

**REGULAR CALLED CITY COUNCIL MEETING**  
**January 21, 2016**

MINUTES OF THE REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT WAS HELD **JANUARY 21, 2016** AT 7:00 P.M. PM IN THE COUNCIL CHAMBER, CITY HALL, 1200 SOUTH COMMERCE, OVERTON, TEXAS.

**PRESENT:**

C. R. Evans Jr., Mayor  
Philip Cox, Mayor Pro Tem  
Jerry Clark  
Lawrence Davis

**ABSENT:**

Pat Beets  
John Posey

Also in attendance were, Charles Cunningham, City Manager, Rachél Gafford, City Secretary, and Clyde Carter, Chief of Police; Pamela Raney, Finance Director representing staff. Michael Martin and Michael Paul Williams representing the public

**I. CALL TO ORDER** –Mayor Evans called the meeting to order by at 7:02 p.m.

1. Invocation was given by Mayor Evans.
2. Pledge of Allegiance was led by Councilman Davis.

**II. CITIZEN FORUM**

None

**III. CONSENT AGENDA**

1. Approval of the minutes of the special Council meeting held on December 17, 2015.

**Mayor Pro Tem Cox made a motion to approve Consent Agenda items as submitted.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for a vote.**

**Motion carried 3-0-0; Councilman Beets and Councilman Posey absent.**

**IV. OPEN PUBLIC HEARING – Mayor Evans opened the public hearing at 7:05 P.M.**

1. City Council to hear public comment regarding second reading of **Ordinance No. 2016-01-21A**; an Ordinance of the City Council of the City of Overton, Texas; an Ordinance amending Ordinance No. 2014-10-07A Chapter 96 City of Overton Zoning Ordinance; Section 29; Part VI – Land Use Schedule and Section 30 Land Use Definitions of the City of Overton Code of Ordinance, providing for a penalty of up to \$500.00, as defined in Appendix B “Schedule of Fines” of the Overton Code of Ordinances, a repealer, a severability clause, providing for publication and an effective date.

- a. Staff Report

*City Secretary Gafford presented Staff Report.*

- b. Citizen's comments

*No public comments received.*

2. City Council to hear public comment regarding second reading of **Ordinance No 2016-01-21B**; an ordinance of the City Council of the City of Overton, Texas; repealing the following sections of the City of Overton Code of Ordinances; Chapter 90, Section 90.01 Building Code; Chapter 90, Section 90.10 National Electric Code, Chapter 72, Section 72.20 Fire Prevention, Chapter 90, Section 90.60 Fuel and Gas, Chapter 90, Section 90.50 Mechanical Code, Chapter 90, Section 90.40 Plumbing Codes; updating and adopting various standard codes as listed below herein relating to the construction and inspection activities of the City of Overton, Texas, and enforcement of building provisions as provided in said codes; containing a severability clause, providing for a penalty of up to two thousand \$2,000 dollars (as defined in Appendix B "Schedule of Fines" of the Overton Code of Ordinances) for violations of the Ordinance and providing for publication and an effective date.

- a. Staff Report

*City Secretary Gafford presented Staff Report.*

- b. Citizen's comments

*No public comments received.*

**Mayor Evans closed public hearing at 7:26 P.M.**

**V. OLD BUSINESS**

1. Present revised meeting schedule for the City Council as updated December 11, 2015.

**No action taken.**

2. City Council to take action regarding second reading of **Ordinance No. 2016-01-21A**; an ordinance of the City Council of the City of Overton, Texas; an ordinance amending Ordinance No. 2014-10-07A Chapter 96 City of Overton Zoning Ordinance; Section 29; Part VI – Land Use Schedule and Section 30 Land Use Definitions of the City of Overton Code of Ordinance, providing for a penalty as defined in Appendix B "Schedule of Fines" of the Overton Code of Ordinances, a repealer, a severability clause, providing for publication and an effective date.

**Mayor Pro Tem Cox made a motion to approve Ordinance No. 2016-01-21A as submitted.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried 3-0-0; Councilman Beets and Councilman Posey absent.  
(Attachment 1)**

3. City Council to take action regarding second reading of **Ordinance No 2016-01-21B**; an ordinance of the City Council of the City of Overton, Texas; repealing the

following sections of the City of Overton Code of Ordinances; Chapter 90, Section 90.01 Building Code; Chapter 90, Section 90.10 National Electric Code, Chapter 72, Section 72.20 Fire Prevention, Chapter 90, Section 90.60 Fuel and Gas, Chapter 90, Section 90.50 Mechanical Code, Chapter 90, Section 90.40 Plumbing Codes; updating and adopting various standard codes as listed below herein relating to the construction and inspection activities of the City of Overton, Texas, and enforcement of building provisions as provided in said codes; containing a severability clause, providing for a penalty as defined in Appendix B "Schedule of Fines" of the Overton Code of Ordinances dollars and providing for publication and an effective date.

**Councilman Davis made a motion to approve Ordinance No. 2016-01-21B as submitted.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried 3-0-0; Councilman Beets and Councilman Posey absent. (Attachment 2)**

4. Review and discuss options for refurbishing or replacement of the Overton Municipal Swimming Pool and estimated costs.

