.

**BEACON.** Any light with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source or a light with one or more beams that rotate or move.

**BILLBOARD.** Any sign which is used or designed to be used to advertise, inform or call attention to any product, commodity, real estate or service which is to be obtained or is located at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment, business or activity which is not located on the same premises as the sign. The term includes what is commonly referred to as an **OFF-PREMISES SIGN**.

**BULLETIN BOARD.** A sign that is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a governmental entity, church, social club, society, school or charitable organization.

**CANOPY SIGN.** A sign that is suspended from the underside of an awning or canopy structure or which projects into the space enclosed within or beneath an awning or canopy structure. A sign which is painted on or attached to the outside of an awning or canopy structure is an awning sign.

**CHANGEABLE COPY SIGN.** A sign or part of a sign on which characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign or a sign identifying the occupants of a shopping center. A sign on which the only copy that changes is a matter of general public information, such as the current time and temperature or an index of stock market averages, and which contains no other commercial message, is a public service sign. Any sign other than a public service sign on which the message changes more than once per day is a flashing sign.

**COMMERCIAL SIGN.** Any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or other activity.

**COMMUNITY SERVICE SIGN.** A sign which solicits support for or participation in a non-profit, non-political, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities or events of community interest.

**CONSTRUCTION SIGN.** A sign placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project.

**DIRECTIONAL SIGN.** A sign which is separate from other signs, incidental and secondary to the principal use of the land on which it is located, and whose primary purpose is to give directions such as to parking lots, exits, entrances or drive-through windows, or directives such as "no parking" or "loading only".

**DRIVE-THROUGH WINDOW SIGN.** A sign which is secondary to the principal use on the premises of an establishment having a drive-through window for customer service, devoted to informing customers approaching the drive-through window of information such as the menu, services available or prices at the establishment.

**EVENT SIGN, OFF-SITE.** A sign giving directions to an occasional event at another location, other than a business event at an establishment, such as directions to a civic or other non-commercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale, home for sale, real estate open house or private party.

**EVENT SIGN, ON-SITE.** A sign which is placed to advertise or mark the location of an occasional event on the same site, other than a business event at an establishment, such as a civic or other non-commercial ceremony, an event for the members of an organization, or an event at a residence such as a garage sale, home for sale, real estate open house or private party.

**FACILITIES LOCATION SIGN.** A sign which is placed to provide directions to either the entrance to the golf course or Camp Young Judea, each constituting a major facility within the city limits.

**FLAG.** A piece of fabric of distinctive design of any governmental jurisdiction or a piece of fabric of distinctive design adopted by a business, institution or other organization and containing only the name, logo or other symbolic emblem of that business, institution or organization.

**FLASHING SIGN.** A sign with flashing, blinking, moving, rotating or traveling lights, or with lights that change in color or intensity, whether the sign is an illuminated sign or not, or a sign which uses lights to form traveling messages or messages which change more than once per day. This term does not include a public service sign.

**FREESTANDING SIGN.** Either a monument sign or a self-supported sign.

**GARAGE SALE SIGN.** A sign that advertises the location, time and/or date of a garage sale (sale of individual items) at a residence within the city limits or ETJ.

**ILLUMINATED SIGN.** A sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not **ILLUMINATED SIGNS**.

**INTEGRAL SIGN.** A sign indicating the name of a building, as distinct and clearly distinguished from the name of a business, institution or other entity occupying the building, or indicating the date or other information of historical interest about the building's construction, when such sign is cut or molded into a masonry surface which forms part of a wall of the building or when it is constructed as a plaque or tablet of bronze or other incombustible material and permanently mounted on the face of the building.

**LEGAL NON-CONFORMING SIGN.** A sign that lawfully existed as of 4-11-2007 (the original adoption date of this chapter), but does not conform to all of the regulations contained in this chapter upon the effective date of the amendments to this chapter. This term does not include signs that existed as of 4-11-2007, on trees, utility poles or pedestals or on public land or public rights-of-way without the express consent of the owner of such property.

**MODEL HOME SIGN.** A sign that is located on the same lot as a model home in a residential subdivision and which calls the attention of prospective buyers to the model home.

**MONUMENT SIGN.** A sign that is built as a monument directly on the ground. This term does not include a self-supported sign.

**MONUMENT SIGN, CHANGEABLE COPY.** A monument sign that incorporates a changeable copy feature into the sign.

**MOVING SIGN.** A sign or any part of a sign which rotates, moves or uses lighting to simulate motion or animation.

**NAME PLATE.** A sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall, indicating the name and/or address of the building, and/or the name of an occupant thereof, and/or the practice of a permitted home occupation therein.

**PET SIGN (LOST/FOUND).** A sign that provides notice that a pet (e.g., dog or cat) has been lost or found. Such signs provide information regarding the pet's name and description, as well as relevant contact data.

**POLITICAL SIGN.** A sign that supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political or ideological statement in the nature of constitutionally protected non-commercial free speech.

**PORTABLE SIGN.** Any sign that is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise. This term does not include construction signs, on-site event signs, off-site event signs, realty signs, sidewalk signs and political signs.

**PROJECTING SIGN.** Any sign whose outside edge extends more than 12 inches from the face of a wall to which it is attached, or which extends at any point above or beyond the end of a wall to which it is attached. This term does not include an awning sign or canopy sign.

**PROMOTIONAL SIGN.** Any generic sign promoting a product or service by brand name and that is not specific to the establishment displaying the sign. Such signs are typically provided to vendors by distributors or manufacturers and can be used by any vendor of such products or services.

**PUBLIC SERVICE SIGN.** A sign or part of a sign that is devoted to changeable messages of general public information without other commercial content, such as the current time and temperature or an index of stock market averages.

**REALTY SIGN.** A sign which advertises the property on which it is located for sale, lease or rent.

**RESIDENTIAL DEVELOPMENT SIGN.** A sign at the entrance to a residential development, such as a series of townhouses, an apartment complex or a residential subdivision, that identifies the name and/or the address of the residential development.

