

CODE OF ORDINANCES
FOR
OAK VALLEY, TEXAS

PUBLISHED BY ORDER OF THE BOARD OF ALDERMEN

ORDINANCE NO. 100

AN ORDINANCE OF THE TOWN OF OAK VALLEY, TEXAS
ADOPTING AND ENACTING A NEW CODE OF ORDINANCES;
INCLUDING PROVISION FOR DESIGNATION OF OFFICIAL NEWSPAPER.
ANIMAL CONTROL REGULATIONS, PERSONNEL REGULATIONS,
HEALTH AND SANITATION REGULATIONS, BUILDING REGULATIONS,
ADOPTION OF STATE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS;
ESTABLISHING THE SAME; PROVIDING EXCEPTIONS; PROVIDING FOR
THE EFFECTIVE DATE OF SUCH CODE; PROVIDING FOR THE MANNER OF
AMENDING SUCH CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING
FOR A PENALTY NOT TO EXCEED \$ 200.00

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF OAK VALLEY,
TEXAS:

SECTION 1.

That the Code of Ordinances, consisting of Chapter 1 to 12 each inclusive, is hereby adopted and enacted as the "Code of Ordinances, Town of Oak Valley, Texas", and shall be treated and considered as a new and original comprehensive ordinance; and shall supersede all other general and permanent ordinances passed by the Board of Aldermen on or before the date of enactment, except as expressly set forth herein to the contrary.

SECTION 2.

That all provisions of the Code shall be in full force and effect from and after the effective date, and all ordinances of a general and permanent nature of the Town of Oak Valley, Texas, enacted on final passage on or before the date of enactment, and not included in this Code or recognized and continued in force by reference herein, are hereby repealed from and after the effective date hereof. No resolution of the Town is repealed by this Ordinance.

SECTION 3.

The following are adopted by reference, are to be included in the Town of Oak Valley Code of Ordinances, and shall not be affected:

- (a) Any events or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code;
- (b) Any Ordinance promising or guaranteeing the payment of money for the Town;

- (c) Any contract or obligation assumed by the Town;
- (d) Any right or franchise granted by the Town;
- (e) Any appropriation Ordinance or Ordinance providing for the levy of taxes;
- (f) Any Ordinance discounting territory as a part of the Town;
- (g) Any Ordinance enacted after August 13, 1985
- (h) Any Ordinance pertaining to the length of terms of the Board of Aldermen;
- (i) Any Ordinance designating the Bank Depository of the Town.

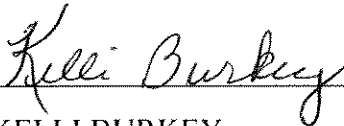
SECTION 4.

Any and all amendments and additions to such Code, shall be deemed to be incorporated in such Code so that reference to the "Code or Ordinances, Town of Oak Valley, Texas" shall be understood and intended to include such additions and amendments.

SECTION 5.

This Ordinance shall take effect ten (10) days from and after its passage and publication.

DULY ADOPTED BY THE Board of Alderman of the Town of Oak Valley, Texas on the 13th day of June, 2023.



KELLI BURKEY
TOWN SECRETARY



MAX TAYLOR
MAYOR

SEAL OF OAK VALLEY, TEXAS

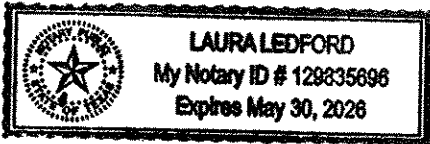
Certificate of Acknowledgment

State of Texas
County of Navarro

Before me, on this day personally appeared MAX Taylor, Mayor of Oak Valley, Tx and known to me through (Texas Drivers License) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 19th day of June, 2023.

Laura Ledford
Notary's Signature
Notary Public, State of Texas



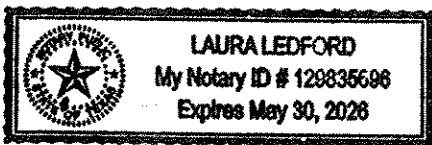
Certificate of Acknowledgment

State of Texas
County of Navarro

Before me, on this day personally appeared Kelli Burkey, Secretary of Oak Valley, Tx and known to me through (Texas Drivers License) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 19th day of June, 2023.