*City Manager Cunningham presented staff report with two (2) options for the Overton Municipal Pool; (1) Refurbishment of the existing pool or (2) Building a new pool.*

*City Secretary Gafford noted that neither proposal included electrical, fence or refurbishment of bath house. Those would be additional costs.*

*Mayor Pro Tem Cox stated that after reviewing the proposal estimates as submitted, he believes that citizen's comfort is more important than entertainment. It is my opinion that we need to address the infrastructure issues and the Overton North Dam issues prior to trying to repair or reopen the swimming pool. Cox also stated he was surprised at the expense that was presented in the report to refurbish the existing pool. However, Cox stated that he should not be surprised since the City has never taken any steps in the past to upgrade, expand or fix the pool. Cox stated that he would like staff to gauge and track the complaints that the City receives this summer due to the pool not opening.*

*Councilman Davis stated that he agreed that the City needs to address the infrastructure needs before we try to satisfy our wants.*

*City Manager Cunningham stated that he will explore the possibility of Grant funding and possibly funding from the McMillan Foundation for a Splash Pad once the audits are completed and refinancing is secured for our current debt.*

**No action taken.**

## **VI. NEW BUSINESS**

1. Council to hear, consider and / or take action regarding **Resolution No. 2016-01-21A**; a Resolution of the City Council of the City Of Overton, Texas authorizing placement of signs at city hall prohibiting firearms from being carried into City Council Chambers, the Overton Municipal Court and its offices and prohibiting firearms past the waiting areas of the Overton Police Department and Overton City Hall public waiting areas.

*City Manager Cunningham presented staff report.*

**Councilman Davis made a motion to approve Resolution No. 2016-01-21A as submitted.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried 3-0-0; Councilman Beets and Councilman Posey absent.  
(Attachment 3)**

2. City Council to hear and / or take action regarding **Resolution No. 2016-01-21B**; a Resolution of the City Council of the City of Overton, Texas approving the Election of Officers for the City of Overton Volunteer Fire Department for calendar year 2016.

*City Manager Cunningham presented staff report.*

**Mayor Pro Tem Cox made a motion to approve Resolution No. 2016-01-21A as submitted.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried 3-0-0; Councilman Beets and Councilman Posey absent.  
(Attachment 4)**

3. City Council to hear, discuss and consider implementation of administrative procedures as defined in Section 4.03 City Council – Quorum (c), regarding Absences and Fines as of the Municipal Law and Procedure Manual.

*City Secretary Gafford presented staff report stating a Councilman is supposed to be fined \$3 per meeting missed, and removed from office by the Council if the Councilman misses three consecutive meetings. The City of Overton has not been enforcing this provision of the Municipal Law.*

***Councilman Clark asked if a Councilman missed three meetings or three Regular Called Meetings.***

*City Secretary Gafford responded that she felt it meant three (3) Regular Council meetings; however, she could get a clarification from the City Attorney.*

***Councilman Davis stated that he felt like as a Councilman we take an Oath to serve and part of serving is honoring the commitment to be present at the scheduled meetings.  
Mayor Pro Tem Cox asked if this would be retroactive.***

***City Secretary Gafford responded no, after the Council adopts rules & procedures formally as shown that should be done by the Municipal Law; then we would take that date and move forward.***

**Mayor Pro Tem Cox made a motion to direct staff to draft an ordinance or resolution to cover Councilman Attendance and fines and to add and agenda item to establish a committee to develop rules and procedures for City Council.**

**Councilman Davis seconded the motion.**

**Mayor Evans called for discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried 3-0-0; Councilman Beets and Councilman Posey absent.**

4. City Council to hear and take action regarding **Ordinance No. 2016-01-21C**; an Ordinance to amend Ordinance No. 2015 – 01-15B Appendix B, Schedule of Fines.

**Mayor Pro Tem Cox made a motion to approve Ordinance No. 2016-01-21C as submitted.**

**Councilman Clark seconded the motion.**

**Mayor Evans called for discussion. No discussion**

**Mayor Evans called for a vote.**

**Motion carried 3-0-0; Councilman Beets and Councilman Posey absent.  
(Attachment 5)**

## **VII. CITY ADMINISTRATION'S MONTHLY REPORTS**

1. Fire Department Monthly Report
2. Police Department Monthly
3. Department of Finance Monthly Report
4. City Manager's Monthly Report

*City Manager Cunningham presented monthly departmental reports.*

- *Cunningham reported that there had been no progress made on obtaining the easements to move the power line over the Overton North Lake Dam. Cunningham recommended that Council authorize him to draft a letter to Mr. Honzel with the following two (2) options.*
  1. *Grant Easement*
  2. *City will have to drain the lake*

***Mayor Pro Tem Cox stated that he felt like we would have to drain both the upper and the lower lake otherwise the dam would fail.***

*City Manager Cunningham stated he felt like it may be less expensive in the long run to drain the lake and then fix the dam then to try to fix while the lake is full.*

***Mayor Evans stated that it would seem as if it would be easier to repair the spillway if the lake were drained.***

*City Manager Cunningham stated that he would need to consult with the Engineers to determine if this would be a viable solution.*

**No action taken.**

- *City Manager Cunningham reported that a Meeting with the Prison Engineer and Warden did not reach a favorable resolution and it appears that the Prison has taken the stand that they are not planning to pay for any liability damages unless the City takes legal action. However, I have met with City Attorney Thompson and we have found no contracted rate agreement between the City and the Prison. Therefore, it appears that we can set the prison water and sewer rates at whatever the City feels necessary to maintain the prison lift station and to provide services to the prison. Therefore, the plan will be to propose and increase on the 6" customer class (which is only the Prison) at the meeting in February to recapture some of the expenses of having to replace the pumps and maintain the lift station. the meeting with the Prison officials*

**No action taken.**

**VIII. ADJOURNMENT**

**Councilman Clark made a motion to adjourn.**

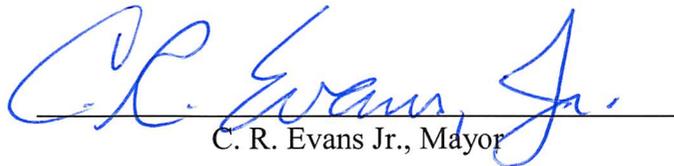
**Mayor Pro Tem Cox seconded the motion.**

**Mayor Evans called for a vote.**

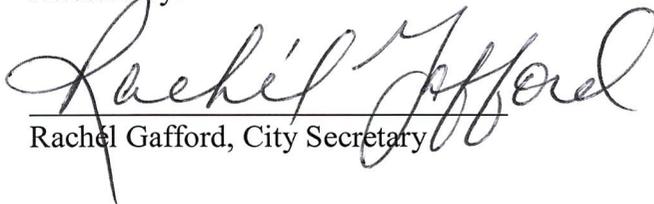
**Motion carried 3-0-0; Councilman Beets and Councilman Posey absent.**

With no further business, the meeting was adjourned at 9:02 P. M.