**ROOF SIGN.** Any sign that is mounted on or above the roof of a building or is supported by or painted on or applied to the roof of a building. This term does not include a projecting sign whose principal support fixtures are attached to a wall.

**SELF-SUPPORTED SIGN.** A permanent sign above the ground that is erected on supports placed on or anchored in the ground, and which is independent of any other structure for its support. This term does not include a monument sign.

**SIDEWALK SIGN.** A sign, regardless of its construction, that is designed to be placed temporarily on the ground or sidewalk adjacent to or in the immediate vicinity of an establishment in order to advertise or call attention to the goods or services offered at that establishment.

**SINGLE-FAMILY ADDRESS SIGN.** A sign that identifies the name of the occupants and/or the address of a single-family or duplex residence. This term does not include any commercial sign or a name plate.

**VEHICULAR SIGN.** A vehicle, whether motorized on a trailer, that is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle which is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner, as evidenced by current license plates and a current state inspection sticker. This term also includes signs in a vehicle advertising the vehicle itself for sale.

**WALL SIGN.** A sign painted on or mounted parallel to a wall of any building; provided that, the sign does not project over any public land or street right-of-way, or extend

more than 12 inches from the face of the wall to which the sign is mounted, or extend at any point above or beyond the end of such wall. This term does not include a name plate or an integral sign. This term includes any sign which is painted on or placed inside or upon a door or window, or another opening in such wall or which is placed inside a building and oriented so as to be read from any such opening.

**WALL SIGN, CHANGEABLE COPY.** A wall sign, which incorporates a changeable copy feature into the sign. This term includes any sign which is painted on or placed inside or upon a door or window, or another opening in such wall, or which is placed inside a building and oriented so as to be read from any such opening.

#### **§ 152.06 SIGN MAINTENANCE.**

(A) *Maintenance required.* All signs must be maintained in a structurally safe condition, freshly painted and/or in good repair. The City Manager/Administrator shall notify, by certified mail, the responsible party for any sign not so maintained, and the responsible party shall be required to perform the necessary maintenance or repairs within 30 days of the postmark on the notice. Any sign not repaired within the allotted time may be removed by the city and the actual cost of such removal shall be charged to the responsible party for the sign. If an un-maintained or un-repaired sign is removed by the city and the sign remains unclaimed for a period of more than 30 days, the city may destroy, sell or otherwise dispose of the sign.

(B) *Removal of hazardous signs.* Any sign which, in the judgment of the City Manager/Administrator, has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance or for any other reason, shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal in order to ensure public safety, and the notice may be served upon the responsible party by any means available. A hazardous sign which is not repaired or removed within the time specified in the notice shall be removed by the city and the cost of such removal shall be charged to the responsible party. If a sign has been removed by the city as a hazardous sign and the sign remains unclaimed for a period of more than 30 days, the city may destroy, sell or otherwise dispose of the sign.

#### **§ 152.07 LEGAL NON-CONFORMING SIGNS.**

(A) *Continuation in use.*

(1) Legal non-conforming signs may be continued in use. However, if the use of a legal non-conforming sign is discontinued because it does not contain any message for a continuous period of 45 days or more, then the sign must be removed or brought into full compliance with this chapter by the responsible party. Any future use of the sign must be in full compliance with this chapter.

(2) A legal non-conforming sign must be removed or brought into full compliance with this chapter if the sign names, advertises or calls attention to a business, service, institution, purpose, organization, cause or activity that was in existence on or before the original adoption of this chapter on 4-11-2007, but subsequently ceased existence or has been discontinued for a continuous period of 45 days or more. The owner of a legal non-conforming

sign in existence on or before the original adoption of this chapter must provide proof of prior acceptance or approval by the city for the legal non-conforming sign. Proof of prior acceptance or approval must be provided to the City Manager/Administrator. Acceptable forms of proof include, but are not limited to permits, receipts, letter from the city and the like. An owner of a legal non-conforming sign that is unable to provide proof of prior acceptance or approval by the city for the legal non-conforming sign must apply for a waiver from the city, according to § 152.08 of this chapter.

(3) The lighting installation for a legal non-conforming illuminated sign shall be brought into conformity with this chapter within a period of five years from its effective date.

(B) *Limitations on modification.* No legal non-conforming sign may be enlarged in area, increased in height, expanded, moved, altered or remodeled in any respect unless and until a responsible party applies for and receives a sign permit and is in all respects brought into conformity with this chapter. However, subject to division (C) below, a legal non-conforming sign may be repainted or repaired, provided that no other change is made in the construction of the sign. Legal non-conforming signs that are prohibited by §§ 152.41 and 152.42 of this chapter may not be enlarged in area, increased in height, expanded, moved, altered or remodeled in any respect. Legal non-conforming signs enlarged in area, increased in height, expanded, moved, altered or remodeled without a sign permit shall lose its legal non-conforming status and be subject to enforcement pursuant to this chapter.

(C) *Removal of destroyed signs.* A legal non-conforming sign shall be considered destroyed if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location. A destroyed sign must be removed by the responsible party without compensation by the city and within 30 days of the damage. A legal non-conforming sign that has been destroyed may not be replaced or rebuilt, except by a sign which is constructed and located in full conformity with this chapter.

## § 152.08 WAIVERS.

(A) *Presumption.* There is a presumption against the granting of waivers to this chapter.

(B) *Timing.* A waiver request will be reviewed more favorably when submitted concurrently with one of the following applications:

- (1) Plat;
- (2) Building permit;
- (3) Rezoning; or
- (4) Site development.

(C) *Application and fee required.* A waiver is a written approval to depart from the strict application of one or more specific provisions of this chapter. Any person, business or other organization desiring to continue a use, construction or placement of any sign which does not conform to the provisions of this chapter may make an application to the City Council for a waiver allowing the continued use, construction or placement of such a sign. The application shall be filed with the City Manager/Administrator, accompanied by the appropriate fee established by City Council and include a drawing or sketch with sufficient detail to determine the location and type of construction for the proposed sign.