Laura Ledford
Notary's Signature
Notary Public, State of Texas



CHAPTER 1
GENERAL PROVISIONS

SECTION 1. HOW CODE IS DESIGNATED AND CITED

The ordinances embraced in this and the following Chapters shall constitute and be designated the “Code of Ordinances, Town of Oak Valley, Texas” and may be so cited.

SECTION 2. CATCHLINES OF SECTIONS

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such Sections, nor, unless expressly so provided, shall be so deemed when any such Sections, including the catchlines are amended or reenacted.

SECTION 3. DEFINITIONS AND RULES OF CONSTRUCTION

In the construction of this Code, and of all Ordinances and Resolutions passed by the Board of Aldermen, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of Aldermen.

- A. Chapter. Whenever the words “this ordinance”, “section”, “subsection”, “Paragraph”, or “article” are used, they shall pertain to the Chapter or Section of this Code of Ordinances in which they are found unless specifically and clearly in reference to a separate Chapter or Section.
- B. Town. The words “the Town” or “this Town” shall mean the Town of Oak Valley in the County of Navarro and the State of Texas.
- C. Board of Aldermen. Whenever the words “Board of Aldermen” or “the Board” or “the governing body” are used, they shall mean the Board of Aldermen of the Town of Oak Valley, Texas and include the mayor and all five aldermen.
- D. Gender. Throughout this Code, words used expressing masculine gender shall be construed to include the feminine.
- E. Intent. The intent, purpose and application of this Code shall be determined as provided by the Texas Code Construction Act, Tex. Rv. Stat. An. Art. 5429b-z.
- F. Person. “Person” means an individual, corporation, or association.

SECTION 4. AMENDMENTS OR ADDITIONS TO CODE

All Ordinances passed subsequent to the adoption of this Code, which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent Ordinances repeal any Chapter, Section or Subsection, or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages. A certified copy of the relevant portion of this Code shall be prima facie evidence of such Ordinances until

such time that this Code and subsequent Ordinances numbered and/or omitted are readopted as a new Code by the Board.

Provided further that an archived copy of all code provisions, and the effective and termination dates of all such provisions shall be kept in the permanent records of the Town of Oak Valley.

SECTION 5. SEVERABILITY OF PARTS OF CODE

Sections, paragraphs, sentences, clauses and phrases of this Code are severable. If any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional or invalid by the final judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining parts of the Code.

SECTION 6. TERMS OF OFFICE FOR MAYOR AND BOARD OF ALDERMEN

- A. Mayor. The office of mayor shall be elected by the qualified voters of the Town for a term of two years on odd numbered years.
- B. Board of Aldermen. The Board of Aldermen shall be elected by the qualified voters of the Town for a term of two years as follows: the terms shall be staggered with two aldermen, Places 1 and 2 being elected on odd numbered years, and three aldermen, Places 3, 4, and 5 being elected on even numbered years.

SECTION 7. OFFICIAL NEWSPAPER

The Corsicana Daily Sun, a daily publication, shall be the official newspaper for official publications by the Town.

SECTION 8. PENALTIES FOR VIOLATION

Violation of this Code, either by prohibited action or by refraining from mandated action shall be a misdemeanor. Persons convicted of violations of this Code shall be punished by a fine not to exceed TWO HUNDRED AND NO/100s DOLLARS (\$ 200.00) for each violation and for each day of violation.

Citation Schedule:

1st Citation: Written Notice sent by certified mail*

Action: Giving Property Owner and/or Resident 10 days to rectify the violation.

Penalty: None

2nd Citation: Written Pending Legal Action Notice served by a Certified Processor

Action: Filing of Legal Actions against violator (lien, small claims court, misdemeanor citation by the Navarro County Sheriff Dept., etc.)

Penalty: Processor and Legal fees, not to exceed \$ 200 per violation.

3rd Citation: Legal Action against Property Owner and/or Resident

Action: Legal Fees in the amount of \$ 200 per violation per day of violation

Penalty: Citation Fees of \$ 200 per violation per day
(commencing on the 11th day after 1st Citation Notice was mailed.)