Minutes approved and submitted and/or corrected this 18th day of February, 2016.

  
C. R. Evans Jr., Mayor

Attested by:

  
Rachel Gafford, City Secretary



ATTACHMENT 1

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ORDINANCE NO. 2016-01-21A

**ORDINANCE #: 2016-01-21A**

**AN ORDINANCE AMENDING ORDINANCE NO. 2014-10-07A CHAPTER 96 CITY OF OVERTON ZONING ORDINANCE; SECTION 29; PART VI – LAND USE SCHEDULE AND SECTION 30 LAND USE DEFINITIONS OF THE CITY OF OVERTON CODE OF ORDINANCE, PROVIDING FOR A PENALTY OF UP TO \$500.00 AS DEFINED IN APPENDIX B “SCHEDULE OF FINES” OF THE OVERTON CODE OF ORDINANCES, A REPEALER, A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

WHEREAS, the City of Overton held a Local Option Election for the Legal Sale of All Alcohol including Mixed Beverages on November 3, 2015; and

WHEREAS, the City Council of the City of Overton canvassed the votes of said Local Option Election on November 12, 2015 whereby the proposition for the Legal Sale of All Alcohol including Mixed Beverages did pass with a vote tally of 148 votes for and 121 votes against; and

WHEREAS, the City Council of the City of Overton is of the opinion that the Comprehensive Zoning Ordinance has certain sections as listed below that need to be revised, updated and expanded to include the legal sale of all alcoholic beverages including mixed beverages within the Land Use Table and the Land Use Definitions defining where the types of businesses engaged in the legal sale of certain types of alcoholic beverages shall be permitted to be located within the City Limits of Overton, Texas; and

WHEREAS, notice of a public hearing before the Planning and Zoning Commission was published in a newspaper of general circulation in Overton at least ten (10) days before such public hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulations in Overton at least fifteen (15) days before such hearing ; and

WHEREAS, public hearings to amend the text of the Comprehensive Zoning Ordinance herein described were held before both the Planning and Zoning Commission and the City Council, and the Planning and Zoning Commission has heretofore made a recommendation concerning such amendments; and

WHEREAS, said ordinance amendment has been properly heard by the Planning and Zoning Commission of the City of Overton, Texas, as required by State statutes and the Zoning Ordinance of said City; and

WHEREAS, said Planning and Zoning Commission has made a recommendation to APPROVE the amendment the land use schedule and land definitions, and all legal requirements, conditions and prerequisites having been complied with, the case having come

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before the City Council of said City, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council is of the opinion that the Zoning Ordinance Amendment herein effectuated furthers the purpose of zoning as set forth in the Comprehensive Zoning Ordinance and is in the best interest of the citizens of the City of Overton;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS THAT**

**SECTION 1: ADDITIONS AND AMENDMENTS**

That section 29: Land Use Schedule of Chapter 96 Zoning Ordinance shall be hereby amended to add and amend the following types of land uses to the existing City of Overton Zoning Districts:

**Use of Land and Buildings**

Land and buildings in each of the following classified districts may be used for any of the following listed uses but no land shall hereafter be used and no building or structures shall hereafter be erected, altered or converted which is arranged or designed or used for other than those uses specified for the district in which it is located as set forth by the following schedule of uses:

Legend for interpreting schedule of uses:

X	Designates use permitted in district indicated by right
	Designates use prohibited in district indicated
SU	Designates use may be approved as a Special Use Permit, Part II, Section 17

TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Bar					X	X	X		
Billiard (Pool) Hall					X	X	X		
Brewery							X	X	
Brewpub					X	X	X	X	
Civic Center					X	X	X		
Dance Hall / Night Club							X	X	
Distillery							X	X	
Event Center						X	X	X	
Package Store					X	X	X	X	
Restaurant or cafeteria, with						X	X	X	

drive-in or drive through service (30.6.54)									
Restaurant or cafeteria, without drive-in or drive through service (30.6.54)					X	X	X	X	
Restaurant with a Mixed Beverage (MB) or Beer & Wine (BG) Permit					X	X	X	X	
Sexually Oriented Business								X	
Winery							X	X	X

**SECTION 2: REMOVAL**

That Section 29: Land Use Schedule' Of Chapter 96 Zoning Ordinance shall be hereby amended to remove the following type of use from the land use schedule:

TYPE OF USE	SF	MF	MH	PD	LC	GB	LI	HI	A
Liquor, Beer & Wine Store									

**SECTION 3: THAT SECTION 30 DEFINITIONS' OF CHAPTER 96 ZONING ORDINANCE is hereby amended to add the following definitions**

**BAR** - A counter or place where beverages, especially liquors, or light meals are served to customers.

**BILLIARD (POOL) HALL** - An establishment or room for the playing of pool, billiards or other games.

**BREWERY** – A building or establishment for brewing beer or other malt liquors, especially the building where the brewing is done.

**BREW PUB** - A bar serving beer brewed at a small microbrewery on the premises.

**DANCE HALL OR NIGHT CLUB** - An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the City of Overton.

**EVENT CENTER** – A privately owned commercial building or venue leased to the public to be used for a variety of events such as gatherings, special occasions, meetings, weddings and etc.