(D) *Standards for waivers.* The City Council may approve a waiver only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the following:

- (1) The waiver will not authorize a type of sign which is specifically prohibited by § 152.41 of this chapter;
- (2) The waiver will not authorize a type of sign which is prohibited by § 152.42 of this chapter;
- (3) The waiver is not contrary to the public interest;
- (4) Due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
- (5) The spirit and purpose of this chapter will be observed and the design guidelines set forth in §§ 152.20 through 152.25 of this chapter are substantially met and substantial justice will be done.

(E) *Conditions of waivers.* The City Council may impose such conditions or requirements in a waiver as are necessary, in the City Council's judgment, to protect the overall character of the community and to achieve the fundamental purposes of this chapter. A violation of such conditions or requirements shall constitute a violation of this chapter. A waiver if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a waiver is granted and the sign so authorized is not substantially under construction within six months of the date of approval of the waiver, the waiver shall lapse and have no force or effect.

(F) *Master sign plan.* Any project seeking city approval of more than three signs that require waivers must submit to the city a master sign plan.

## **DESIGN GUIDELINES**

### **§ 152.20 POLICY.**

It is the policy of the city to encourage signage which is appropriate to the hill country setting and the rural scale of the city and the county, and to discourage signs which are in conflict with the established character of the community. To this end, all sign owners are required to conform to the following guidelines for sign location, configuration, placement, materials and lighting.

### **§ 152.21 LOCATION.**

Signs shall be located with sensitivity to preserving the natural landscape, and scenic setting, or environment. Signs shall be incidental complements to the principal use of a site, and should never be allowed to visually dominate a site.

## § 152.22 CONFIGURATION.

The height, width and area of a sign must all be in proportion to the dimensions of a building to which the sign is attached and in architectural harmony with surrounding structures. Sign dimensions should respect the size, scale and mass of a building facade, the height of the building and the rhythms and sizes of window and door openings.

## § 152.23 PLACEMENT.

No sign should be placed upon a building or structure in any manner that would disfigure, damage or conceal any significant architectural feature or detail of the building.

## § 152.24 MATERIALS.

Sign materials shall be predominantly natural, such as native stone, rough cedar, pine or other types of wood, metal or materials that simulate natural materials and sign colors should be in harmony with the natural surroundings.

## § 152.25 LIGHTING.

Lighting shall be no brighter than is necessary to permit the sign to be read from a reasonable distance.

## § 152.26 RIGHT-OF-WAY SIGNS.

(A) *Ratification and confirmation.* The installation, placement and erection of signs within the city rights-of-way as set forth hereto in division (C) below are hereby confirmed and ratified by the City Council.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**RIGHT-OF-WAY.** A legal right of passage over another person's ground.

**SIGN.** Any structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, letter or series of letters, symbol, trademark, logo or device designed, intended or used to advertise, inform, convey or attract the attention of people to the subject matter thereof, including an individual, firm, profession, business, organization, institution, commodity, product, service, activity, cause or purpose. This term does not include a traffic-control device erected or maintained by a governmental entity.

**WAIVER.** A departure or deviation from a strict standard, or application of one or more specific provisions of this section.

(C) *Right-of-way signs.* For the purpose of advertising any message, including but not limited to, garage, yard, open house and estate sales within the city, and municipal events, the City Council hereby orders and directs that the City Manager authorize and implement the



following provisions governing the placement of signs in the city's rights-of-way at the locations designated, and that such signs and devices be hereafter maintained and enforced by the city.

(1) The City Manager is hereby instructed to implement the construction and placement of removable weather-proof sign holders at each of the following locations, with the total number of signs to be determined by the City Manager:

- (a) Northwest corner of Ranch Road 12 and Brookmeadow Drive;
- (b) Northeast corner of Deerfield Drive and Woodcreek Drive;
- (c) Northeast corner of Triangle Park;
- (d) Northwest corner of Triangle Park; and
- (e) Southwest corner of Woodcreek Drive and Ranch Road 12.

(2) The sign holders shall be constructed in a manner to allow the placement of a sign no larger than 24 inches wide by 30 inches high.

(3) In no instance shall the maximum height of any sign or sign holder exceed 36 inches above ground level.

(4) Written applications to place signs in the requested holders at the designated locations shall be submitted to the City Manager no earlier than 30 days in advance of the date for which the sign placement is requested.

(5) Applicants must submit a permit application, along with a \$25 application fee for the first sign, to the City Manager in a timely fashion as described above. Signs at each additional location require an additional \$10 fee per location.

(6) Signs shall be considered on a first-come, first-serve basis, although the date of the application shall not limit or otherwise prevent the City Manager from exercising his or her discretion in administering the provisions of this section.

(7) No more than three signs are permitted at any one location at any one time.

(8) Signs shall be limited to 72 hours total placement time before removal. At his or her discretion, the City Manager may authorize an extension of up to 48 additional hours.

(9) In no instance shall streamers, balloons, strobe lights, or any other attachment to the signs be permitted, absent specific written approval from the City Manager.

(10) In the event the signs are not removed by the applicant or applicant's agent by the date and time set forth on the approved application and permit, the city may remove and dispose of the sign.

## **PROHIBITIONS AND RESTRICTIONS**

### **§ 152.40 EXEMPTIONS FOR CERTAIN SIGNS.**

The following types of signs are exempt from regulation under this chapter:

(A) Any sign inside a building, not attached to a window or door and not oriented so as to be read from outside the building;

(B) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a freestanding monument, when placed by a governmental entity, historical society or religious organization to commemorate a person, event or other matter of historical interest; and

(C) Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.