SECTION 9. TAMPERING PROHIBITED

It is a violation of this Code for any person to tamper with this Code by changing or altering, adding or deleting to the recorded copy of this Code, other than as provided by amendment by the Board.

SECTION 10. EFFECTIVE DATE

Each subsequent amendment, adoption or repeal shall be effective as provided by the Ordinance amending, adopting or repealing the provisions approved by the Board.

CHAPTER 2
ANIMAL CONTROL

SECTION 1. LIVESTOCK NOT TO RUN AT-LARGE

“Livestock”, when used in this Section shall mean all manner of domesticated animals, including but not limited to cows, horses, mules, jacks, jennies, goats, sheep and swine.

It shall be unlawful for any person to allow or permit any livestock of any character to run at-large upon the streets, alleys, public lands or upon any unfenced lot or lots within the Town.

Provided, however, that this provision shall not be taken to prohibit the keeping of livestock in fenced enclosures, stables, or yards when the keeping of such livestock does not create a nuisance.

SECTION 2. WILD ANIMALS RESTRICTED

It shall be unlawful for any person to harbor or maintain with the Town the following animals:

- (a) Bats
- (b) Skunks
- (c) Poisonous snakes
- (d) Feral Animals
- (e) Any wild animal whose normal natural weight exceeds forty (40) pounds.

The owner shall keep any other wild animals under restraint at all times. The Board may grant exceptions to this Section “by permit” for special events.

SECTION 3. MAINTENANCE OF STABLES, PENS, HOUSES, AND YARDS

All stables, pens, houses, and yards used for the keeping of animals or fowl within the Town shall be in a clean and sanitary condition. All such stables, pens, houses and yards shall be located at least one-hundred (100) feet from any resident not occupied by the owner of such animals or fowl.

SECTION 4. FOWL NOT TO RUN AT-LARGE

It shall be unlawful for any person to permit any geese, ducks, turkeys, chickens, or other domesticated or captured fowl to run at-large upon the streets, alleys, public lands, or upon any unfenced lot or lots within the Town.

SECTION 5. NUMBER OF HOGS LIMITED

It shall be unlawful for any person to keep, harbor or raise commercial hogs or swine within the Town in a pen or enclosure less than one (1) acre of ground for each two (2) animals.

SECTION 6. LOCATION OF HOG PENS

Hogs or swine shall be kept in a suitable pen or enclosure situated not less than two hundred fifty feet (250 ‘) and no pigs or swine can approach closer than two hundred fifty feet (250’) to such inhabited dwelling; provide however that this requirement shall not apply to the dwelling of the owner himself.

SECTION 7. NUISANCE PROHIBITED (Amended 02/08/2022 - Ordinance # 208)

Notwithstanding the provision of this Code, and in addition to all other requirements herein, it shall be unlawful for any person to keep any livestock, fowl, dog, cat, or wild animal when such act creates a nuisance as stated in Section 3.

CHAPTER 3

BUILDING REGULATIONS

SECTION 1. PERMIT FEE (Amended 07/23/2001 – Ordinance # 209)

Any person desiring to construct any edifice, set up any trailer, mobile home or manufactured home, or move any building into the Town limits, shall be required to first obtain a permit from the Building Official. The fee for these permits are as follows:

- Storage Building, Shop, Work Area, Carport, Barn: 500 Sq. Ft. or Less..... \$ 15.00
- Storage Building, Shop, Work Area, Carport, Barn: 501 Sq. Ft. to 1,200 Sq Ft... \$ 25.00
- Storage Building, Shop, Work Area, Carport, Barn: 1,201 Sq Ft or More..... \$ 40.00
- Add-On to Existing Structure (Covered or Enclosed)..... \$ 25.00
- Permit to Construct a Single Family Home..... \$ 100.00
- Permit to Set Up a Trailer, Mobile Home or Manufactured Home..... \$ 100.00

SECTION 2. MOBILE HOMES (Amended 12/12/1996 – Ordinance # 203)

It shall be unlawful for any person, firm or corporation to set up or maintain more than one (1) mobile home or trailer home per five (5) acres of ground within the Town limits. For the purpose of this section the term mobile home means a “mobile home” constructed more than ten years prior to being moved into the Town of Oak Valley or “manufactured housing” or “manufactured home” that qualified under the current HUD-code. A mobile home means a traveling mode is eight body feet or more in width of 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems

A variance may be applied for any mobile home not qualifying under the terminology in Section 2 but has good cause for a Certificate of Occupancy. Variances must be approved by the Board of Aldermen prior to the a Certificate of Occupancy being issued.