**PACKAGE STORE** – An establishment offering for sale within a building, liquor as that term is defined in the Texas Alcohol Beverage Code, Section 1.04, to consumers for off-premises consumption only and not for the purpose of resale.

**RESTAURANT WITH A MIXED BEVERAGE (MB) OR BEER & WINE (BG) PERMIT** – A food establishment allowing On-Premises Consumption of Alcohol.

**Mixed Beverage (MB) Permit** allows the sale of Liquor, Beer, Wine and Mixed Beverage; however the alcohol must be purchased and consumed on the premises. No City permit license required for the first three (3) years of holding their T.A.B.C. permit.

**Beer & Wine (BG) Permit** allows the sale of Beer and Wine for the consumption on or off premises.

**Food and Beverage Certificate** may be issued to the holder of a Beer Retailer's On-Premise Permit or Wine and Beer Retailer's Permit if food service is the primary business being operated on the licensed premise or to the holder of a Mixed Beverage Permit or Private Club Permit if food service is available on the premises and the gross receipts of alcoholic beverages do not exceed 50% of total gross receipts.

**SEXUALLY ORIENTED BUSINESS** - is a business that is part of the sex industry, such as sites of erotic performance and erotic paraphernalia stores that may possess a license from the Texas Alcoholic Beverage Commission to sell and /or serve alcoholic beverages to their patrons.

**WINERY** - An establishment that may manufacture, bottle, label and package wine containing not more than 24% alcohol by volume; sell or buy wine from permit holders authorized to purchase and sell wine, including wholesalers, winery and wine bottler's permittees; sell wine to ultimate consumers for consumption on the winery premises or in unbroken packages for off-premise consumption; and dispense free wine for consumption on the winery premises.

**SECTION 4: VIOLATIONS & PENALTIES**

Any person violating any of the provisions of this Ordinance shall, upon conviction be fined up to \$500.00 as defined in Appendix B "Schedule of Fines" of the Overton Code of Ordinances, and each day and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

**SECTION 5: CONFLICTS**

That all ordinances or parts of ordinances in conflict herewith, are to the extent of such conflict, hereby repealed.

**SECTION 6: SEVERABILITY CLAUSE**

That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or section of this ordinance, which shall remain in full force and effect.

**SECTION 7: PUBLICATION**

The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

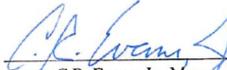
**SECTION 8: EFFECTIVE DATE**

This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

PRESENTED ON FIRST READING on the 17th day of December, 2015 AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

PRESENTED ON SECOND READING AND APPROVED ON THIS 21st DAY OF January, 2016 BY A VOTE OF 3 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON

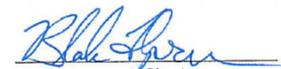
  
C.R. Evans, Jr., Mayor

ATTEST:

  
Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:

  
Blake Thompson, City Attorney

ATTACHMENT 2

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Ordinance No. 2016-01-21B  
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ORDINANCE #2016-01-21B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS, REPEALING THE FOLLOWING SECTIONS OF THE CITY OF OVERTON CODE OF ORDINANCES; CHAPTER 90, SECTION 90.01 BUILDING CODE; CHAPTER 90, SECTION 90.10 NATIONAL ELECTRIC CODE; CHAPTER 72, SECTION 72.20 FIRE PREVENTION, CHAPTER 90, SECTION 90.60 FUEL AND GAS, CHAPTER 90, SECTION 90.50 MECHANICAL, CHAPTER 90, SECTION 90.40 PLUMBING CODES; UPDATING AND ADOPTING VARIOUS STANDARD CODES AS LISTED HEREIN RELATING TO THE CONSTRUCTION AND INSPECTION ACTIVITIES OF THE CITY OF OVERTON, TEXAS, AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODES; CONTAINING A SEVERABILITY CLAUSE, PROVIDING FOR A PENALTY OF UP TO \$2,000.00 (AS DEFINED IN APPENDIX B "SCHEDULE OF FINES" OF THE OVERTON CODE OF ORDINANCES) FOR VIOLATION OF THIS ORDINANCE AND PROVIDING FOR PUBLICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Overton, Texas finds and determines that the adoption of Standard Codes to facilitate proper inspection activities by the City of Overton, Texas, relating to construction and to maintenance of buildings within said City of Overton, Texas is necessary to protect the health, safety and general welfare of the City's residents, workers and visitors; and

WHEREAS, in order to address the air quality problems currently faced by large portions of the state, including Northeast Texas, the 2001 Texas Legislature passed Senate Bill 5; and,

WHEREAS, in order to decrease confusion and delays in the construction process caused by the adoption of widely differing construction codes by cities throughout the state, the 2001 Texas Legislature adopted Senate Bill 365; and,

WHEREAS, one of the requirements of Senate Bill 365 is that municipalities adopt the International Residential Code as said code existed on May 1, 2001; and,

WHEREAS, the 2005 Texas Legislature enacted Senate Bill 1458 requiring all municipalities in the state of Texas to adopt the 2003 International Building Code as the building code for commercial buildings before January 1, 2006; and,

WHEREAS, the City of Overton has been currently operating under the following adopted codes since the adoption of the current City of Overton Code of Ordinances on July 18, 2002 and re-adopted by Ordinance No. 2014-07-29A on July 29, 2014 as the building codes for commercial and residential buildings within said city: the 1997 Edition of the Standard Building Code, 1997 Edition of the Standard Electrical Code, 1970 Edition of the Fire Prevention Code, 1997 Edition of the Standard Gas Code, 1997 Edition of the Standard Mechanical Code, 1997 Edition of the Standard Plumbing Code; and,