#### **§ 152.41 PROHIBITED SIGNS GENERALLY.**

No person shall construct, place, erect or use signs of the following nature on any property within the city limits or extraterritorial jurisdiction of the city:

- (A) Balloons with a volume greater than 27 cubic feet;
- (B) Beacons;
- (C) Billboards;
- (D) Changeable copy signs except for gasoline pricing signs, changeable copy wall signs, changeable copy monument signs and movie theater marquees;
- (E) Flashing signs;
- (F) Moving signs;
- (G) Portable signs;
- (H) Promotional signs, except those located on or inside of a window of an establishment;
- (I) Roof signs;
- (J) Sidewalk signs;
- (K) Vehicular signs, other than one sign advertising the vehicle itself for sale not to exceed one and one-half square feet in area in the window of the vehicle;
- (L) Posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similar devices. Flags and banners, as regulated elsewhere in this chapter, are not included in this prohibition. This provision does not apply to temporary strings of light bulbs used solely in celebration of religious or cultural holidays, or to strings of "miniature Christmas tree type" white lights attached to an establishment for a period not to exceed 45 days;
- (M) Signs that contain statements, words or pictures of an obscene, indecent or immoral character or which offend public morals or decency;
- (N) Signs that the City Manager/Administrator identifies as constituting a hazard to vehicular or pedestrian traffic either because their location interferes with or obstructs the view of a traffic sign, signal or device or because their design or content may be confused with or construed as a traffic sign, signal or device;
- (O) Commercial signs of any character, in any form of construction, and at any location except as permitted by this chapter;
- (P) Signs whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or activity that has ceased to be in operation for more than 45 days; and
- (Q) Directional signs that direct motorists to park or not park on public property or public right-of-way. This provision does not apply to the particular governmental entity that is the owner, custodian, trustee or manager of the public land or public rights-of-way.

#### **§ 152.42 PROHIBITED SIGNS IN RESIDENTIAL DISTRICTS.**

In addition to the types of signs enumerated in § 152.41 of this chapter, no person shall construct, place, erect or use any of the following types of signs in a Residential Sign District within the city limits or the city's extraterritorial jurisdiction:

- (A) Attached sign;
- (B) Auxiliary sign;
- (C) Awning sign;
- (D) Banner;
- (E) Canopy sign;
- (F) Changeable copy sign;
- (G) Commercial sign;
- (H) Community service sign;
- (I) Construction sign;
- (J) Drive-through window sign;
- (K) Event sign, off-site;
- (L) Event sign, on-site;
- (M) Illuminated sign;
- (N) Monument sign, changeable copy;
- (O) Moving sign;
- (P) Projecting sign;
- (Q) Promotional sign;
- (R) Public service sign;
- (S) Roof sign;
- (T) Sidewalk sign;
- (U) Wall sign; and
- (V) Wall sign, changeable copy.

#### **§ 152.43 RESTRICTIONS ON CERTAIN SIGNS.**

No person shall construct, place or erect the following signs, except as provided in this chapter.

(A) *Attached signs.* In aggregate, the area of attached signs in a Non-Residential Sign District cannot exceed the lesser of 10% of the area of the wall to which they relate, including windows and doors, or 30 square feet.

(B) *Auxiliary signs.* The aggregate area of all auxiliary signs on any establishment shall not exceed two square feet.

(C) *Awning signs.* Awning signs may not exceed 16 square feet in area.

(D) *Banners.* Banners must be securely attached to a building or other permanent structure and they must be kept in good repair throughout the time of their display. No establishment may display more than two banners at any one time. Banners, including community service signs, shall not exceed 12 square feet in area and they shall not be erected for more than 14 days in succession. They shall be removed by the responsible party within no more than three days following any event to which they relate and they shall not be placed on any site more than three times within a 12-month period.

(E) *Bulletin boards.* A bulletin board may be located only on the premises of the institution or organization to whose activities it pertains. A bulletin board may not exceed 16 square feet in area.

(F) *Canopy signs.* Only one canopy sign may be permitted per establishment. No canopy sign may extend beyond an edge of the canopy structure to which it is attached. Except at a corner, no canopy sign may be closer than five feet from the end of the longer side of the canopy structure. A canopy sign which is perpendicular to a building face may not exceed two-thirds of the width of the canopy structure or exceed eight square feet in area. A minimum spacing of ten feet must be provided between such canopy signs. A canopy sign which is parallel to a building face may not exceed two-thirds of the length of the canopy structure or exceed 16 square feet in area. No canopy sign may extend more than two feet either above or below the horizontal underside of the canopy structure. No canopy sign shall be less than seven feet from ground clearance.

(G) *Community service signs.* A community service sign may be erected only by a unit of government, school, chamber of commerce, religious organization or other non-profit agency. The area of a community service sign may not exceed six square feet in area in a Residential Sign District or 14 square feet in a Non-Residential Sign District. A community service sign that promotes any particular event may not be erected more than 30 days in succession or for more than 14 days prior to the event, and all such signs must be removed by the responsible party not more than three days after the event. Community service signs that are banners are further controlled by the provisions herein relating to banners.

(H) *Construction signs.* The area of a construction sign may not exceed eight square feet and the height may not exceed four feet. Only one construction sign may be permitted per street fronting a building or other project under construction, reconstruction or repair; except that, one additional sign, not exceeding three square feet in area, may be placed on the site by any individual contractor or subcontractor working on the project and not acknowledged on the principal sign. No part of a construction sign may exceed a height of six feet. Construction signs which are larger than three square feet in area and not securely mounted on a wall shall be set back at least ten feet from the property line or edge of the right-of-way. Within the city limits, a construction sign may not be erected before the city has issued a building permit for the project to which the sign refers, and all such signs must be removed within 15 days after the city issues a certificate of occupancy for the project. In the city's extraterritorial jurisdiction, a construction sign may not be erected before the start of actual construction of the project to which the sign refers, and all such signs must be removed within 15 days after the completion of the project post-approval of site plan (if required).

(I) *Directional signs.* A directional sign may not contain any commercial message, except the name, logo or other symbolic identification of the establishment to which the sign is secondary. The area of a directional sign may not exceed six square feet. Directional signs must be located solely on the premises of the establishment to which they relate.