SECTION 3. SINGLE FAMILY RESIDENCES

It shall be unlawful for any person to construct or move into the Town limits, or to use any residential structure other than a single family residence.

SECTION 4. SEPTIC TANK SYSTEM

It shall be unlawful for any person to construct or maintain a septic tank system on less than one (1) acre of ground, unless that person constructs and maintains a wastewater treatment system approved by Navarro County’s Designated Representative.

It shall be unlawful for any person to operate a septic tank or wastewater system which causes or allows puddling or seepage to the surface of the ground.

SECTION 5. MINIMUM CONSTRUCTION REQUIREMENTS

No edifice shall be constructed, and no permit shall be issued for construction, unless such construction will provide an edifice safe for the in habitants or users.

CHAPTER 4

HEALTH AND SANITATION

SECTION 1. GARBAGE COLLECTION PERMIT

Any person desiring to engage in the business of collecting residential garbage within the Town shall be required to first obtain a permit from the Board. The fee for said permit shall be TWENTY-FIVE AND NO/100s DOLLARS (\$ 25.00), per year, per collection agency.

SECTION 2. LITTERING PROHIBITED

It shall be unlawful for any person to throw, drop, abandon, or deposit in any manner, any paper, glass, metal or other article upon the sidewalks, streets, alleys, or other public places within the Town or upon private property not his own.

SECTION 3. OFFENSIVE ODORS PROHIBITED

It shall be unlawful for any person to permit water, sewer, or privy wastes or refuse to accumulate on any premises in such a manner as to create an unsanitary condition, offensive odors, or other nuisance.

SECTION 4. DEFACATING AND URINATING PROHIBITED

It shall be unlawful for any person to expose his anus or genitals for any purpose in a public place with disregard concerning whether another may be present who will be offended or alarmed by his act, including but not limited to the purposes of defecation or urination.

SECTION 5: SUBSTANDARD BUILDINGS PROHIBITED

It shall be unlawful for any person to reside in a structure that is dilapidated, substandard, unfit for human habitation and/or a hazard to the public health, safety, and welfare. A municipality may, by ordinance, require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is:

- (1) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
- (2) regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- (3) boarded up, fenced, or otherwise secured in any manner if:
 - (A) the building constitutes a danger to the public even though secured from entry; or
 - (B) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by Subdivision (2).

SECTION 6. CONDEMNATION OF PRIVATE PROPERTY

Whenever it shall be necessary for the Town of Oak Valley to take private property for the public wellbeing due to violations identified in this Chapter, the Town's assigned attorney, whenever directed by resolution or ordinance of the Board of Aldermen, shall, in the name and on behalf of the Town, institute proceedings for condemnation in the manner set forth in Tex. Loc. Gov't Code § 214.136

Sec. 214.136

Condemnation of Property

- (a) Before or after expiration of the period for conformance set under Section 214.134 (Resolution or Ordinance)(b)(2), a municipality, following the same procedure that it is authorized by law to use to institute condemnation proceedings, may:
- (1) remove a structure and condemn property in the area between a street and a building line; and
 - (2) impose an assessment against property owners and property that is benefitted by the establishment of the building line to the extent of the benefit.
- (b) The municipality must provide notice and a hearing to the owner of affected property for the determination of:
- (1) additional damages sustained by the removal of a structure or the taking of land in the area between a street and a building line; or
 - (2) the assessment to be imposed against a property owner and the property.

CHAPTER 5

ELECTED OFFICIALS & APPOINTED PERSONNEL

SECTION 1. MAYOR

A. Creation of Office.

The Office of Mayor of the Town of Oak Valley is hereby established.