WHEREAS, the aforesaid bills authorize Texas cities to establish administrative and enforcement procedures for the aforesaid codes and to establishing procedures for adopting local amendments to said

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codes; and,

WHEREAS, the Overton City Council wishes to continue to follow the same administrative and enforcement procedures for the aforesaid codes as the City has heretofore followed for its previous codes; and,

WHEREAS, the Overton City Council wishes to reserve the right to adopt future additions, amendments and updates to said codes; and,

WHEREAS, the City Council finds and determines that it is administratively advantageous for city government and economically desirable for the construction industry to have in place a single family of codes that are consistent one with the other; and,

WHEREAS, as a result of the passage of time and the updating and standardizing of the various construction codes by the International Code Council, the standard construction codes currently used by the City of Overton are no longer the best codes for regulating construction standards; and,

WHEREAS, the City Council finds and determines that certain amendments to the aforesaid International Code are necessary in order to better protect the public health, safety and welfare and to make said codes consistent with local custom and conditions; and,

WHEREAS, as a result of all of the foregoing, the City Council finds and determines that the adoption of the family of construction codes recently promulgated by the International Code Council is in the best interest of the citizens of the City of Overton, Texas; and,

WHEREAS, it is the desire of the City Council of the City of Overton, Texas to update and adopt in all respects, the various Standard Codes relating to building, electrical, fire prevention, fuel gas, mechanical and plumbing; and

WHEREAS, based on state law, including without limitation the statutes above mentioned, Chapters 54 and 214 of the Texas Local Government Code, and the status of Overton as a General Law Type A city, the City of Overton has the authority to regulate the standards of construction within the city and to adopt and amend the aforesaid family of construction codes promulgated by the International Code Council;

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

SECTION 1: That the following documents, one (1) copy of each which are on file in the office of the City Secretary of the City of Overton, and that the following Codes, together with existing amendments and amendments hereinafter, are incorporated by reference and are hereby adopted by reference as though they were copied herein fully:

- 2012 International Building Code shall be adopted in its entirety as published; including the following appendices: Appendix C (Use and occupancy of Group "U" occupancies), Appendix D (Fire District), Appendix E (Additional Accessibility Requirements), "G" (Flood Resistant Construction).
- 2012 International Residential Code shall be adopted with the omission of Section 313 in its entirety. The City also adopts the following appendices of the 2012 International Residential Code: Appendix A (Gas Pipe sizing requirements), Appendix

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B (Vent pipe sizing), Appendix C (Exhaust vent pipe terminal locations and sizing) and Appendix D (Swimming Pools).

- **2012 International Fire Code** shall be adopted in its entirety as published; including the following appendices: Appendix B (Fire Flow Requirements), Appendix C (Fire Hydrant locations and spacing), Appendix D (Fire apparatus roads) and Appendix J (Building location and address location).
- **2012 International Plumbing Code** shall be adopted in its entirety as published; including Appendix E.
- **2012 International Fuel and Gas Code** shall be adopted in its entirety as published including Appendix A.
- **2012 International Mechanical Code** shall be adopted in its entirety as published.
- **2011 National Electric Code NFPA 70** shall be adopted in its entirety as published with the following exception:
  - Section 210.12 (A) of the code is hereby amended by adding a new Exception No. 4, said new exception to read as follows:
    - Exception No. 4: One 120v, 20 amp circuit, protected by a conventional heat activated overcurrent protection device, serving a single receptacle dedicated to a cold storage appliance, may be installed."
- **2009 International Energy Conservation Code** shall be adopted in its entirety as published.

**SECTION 2:** That any matters in said Codes which are contrary to existing ordinances of the City of Overton, Texas shall prevail and that any such ordinances that now exist are hereby repealed and, to that extent, any existing Ordinances to the contrary are hereby repealed in that respect only.

**SECTION 3:** That all permit fees contained in Ordinance 2014-07-29B, and as last amended by Ordinance 2015-09-17D, shall continue in full force and effect after the effective date hereof, and such fees are incorporated herein and made a part hereof, for all purposes; provided, however, such ordinances shall remain in full force and effect.

**SECTION 4:** That within said Codes, when reference is made to the duties of a certain official named, the Building Official (or the City Manager designee) of the City of Overton, Texas, who has duties corresponding to those of the named official in said Code, shall be deemed to be the responsible official insofar as enforcing the provisions of said Code are concerned.

**SECTION 5:** That any person who shall violate any of the provisions of this ordinance shall be fined up to \$2,000.00 as defined in Appendix B "Schedule of Fines" of the Overton Code of Ordinances.

**SECTION 6:** That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the City of Overton, Texas as a whole or any part thereof, other than the part so declared to be valid.

**SECTION 7:** The City Secretary is hereby authorized and directed to cause the publication of the

City of Overton, Texas

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descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

**SECTION 8:** That this ordinance shall take effect and be in force beginning February 1, 2016.

PRESENTED ON FIRST READING ON THIS THE 17<sup>TH</sup> DAY OF DECEMBER 2015.

PRESENTED ON SECOND READING AND APPROVED ON THIS THE 21<sup>ST</sup> DAY OF JANUARY, 2016, AT A REGULAR COUNCIL MEETING OF THE CITY OF OVERTON BY A VOTE OF 3 AYES, 0 NAYS, AND 0 ABSTENTIONS.