(J) *Drive-through window signs.* The area of a drive-through window sign may not exceed ten square feet.

(K) *Event signs, off-site.* Off-site event signs may not exceed an area of three square feet and may not be illuminated signs. Such signs may be placed only on private property and only with the consent of the owner of the property. No more than three such signs may be used to give directions to the same event. Such signs may not be placed more than 14 days prior to the

event, and all such signs must be removed by the responsible party within one day after the conclusion of the event.

(L) *Event signs, on-site.* An on-site event sign may not exceed an area of three square feet at a residence or 16 square feet at any other location. Such sign may not be placed more than 14 days prior to the event, and it must be removed by the responsible party within one day after the conclusion of the event. There shall be no more than three on-site event signs for any event.

(M) *Flags.* Except for flags that are located on public land, no flagpole may be higher than 20 feet. At any establishment, the entire area of all flags (other than governmental flags) shall be counted toward the limit on the area of a self-supported sign on the premises. Except for governmental flags, no flags may be illuminated.

(N) *Freestanding signs.* Only one freestanding sign may be permitted per individual freestanding establishment. Only one freestanding sign may be permitted for a commercial complex; except that, a commercial complex with a land area of two acres or more may have one such free standing sign along each street which borders the complex for a distance of 200 feet or more. Such sign or signs may only identify the name and/or address of the complex and the individual tenants in the complex. If the structure of a freestanding sign contains or supports more than one sign, then each such sign must be of the same construction, coloring, design and style. A separate free standing sign for an individual establishment located within a commercial complex may be permitted only if the establishment meets both of the following conditions:

(1) The establishment is located along a street bordering the complex and in a separate building from the principal building of the complex; and

(2) The establishment has a separate driveway from the principal driveway entrance of the complex, and a separate parking area from the principal parking area of the complex, which may connect with the principal parking area, but is visually set off from that area by fencing or landscaping. If a landscaped area is installed at the base of a freestanding sign, this landscaped area shall be protected from damage by pedestrian and vehicular traffic by a retaining wall or other barrier or method of separation acceptable to the City Manager/Administrator. The plants in such landscaped area shall be maintained in a healthy condition, and the area shall be kept free of weeds, trash and debris by the responsible party.

(O) *Facilities location signs.* Facilities location signs designed to provide directions to the golf course (e.g., the Quicksand at Woodcreek Golf Club Pro Shop) and to the entrance to Camp Young Judea, are subject to the following requirements.

(1) *Location and number of signs.* There shall be a maximum of four facility direction signs for the golf course facility. Two of the signs shall be permitted on the property owned by the city at the RR 12 entrance to the city. One sign shall be permitted on the city right-of-way at the Woodcreek Drive west entrance to the city. One sign shall be permitted on the city-owned right-of-way at the intersection of Woodcreek Drive and Pro Lane. There shall be a maximum of two facilities directions signs for Camp Young Judea. One sign shall be permitted on city-owned property at the intersection of Brookhollow Drive and Woodcreek Drive, and one sign shall be permitted on city-owned right-of-way at the intersection of Brookhollow Drive and Jack Miller Drive.

(2) *Construction and materials.* Sign materials shall be predominately natural, such as stone, cedar or other types of wood or materials that simulate natural materials. The RR 12 signs may have directional copy on both sides, as they will be perpendicular to the street. All signs shall be a maximum of three feet in height and five feet in width. The maximum distance between the bottom of the sign and the ground shall be two feet.

(3) *Approval and removal.* The City Council shall have right of approval of the design of such signs and shall require a permit for them, prior to installation. It shall be the responsibility of the owners/management of the facilities to install and maintain the signs in good condition. In the event that the signs are no longer needed or not maintained in good condition, the city may require removal of the signs, at the expense of their owners.

(P) *Garage sale signs.* Garage sale signs shall not be posted on any property within the city limits or the ETJ, other than the property that is the site of the garage sale. A garage sale sign may not exceed four square feet and may be erected no more than two days prior and one day after the garage sale.

(Q) *Illuminated signs.* Illuminated signs that are internally illuminated, other than residential development signs and single-family address signs, may only be illuminated during the related establishment's hours of operation and for a period of no more than one hour afterward. Such internally illuminated signs may be illuminated on days that the establishment is not open for business for no longer than they are illuminated during a normal business day. The area of an illuminated sign which is internally illuminated may not exceed 18 square feet. The illumination from an illuminated sign which is internally illuminated may not exceed four foot candles at a distance of eight feet. The area of an illuminated sign, other than freestanding signs permitted in commercial complexes, may not exceed 24 square feet. Neon signs are prohibited except for signs no greater than four and one-half square feet in area located on or inside of a window of an establishment. No illuminated sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a hazard or nuisance. Illuminated signs that are illuminated by mercury arc or mercury vapor light sources are prohibited. The maximum illumination of any illuminated sign shall not exceed 40 foot candles in a Non-Residential Sign District or 20 foot candles in Residential Sign Districts. The average illumination of an illuminated sign shall not exceed 20 foot candles in a Non-Residential Sign District or ten foot candles in a Residential Sign District. All light sources used with illuminated signs shall be shielded so that light is confined below the horizontal plane of the light source; except that, upward directed light may be used to illuminate governmental flags; provided, said illumination is confined to the area of the flag. There shall be no line of sight of any length from any point off the property on which a light source used to illuminate an illuminated sign is situated. Trespass illumination from all light sources on a property on which an illuminated sign is situated shall not exceed 0.1 foot candle. The measurement of trespass illumination shall be made at a point three feet above finished grade and four feet inside the boundary of the property on which the trespass illumination occurs. The measurements of the illumination of an illuminated sign shall be made at the surface of the sign. Illuminated signs not conforming to the illumination standards set forth above shall constitute a hazard and a nuisance.