CITY OF OVERTON

  
C. R. Evans, Jr., Mayor

ATTEST:

  
Rachel Gafford, City Secretary



APPROVED AS TO CONTENT AND FORM:

  
Blake Thompson, City Attorney

ATTACHMENT 3

City of Overton, TX  
Page 1 of 2

RESOLUTION NO. 2016-01-21A  
Prohibition of Firearms in City Hall

**RESOLUTION NO. 2016-01-21A**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS AUTHORIZING PLACEMENT OF SIGNS AT CITY HALL PROHIBITING FIREARMS FROM BEING CARRIED INTO CITY COUNCIL CHAMBERS, THE OVERTON MUNICIPAL COURT AND ITS OFFICES AND PROHIBITING FIREARMS PAST THE WAITING AREAS OF THE OVERTON POLICE DEPARTMENT AND OVERTON CITY HALL PUBLIC WAITING AREAS.**

WHEREAS, House Bill 910 was passed by the 84<sup>th</sup> Texas Legislature which concluded June 1, 2015 and was signed by the Governor of Texas on June 13, 2015; and

WHEREAS, House Bill 910 became effective on January 1, 2016; and

WHEREAS, House Bill 910 modified the law relating to concealed handgun licenses, by eliminating the concealed/open carry distinction and creating a new definition for "license to carry a handgun." (Defined in Texas Government Code Chapter 411, Subchapter H.); and

WHEREAS, House Bill 910 allows a person with a current concealed handgun license, or a person who obtains the new "license to carry a handgun", to carry a handgun in a concealed manner or openly in a belt or shoulder holster in public; and

WHEREAS, the Overton City Hall houses the City Council Chambers, Overton Municipal Court and other Court offices; and

WHEREAS, the Overton City Council believes that it is in the best interests of the general public and City employees to prohibit firearms during any Open Meeting and from any area of City Hall where open meetings occur, court actions take place and in other areas not accessible to the general public; and

WHEREAS, the Overton Police Department and the City Attorney's office agree that firearms during any meeting covered by the Open Meetings Act and in the above specified areas should be prohibited; and

WHEREAS, to avoid confusion and to inform the public of the prohibition against firearms in certain areas of City Hall as defined above; signs conforming the requirements of the

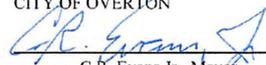
City of Overton, TX  
Page 2 of 2

RESOLUTION NO. 2016-01-21A  
Prohibition of Firearms in City Hall

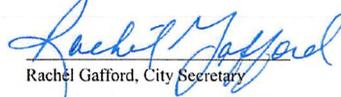
Texas Penal Code § 30.06 (c)(3)(A) and § 30.06 (c)(3)(A) shall be posted at the entrance to any of the areas in City Hall where this prohibition is in effect.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS that the Council is in agreement that signs conforming to requirements of the Texas Penal Code § 30.06 (c)(3)(A) and § 30.06 (c)(3)(A) shall be posted at the entrances of all areas in City Hall where this prohibition of firearms is in effect.

APPROVED AND ADOPTED by the City Council of the City of Overton, Texas on this 21<sup>st</sup> day of January, 2016.

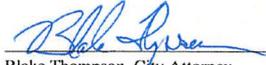
CITY OF OVERTON  
By:   
C.R. Evans Jr., Mayor

ATTEST:

  
Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:

  
Blake Thompson, City Attorney

**ATTACHMENT 4**

City of Overton, TX  
Page 1 of 1

RESOLUTION NO. 2016-01-21B  
Ratification of Election of OVFD

**RESOLUTION #: 2016-01-21B**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF OVERTON, TEXAS APPROVING  
THE ELECTION OF OFFICERS FOR THE CITY  
OF OVERTON VOLUNTEER FIRE  
DEPARTMENT FOR CALENDAR YEAR 2016.**

**WHEREAS**, the Constitution and By-Laws of the Overton Volunteer Fire Department require that the election of certain officers, namely the Chief, Assistant Fire Chief, and Fire Marshal be elected in December of each year by its members; and

**WHEREAS**, said election did take place which resulted in the election of a new Chief, Fire Marshall and Assistant Fire Chief by a majority of the members present; and

**WHEREAS**, the Constitution and By-laws further stipulate that the election of said officers be subject to the approval of the City Commissioners; and

**WHEREAS**, on December 15, 2015 such election was held, to elect a Fire Chief, Assistant Fire Chief and Fire Marshal;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS:

That by virtue of adoption of **Resolution No. 2016-01-21B**, the City Council hereby approves election of the following officers to the positions so indicated below:

- Fire Chief ..... Jim White
- Assistant Fire Chief.... Robert Wall
- Fire Marshal ..... Bruce Pierce

AND IT IS SO RESOLVED.

APPROVED AND ADOPTED by the City Council of the City of Overton, Texas on this 21<sup>st</sup> day of January, 2016.

CITY OF OVERTON  
By: C.R. Evans Jr.  
C.R. Evans Jr., Mayor

ATTEST:  
Rachel Gafford  
Rachel Gafford, City Secretary



ATTACHMENT 5

City of Overton, Texas

Ordinance No. 2015-01-21B  
Page 1 of 3

City of Overton, Texas

Ordinance No. 2015-01-21B  
Page 2 of 3

ORDINANCE #: 2016-01-21C

APPENDIX B  
City of Overton - Schedule of Fines

AN ORDINANCE AMENDING ORDINANCE NO. 2015-01-15B APPENDIX B OF THE CITY OF OVERTON CODE OF ORDINANCES, SCHEDULE OF FINES, AMENDING FINES AND PENALTIES AS SET FORTH IN APPENDIX B CITY OF OVERTON - SCHEDULE OF FINES; PROVIDING FOR PUBLICATION; A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE

WHEREAS, the City of Overton desires to amend the fines and penalties as set forth in Appendix B of the City of Overton Code of Ordinances Schedule of Fines:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS;

**SECTION 1.** That the provisions, policies, fines, penalties and violations of ordinances and laws of the City of Overton are hereby amended and revised as set out in Appendix B the City of Overton, Schedule of Fines hereto as Exhibit "A" and made a part hereof for all purposes.

**SECTION 2.** That all ordinances or parts of ordinances in conflict herewith are, and the same are hereby, repealed to the extent of such conflict.