(R) *Integral signs.* The area of an integral sign shall not be counted toward the limit on the area of wall signs on the same wall; provided that, the integral sign contains no commercial message substantially duplicating another sign.

(S) *Model home signs.* A model home sign may be erected only on the actual site of a model home, and only one such sign may be erected on the site. The area of a model home sign may not exceed eight square feet, and the height of a model home sign may not exceed six feet. A model home sign may not be an internally illuminated sign, but may be externally lighted until 10:00 p.m. All model home signs must be removed within 30 days after 90% of the homes in the subdivision are sold.

(T) *Monument signs.* The area of a monument sign for an individual establishment may not exceed 24 square feet in any Non-Residential Sign District. The area of a monument sign for a commercial complex may not exceed 12 square feet. The height of a monument sign may not exceed eight feet.

(U) *Monument sign, changeable copy.* The changeable copy portion of the sign shall not exceed six square feet in area.

(V) *Name plates.* The area of a name plate may not exceed one square foot in a Residential Sign District or two square feet in a Non-Residential Sign District. Only one name plate may be permitted per residence or establishment.

(W) *Pet signs (lost/found).* Pet signs may be placed only at the public bulletin board located at the open space area at the intersection of Woodcreek Drive and Brookhollow Drive. Persons wishing to post a pet sign must contact the City Manager/Administrator during normal business hours for approval. The city shall automatically remove pet signs from the public bulletin board 30 days after posting.

(X) *Political signs.* Political signs may be placed only on the premises of a person or entity upon receipt of that person's or entity's express authorization. No political sign may be placed in, on or over any public right-of-way or publicly-owned land. Political signs may not have an effective area greater than 36 feet, be more than eight feet high, be illuminated or have any moving parts.

(Y) *Projecting signs.* Only one projecting sign may be permitted per establishment; except that, in an establishment which is located on the corner of a street intersection or at the end of a building in a commercial complex, the establishment may have one projecting sign on the front wall and one projecting sign on the side wall of the building. The area of a projecting sign may not exceed 12 square feet. No projecting sign may exceed a height of 12 feet. No projecting sign may extend above any roof line of the wall of the building to which it is attached, nor beyond the end of the wall to which it is attached. A projecting sign attached to a building on private property may not extend over any public land, except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way.

(Z) *Public service signs.* A public service sign may be placed only in a Non-Residential Sign District and only on the same lot or tract of land as the establishment sponsoring the sign. The area of a public service sign may not exceed 12 square feet, regardless of whether the public service sign is a separate sign or integrated as a component of another sign.

(AA) *Realty signs.* Realty signs may be placed only upon the premises to which they refer, and only one such sign may be permitted per street fronting the lot or tract. The area of a realty sign may not exceed eight square feet and the height may not exceed four feet.

(BB) *Residential development signs.* In addition to the name and/or the address of the residential development, a residential development sign may incorporate incidental leasing information and/or the contents of a directional sign. A residential development may have no more than one residential development sign for each street fronting such development. For a residential development with six or fewer residential units, the area of a residential development sign may not exceed eight square feet. For a residential development with more than six residential units, the area of a residential development sign may not exceed the smaller of either two square feet per residential unit or 16 square feet in total. For a residential development sign in a condominium development or in a subdivision in which the sign is common property of the subdivision homeowners, the condominium regime or restrictive covenants must provide adequate assurance, in the judgment of the City Manager/Administrator, that the landscaped

area, if present, at the base of the sign will be properly maintained by the condominium owners' association or homeowners' association.

(CC) *Self-supported signs.* The area of a self-supported sign for a single establishment may not exceed three square feet in a Residential Sign District or 24 square feet in a Non-Residential Sign District. The area of a self-supported sign for a commercial complex may not exceed 12 square feet in a Residential Sign District or 64 square feet in a Non-Residential Sign District. For a commercial complex in a Non-Residential Sign District with a land area of two acres or more and frontage of 200 feet or more on each of two or more streets and more than one self-supported sign, the total area of all self-supported signs may not exceed 100 square feet. The height of a self-supported sign may not exceed ten feet for a single establishment or 12 feet for a commercial complex in a Non-Residential Sign District or four feet in a Residential Sign District.

(DD) *Single-family address signs.* In addition to the name of the occupants and/or the address of the residence, a single-family address sign may contain an incidental personal message from the occupants, but it may not contain any commercial sign. The area of a single-family address sign may not exceed three square feet.

(EE) *Wall signs.* A wall sign which is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign. Only one wall sign may be permitted per establishment. The area of a wall sign on any single wall may not exceed an area greater than 3% of the area of that wall, including windows and doors, or 30 square feet, whichever is less. The changeable copy portion of any wall sign shall not exceed eight square feet in area.

#### **§ 152.44 UNIFORM SIGN RESTRICTIONS.**

(A) No person shall construct, place, erect or use a sign anywhere in the city limits or the city's extraterritorial jurisdiction, except in accordance with the following provisions.

(B) No sign may be placed on or attached to any tree.

(C) No sign may be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.

(D) Signs no longer in use must be removed if the sign's name advertises or calls attention to a business, service, product, institution, purpose, organization, cause or activity that has been discontinued, ceased operation, has not been offered on the site or is out of existence for a continuous period of 45 days or more.

(E) No sign or part of a sign, including mounting fixtures and supporting structures, may be located on or above any public land or public rights-of-way, except as regulated by other provisions of this chapter. This provision does not apply to the particular governmental entity that is owner, custodian, trustee or manager of the public land or public rights-of-way.

(F) No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land, may be hung with less than seven feet of vertical clearance above the sidewalk or less than 15 feet of vertical clearance above the street, drive or parking area.

(G) No sign may be located on any sidewalk or in any unpaved walkway intended for public use.



(H) No sign or part of a sign frame may be located between two feet and ten feet above the established ground level within the area of a clear sight triangle for traffic extending 25 feet in each direction from the point of a street intersection.

(I) No sign may be located closer than six feet laterally to a secondary power line or closer than ten feet laterally to a primary power line.