**SECTION 3.** That if for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held to be invalid and unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

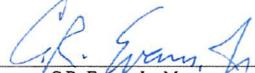
**SECTION 4.** That all ordinance fee, penalties or fines in conflict herewith, are to the extent of such conflict, hereby repealed.

**SECTION 5.** The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this Ordinance as an alternative method of publication provided by law.

**SECTION 6.** This Ordinance shall be effective immediately upon its passage and approval.

PRESENTED AND APPROVED THIS THE 21<sup>st</sup> DAY OF JANUARY, 2016 BY A VOTE OF 3 AYES, 0 NAYS 0 ABSTENTIONS, AT A REGULAR CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF OVERTON, TEXAS.

CITY OF OVERTON

  
C.R. Evans, Jr., Mayor

ATTEST:

  
Rachel Gafford, City Secretary



APPROVED AS TO FORM AND LEGALITY:

  
Blake Thompson, City Attorney

Ordinance No. 2015-01-21B  
Page 3 of 3

City of Overton, Texas

**EXHIBIT A**

**“APPENDIX B”**

**CITY OF OVERTON  
SCHEDULE OF FINES**

AMENDED ORD. NO. 2014-01-21C  
ORDINANCE # 2014-01-FB  
APPENDIX B: CITY OF OVERTON  
SCHEDULE OF FINES  
EFFECTIVE DATE: 2/1/2016

SECTION	OFFENSE	CURRENT FINE FINES EFFECTIVE 02/01/2016	
A	MOVING VIOLATIONS		
	SPEEDING 1-10 MPH OVER POSTED SPEED LIMIT	\$150.00	
	SPEEDING 11-20 MPH OVER POSTED SPEED LIMIT	\$250.00	
	SPEEDING 21-25 MPH OVER POSTED SPEED LIMIT	\$300.00	
	SCHOOL ZONE (SPEEDING)	Add additional \$20.00 to above fine	
	ACCIDENT (SPEEDING)	Add additional \$40.00 to above fine	
	DISREGARDING STOP SIGN	\$200.00	
	DISREGARDING EMERGENCY VEHICLE	\$250.00	
	DRIVING IN AN UNLAWFUL SIDE OF ROAD	\$200.00	
	OBELIING TRAFFIC	\$200.00	
B	IMPEDING TRAFFIC	\$200.00	
	PASSING IN A NO PASSING ZONE	\$200.00	
	UNSAFE BACKING	\$250.00	
	FAILURE TO YIELD RIGHT OF WAY	\$200.00	
	FAILURE TO SIGNAL	\$150.00	
	FAILURE TO CONTROL SPEED	\$200.00	
	OPERATING AN UNSAFE VEHICLE	\$200.00	
	FOLLOWING TOO CLOSELY	\$200.00	
	DISREGARDING A RAILROAD CROSSING	\$200.00	
	DRIVING WITHOUT LIGHTS	\$150.00	
	IMPROPER TURN	\$200.00	
	STOPPING IN A PROHIBITED LOCATION	\$200.00	
	LOSING REAR VIEW	\$150.00	
	LEAVING THE SCENE OF AN ACCIDENT	\$250.00	
	<b>NON-MOVING VIOLATIONS:</b>		
	NO SEAT BELT	\$50.00	
	NO SEAT BELT CHILD	\$50.00	
	NO HELMET CHILD	\$50.00	
	EXPIRED MOTOR VEHICLE INSPECTION STICKER	\$200.00	
	EXPIRED MOTOR VEHICLE REGISTRATION	\$200.00	
NO INSURANCE (1ST OFFENSE)	\$250.00		
NO INSURANCE (2ND OFFENSE)	\$500.00		
NO TITLE EVIDENT	\$200.00		
NO LICENSE EVIDENT	\$200.00		
INVALID DL OR SUSPENDED DL	\$500.00		
DRIVING WITH OUT A PERMIT	\$200.00		
ALLOWING UNLICENSED DRIVER TO DRIVE	\$150.00		
VIOLATION OF DL RESTRICTION	\$150.00		
NO LICENSE PLATE	\$150.00		
NO MOTORCYCLE VEHICLE REGISTRATION	\$150.00		
FAILURE TO CHANGE ADDRESS	\$150.00		
NO MOTORCYCLE ENDORSEMENT	\$150.00		
FAILURE TO DISPLAY INSPECTION STICKER	\$150.00		
CELL PHONE USE IN A SCHOOL ZONE (NO HANDICAP PARKING PLACE (NO HANDICAP STICKER)	\$200.00 \$200.00 \$500.00		