(J) No illuminated sign, and no permanent sign, except a directional sign, may be mounted or placed on or extend above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces upon and is visible from a contiguous Residential Sign District.

(K) No part of a sign attached to a building shall extend beyond any roof line of the portion of the building to which it is attached.

(L) A person may not place, maintain or display on or in view of a public street a sign, signal, marking or device that:

- (1) Imitates or resembles an official traffic-control device or railroad sign or signal;
- (2) Attempts to direct the movement of traffic; or
- (3) Hides from view or hinders the effectiveness of an official traffic-control device or railroad sign or signal.

## **PERMITS**

### **§ 152.55 PERMIT AND FEE REQUIRED.**

Except as provided in § 152.57 of this chapter, no person may construct, place, erect, install, alter, repair or relocate any sign without first obtaining a sign permit from the City Manager/Administrator. Applications for a sign permit shall be submitted in conjunction with any required building permit or prior to the construction, placement, erection, installation, alteration, reparation or relocation of any sign, except as provided in § 152.57 of this chapter. Each application for a sign permit must be accompanied by the appropriate fee established in the city's Master Rate Schedule.

### **§ 152.56 PERMIT APPLICATION.**

The submittal for a sign permit shall consist of a completed sign application form; complete information on all aspects of the proposed sign, including type, dimensions, design, content, purpose, placement; a sample set of the proposed materials and/or paint colors; construction plans; and such drawings, descriptions and specifications as are reasonably determined by the City Manager/Administrator to be necessary for proper review of the application. Any other documentation, including photographs and catalogs, which may further support the application, is encouraged to be included.

### **§ 152.57 PERMIT EXEMPTIONS.**

The following types of signs are exempt from the requirement to obtain a sign permit; provided, the signs are not illuminated signs, either internally or externally, and provided the signs comply with all other provisions of this chapter and other applicable codes:

- (A) Auxiliary signs;
- (B) Event signs, off-site;
- (C) Flags of governments, churches or schools;
- (D) Name plates;
- (E) Political signs;
- (F) Pet signs (lost/found);
- (G) Realty signs;
- (H) Single-family address signs;
- (I) Religious signs; and
- (J) Garage sale signs.

#### **§ 152.58 ACTIONS EXEMPT FROM PERMIT.**

The following actions are also exempt from the requirement of a sign permit:

- (A) Repainting, rearranging or replacing letters or characters on an existing sign; provided that, the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed and/or no other change is made to the sign;
- (B) Changing the copy on a bulletin board or changeable copy sign; or
- (C) Replacing the fabric or other material of an awning sign when no other change is made to the sign.

#### **§ 152.59 EXPIRATION OF PERMITS.**

All sign permits shall be for a specified term. A sign permit for any sign which use is limited to a time period specified by this chapter, or which removal is required at a certain time by this chapter, must be for a specified term that does not exceed the time limit established by this chapter. The specified time limit for the construction of a sign under a sign permit shall not exceed six months. If substantial progress has not been achieved within six months, the permit shall automatically expire. Substantial progress shall include good faith initiation of construction of the sign or significant expenditures of funds toward sign construction.

#### **§ 152.60 MODIFICATIONS.**

After a sign permit has been issued by the City Manager/Administrator, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior approval by the City Manager/Administrator.

#### **§ 152.99 PENALTY.**

(A) (1) *Civil and criminal penalties.* The city shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provision of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.

(2) *Criminal prosecution.* Any person violating any provision of this chapter shall, upon conviction, be fined a sum not exceeding \$2,000. Each day that a provision of this chapter is violated shall constitute a separate offense. An offense under this chapter is a misdemeanor.

(3) *Civil remedies.* Nothing in this chapter shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to, the following:

(a) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter; and

(b) A civil penalty up to \$1,000 a day when it is shown that the defendant was actually notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and other available relief.

(4) *Notice and removal.* In addition to remedies otherwise provided in this chapter, whenever the City Manager/Administrator has evidence of a sign which after the effective date of this chapter was erected, constructed, altered, repaired, relocated or changed in violation hereof, or is otherwise in violation hereof, the City Manager/Administrator shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so, or if it appears to the City Manager/Administrator that the sign poses an immediate danger to the public, then such sign may be removed by the city and the city's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the city may destroy, sell or otherwise dispose of the sign.

(5) *Immediate removal.* The city shall have the authority to immediately remove and dispose of signs deemed in violation of this chapter if such signs are placed on or attached to trees, utility poles or pedestals, or located on any public land or public rights-of-way. The city may enforce this section without notice and without returning the removed signs to the responsible party.

(B) It is a violation of § 152.26 of this chapter to place or otherwise locate a sign upon the city's rights-of-way without express written authorization as set forth herein. Any person who violates § 152.26 of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1 and not to exceed \$200. Each incident of violation of § 152.26 of this chapter shall constitute a separate offense.

**Council Meeting Date: 12/12/2019**

**AGENDA ITEM COVER SHEET**

**Subject/Title:**

Discussion and Take Appropriate Action on Setting a Workshop to Review and Discuss Chapter 50: Water Quality of the City of Woodcreek Code of Ordinances

**Item Summary:**

Tom Hegemier, Meadows Foundation Engineer, has been in contact with the City to continue discussions on Chapter 50: Water Quality. The City has been working with Hays County, the City of Wimberley, the Meadows Foundation, the Cypress Creek Water Shed Protection group on having a base ordinance for water quality.

**Financial Impact:**

Cost of Re-Codification, Engineer review cost

**Recommendation:**

Schedule a workshop to review proposed changes. Times Tom and Rick Coneway, City Engineer, are available:

Dec 16 after 2 pm,  
December 17, after 2pm,  
December 18 anytime,  
December 19 after 11am,  
December 20 anytime,  
Jan 2 and 3, anytime

**Attachments:**

Why Update the Ordinance/Comparison Chart

**Submitted By:**

City Manager Lewis

**CYPRESS CREEK WATERSHED PROTECTION PROJECT**  
**WIMBERLEY AND WOODCREEK WATERSHED PROTECTION ORDINANCES**

Why Update the Ordinances?

**Water quality protection**

**Consistent with the TCEQ Optional Enhanced Measures that the US Fish and Wildlife Service determined were protective of threatened and endangered species from impacts due to water quality degradation**

**Enhance Cypress Creek protection with primary benefit being water quality buffer zones in headwater creeks/drainages**

**Using up-to-date science, replacing outdated water quality measure design**

**Same water quality protection measures in Wimberley and Woodcreek**

**Eliminate regulatory overlap with the TCEQ Edwards Aquifer Protection Program**

**One water quality plan, one review by TCEQ**

**Clear path to a permit for the development community**

**Reduce staff burden, don't have to sort through different criteria**

**Promote low impact development and water saving measures**

**Rainwater harvesting, permeable pavements, rain gardens, etc.**

Measure/Control/BMP	City of Woodcreek	City of Wimberly
<b>Maximum Impervious Cover</b>	30% max impervious cover in the ETJ. For areas within the city limits, IC is defined by the City's Zoning Ordinance.	30% Max impervious cover in the ETJ. For areas within the City limits, IC is defined by the City's Zoning Ordinance.
<b>Impervious Cover Exemption</b>	Development or redevelopment that creates less than 5,000 square feet of new impervious cover. Existing roads adjacent to the development and not constructed as part of the development at an earlier phase. Proposed developments with 15% or less impervious cover and street and drainage network is designed to include the use of open roadway sections, ribbon curb, grassy channels, and max sheet flow. (See alternate standards below.)	Development or redevelopment that creates less than 5,000 square feet of new impervious cover. Existing roads adjacent to the development and not constructed as part of the development at an earlier phase. Proposed developments with 15% or less impervious cover and street and drainage network is designed to include the use of open roadway sections, ribbon curb, grassy channels, and max sheet flow. (See alternate standards below.)
<b>Edwards Aquifer Water Quality Treatment Requirements</b>	TCEQ Edwards Aquifer Rules, RG-348 -Cypress Creek Technical Resource Guide	TCEQ Edwards Aquifer Rules, RG-348 -Cypress Creek Technical Resource Guide
<b>Water Quality Control Maintenance</b>	Permittee must submit maintenance plan and record in the County deed records.	Permittee must submit maintenance plan and record in the County deed records.
<b>Erosion and Sediment Control</b>	Sediment basins required per TCEQ RG 348A. Erosion and sediment control measures must be prepared for installation and maintenance throughout the duration of the project. These plans should follow the TPDES (SWPPP) Stormwater Pollution Prevention Plan guidance. Sediment basins per TCEQ RG 348.	Sediment basins required per TCEQ RG 348A. Erosion and sediment control measures must be prepared for installation and maintenance throughout the duration of the project. These plans should follow the TPDES (SWPPP) Stormwater Pollution Prevention Plan guidance. Sediment basins per TCEQ RG 348.
<b>Alternate Standards</b>	Development is exempt from TCEQ Edwards Rules: -gross development impervious cover is 15% or less AND the cluster development sections have 20% or less gross IC -street and drainage network is designed to include the use of open-roadway sections, ribbon curb, grassy channels, and maximize sheet flow	Development is exempt from TCEQ Edwards Rules: -gross development impervious cover is 15% or less AND the cluster development sections have 20% or less gross IC -street and drainage network is designed to include the use of open-roadway sections, ribbon curb, grassy channels, and maximize sheet flow
<b>Buffer Zone Sizes - Streams</b>	A water quality buffer zone is established with the following setbacks from stream the stream center-line:  -25 ft for drainage areas >5 acres and <40 acres -50 ft for drainage areas >40 acres and <128 acres -100 ft for drainage areas >128 acres and <320 acres -200 ft for drainage areas >320 acres and <640 acres -300 ft for drainage areas >640 acres A floodplain alternative to the above prescribed setbacks is to define the 100-year floodplain and add 25 feet on each side of the floodplain to delineate the buffer	A water quality buffer zone is established with the following setbacks from stream the stream center-line:  -25 ft for drainage areas >5 acres and <40 acres -50 ft for drainage areas >40 acres and <128 acres -100 ft for drainage areas >128 acres and <320 acres -200 ft for drainage areas >320 acres and <640 acres -300 ft for drainage areas >640 acres A floodplain alternative to the above prescribed setbacks is to define the 100-year floodplain and add 25 feet on each side of the floodplain to delineate the buffer
<b>Buffer Zones - Allowed and Prohibited Uses</b>	The following development activities are allowed within a buffer zone at the city's discretion: -critical utility, roadway, and transportation crossings -hike and bike trails -maintance and restoration of native, non-invasive vegetation -water quality control monitoring devices -fences that don't obstruct flood flows -non-intrusive public and private parks and open space -typical private drives to allow private property access -regional detention structure for the purpose of managing flooding if the structure makes little-to-no impact on the area	The following development activities are allowed within a buffer zone at the city's discretion: -critical utility, roadway, and transportation crossings -hike and bike trails -maintance and restoration of native, non-invasive vegetation -water quality control monitoring devices -fences that don't obstruct flood flows -non-intrusive public and private parks and open space -typical private drives to allow private property access -regional detention structure for the purpose of managing flooding if the structure makes little-to-no impact on the area
<b>Buffer Zones - Allowances</b>	Critical utility crossings, critical roadway crossings, hike and bike trails, restoration of natural vegetation, water quality monitoring, removal of trash/debris, fences that do not obstruct flood flows, low impact type parks, private drives, regional detention structures.	Critical utility crossings, critical roadway crossings, hike and bike trails, restoration of natural vegetation, water quality monitoring, removal of trash/debris, fences that do not obstruct flood flows, low impact type parks, private drives, regional detention structures.
<b>Conservation Development Not Currently Included</b>	See other document	See other document

same

same