SECTION	OFFENSE	CURRENT FINE
<b>C</b>		
<b>CRIMINAL OFFENSES:</b>		
	ASSAULT - SIMPLE CLASS C MISDEMEANOR*	\$225.00
	ASSAULT BY THREAT	\$200.00
	CRIMINAL MISCHIEF	\$500.00
	CRIMINAL PRODUCT	\$500.00
	OPEN CONTAINER	\$700.00
	PUBLIC INTOXICATION	\$500.00
	FAILURE TO APPEAR	\$250.00
	WARRANTS	\$50.00
	FAILURE TO ID	\$150.00
	DRIVING UNDER THE INFLUENCE OF ALCOHOL BY A MINOR	\$250.00
	MIP IN POSSESSION OF ALCOHOL	\$250.00
	MIP IN POSSESSION OF TOBACCO	\$250.00
	POSSESSION OF DRUG PARAPHELALIA	\$500.00
	THEFT UNDER \$50.00	\$500.00
	LITTERING	\$300.00
	RECKLESS DAMAGE	\$71.00
	MAKING TOBACCO AVAILABLE TO A MINOR	\$260.00
	UNATTENDED CHILD	\$450.00
	UNLAWFUL FISHING	\$150.00
	FISHING WITH NO FISHING LICENSE	\$150.00
<b>D</b>		
<b>CITY ORDINANCE VIOLATIONS:</b>		
<b>ORD NO.</b>		
2014-07-29A CHAPTER 74 SEC. 74.11	TRASH & DEBRIS ON LOT	\$250.00
2014-07-29A CHAPTER 70 SEC. 70.11	DOG RUNNING AT LARGE	\$200.00
2014-07-29A CHAPTER 70 SEC. 70.23	LOUD MUSIC	\$200.00
2014-07-29A CHAPTER 61	ILLEGALLY PARKED VEHICLES	\$250.00
2014-07-29A CHAPTER 76	ALCOHOL IN PARK	\$250.00
2014-11-29A CHAPTER 76	ALCOHOL IN PUBLIC	\$250.00
2014-07-29A CHAPTER 75 SEC. 75.10	INOPERABLE VEHICLES (1ST OFFENSE)	\$250.00
2014-07-29A CHAPTER 90 SEC. 90.70	UNSAFE STRUCTURE (1ST OFFENSE)	\$500.00
2014-07-29A CHAPTER 73 SEC. 73.01	OVERGROWN LOT (1ST OFFENSE)	\$250.00
2014-07-29A CHAPTER 74 SEC. 74.11	DOWN TIMBER (1ST OFFENSE)	\$250.00
2014-07-29A CHAPTER 73 SEC. 73.01	GROWTH LIMITATIONS	\$350.00
2014-07-29A CHAPTER 60	PROHIBITED TRUCK ROUTE	\$250.00
2014-07-29A CHAPTER 75 CHAPTER 75	SOLICITING WITH OUT A PERMIT	\$500.00
2014-07-29A CHAPTER 75 CHAPTER 75	VIOLATING CITY CURFEW ORDINANCE	\$200.00
06-0118 CHAPTER 73 SEC. 73.09	BURNING WITH OUT A BURN PERMIT	\$250.00
2014-07-29A CHAPTER 70 SEC. 70.11 CHAPTER 70 CHAPTER 70	VIOLATION OF MAXIMUM NUMBER OF ANIMALS ALLOWED	\$250.00
2014-07-29A CHAPTER 60	NO VACCINATION RECORD	\$450.00
2014-07-29A CHAPTER 60	PROHIBITED DISCHARGE OF RAW SEWAGE	\$500.00
2014-07-29A CHAPTER 70 SEC. 70.33	KEEPING PROHIBITED SWINE	\$300.00
2014-07-29A CHAPTER 74 SEC. 74.12	ABANDONED REFRIGERATOR	\$500.00
9090	POSSESSION OF K2	\$500.00
2014-07-29A CHAPTER 72 SEC. 72.40	DISCHARGING FIRE WORKS IN CITY LIMITS	\$250.00

SECTION	OFFENSE	CURRENT FINE
046.6.30 446.50.01	DISCHARGING A FIREARM IN CITY LIMITS	\$500.00
2014-11-29A CHAPTER 86	FAILURE OF WINE/BEER RETAILER (BO) PERMITTED TO PROMINENTLY DISPLAY SPECIFIED WARNING SIGN	\$25.00
2014-11-29A CHAPTER 86 Amended by 2014-12-17A	CONSUMPTION OF LIQUOR, BEER OR WINE ON PREMISES OF A WINE/BEER TAP PERMITTEE RETAILER (BO#PERMITTEE#)-1ST OFFENSE	\$25.00 UP TO \$200.00
2014-11-29A CHAPTER 86 Amended by 2014-12-17A	CONSUMPTION OF LIQUOR, BEER OR WINE ON PREMISES OF A WINE/BEER TAP PERMITTEE RETAILER (BO#PERMITTEE#)-2ND OFFENSE	\$100.00 UP TO \$200.00
2014-11-29A CHAPTER 86	NON DISCLOSED ALCOHOL AT COMMUNITY BUILDING EVENT	\$250.00
2014-11-29A CHAPTER 86	NO CONFERENCE & LICENSED BEVERAGE OFFICER AT ALCOHOL RELATED EVENT IN COMMUNITY BUILDING	\$250.00
2014-07-29A CHAPTER 72 SEC. 72.40	BURNING WITH OUT A BURN PERMIT	\$250.00
2014-07-29A CHAPTER 86 SEC. 74 Amended by 2014-12-17A	VIOLATIONS OF ZONING ORDINANCE	Up to \$500.00
2014-07-29A CHAPTER 46	VIOLATIONS OF THE BUILDING CODES	UP TO \$2000.00
2014-07-29A	USE OF WIRELESS COMMUNICATION DEVICES TO VIEW, SEND OR COMPOSE ELECTRONIC MESSAGING WHILE OPERATING A MOTOR VEHICLE OR BICYCLE	Up to \$500.00
2014-07-29B	PERFORMING ANY WORK WITHOUT A PERMIT WHEN PERMIT IS REQUIRED	DOUBLE PERMIT FEE
*BOND AMOUNT IS DOUBLE THE FINE AMOUNT BUT NOT TO EXCEED \$500.00		
<b>E</b>		
<b>CONVICTION FEES</b>		
	SUMMONING OF WITNESS	\$5.00
	SUMMONING OF JURY	\$5.00
	HURY	\$3.00
	WRITTEN NOTICE TO APPEAR IN COURT	\$5.00
	INSTALLMENT PAYMENT PLAN FEE	\$25.00
<b>F</b>		
<b>DELINQUENT FINES, FEES &amp; OTHER DEBITS</b>		
Provision to Article 10.0031 Texas Code of Criminal Procedures	DELINQUENT FINES, FEES & OTHER DEBITS	Additional fee of 10% of this Fine, Fee or Other Debt