B. Duties.

The Mayor shall exercise all powers and authority, and shall perform all duties prescribed to it by State law, and as provided by Tex. Rev. Stat. Ann. Art. 996. As a Type B General Law City, Texas statutes define the alderman form of government to consist of an elected mayor. This ordinance provides for the mayor position to be elected for a two year term with elections held on odd numbered years. This ordinance authorizes the mayor to appoint Department and Sub-Department Heads and Advisory Board Members.

C. The salary of the Mayor shall be set by the Board of Aldermen

SECTION 2. ALDERMAN

A. Creation of Office.

The Office of Alderman of the Town of Oak Valley is hereby established.

B. As a Type B General Law City, Texas statutes define the alderman form of government to consist of five elected aldermen. This ordinance provides for each alderman to be elected for a two year term, with staggered terms for Places 1 and 2 in odd numbered years and Places 3, 4, and 5 in even numbered years. Each Alderman may be assigned to manage sub-departments of the Town of Oak Valley, Texas by the Mayor.

C. The Salary of each Alderman shall be set by the Board of Aldermen.

D. Office of the Mayor Pro Tem

The mayor pro tempore is a member of the council who performs the mayor's duties during the mayor's incapacity or absence. The mayor pro tem is selected by majority vote of the Board from among its own membership. The mayor pro tem's term is one year. The mayor pro tem retains the right to vote on all matters before the council while performing the duties of the mayor (Local Government Code Sections 22.037 and 23.027).

SECTION 2. TOWN SECRETARY

A. Creation of Office.

The Office of Town Secretary is hereby established.

B. Powers and Duties.

This Office shall have all the powers and perform all the duties prescribed it by State law and as provided by Tex. Rev. Stat. Ann. Art. 1000.

The person appointed as City Secretary shall be ex-officio City Treasurer of the city, and the powers and duties of the City Treasurer as prescribed in Tex. Rev. Civ. Stats., Art. 1001, and as hereafter amended, are hereby conferred on the person holding the office of City Secretary.

This Office shall, in addition, keep the Town's archives and maintain the Town's Code of Ordinances and shall serve as ex-officio Clerk of the Municipal Court and perform all duties required thereby.

C. Appointment and Tenure.

The Town Secretary shall be appointed by a majority vote of the Board with no stated term of office, and shall only be removed from office by a majority vote of the Board. The salary of the Town Secretary shall be set by the Board.

CHAPTER 6

DEPARTMENTS & SUB-DEPARTMENTS

DEPARTMENTS:

SECTION 1. PUBLIC WORKS DEPARTMENT

A. Creation of Office.

The Public Works Department is hereby established.

B. Powers and Duties.

The Public Works Department will consist of the following sub-departments:

- Building & Permit
- Road & Bridge
- Parks & Recreation
- Library Services
- Commerce

This ordinance provides for the Mayor of the Town of Oak Valley, Texas to oversee this Department and appoint one Alderman annually to oversee each Sub Department under the Public Works Department.

SUB DEPARTMENTS:

SECTION 1. BUILDING & PERMIT DEPARTMENT

A. Creation of Office

The Department of Building & Permit is hereby established.

- B. The Building & Permit Department will be managed by the Building Official and shall include enforcing the provisions set forth in Chapter 3, Building Regulations, which includes issuing permits for construction, remodeling and moving of buildings or mobile homes, and all electrical and plumbing installations must be approved by a certified inspector under the employment or contract with the Town Of Oak Valley, Texas. The Building Official shall be report directly to the Board of Aldermen of the Town of Oak Valley, Texas

C. Appointment and Tenure.

The Building Official shall be appointed by the Mayor for the term of the Alderman's office, and shall only be removed from office prior to the end of their term by the Mayor or a majority vote of the Board of Aldermen.. The salary of the Building Official shall be set by the Board or Aldermen.

SECTION 2. ROAD & BRIDGE DEPARTMENT

A. Creation of Office

The Department of Road & Bridge is hereby established.

B. Duties.

The Road and Bridge Department will be managed by the Road & Bridge Official and shall include all duties and responsibilities of managing the roads and bridges within the limits of the Town of Oak Valley, and working directly with the Navarro County Precinct 4 Commissioner through an interlocal agreement between the County of Navarro and the Town of Oak Valley, Texas. This official shall further report to the Board of Aldermen at regular monthly meetings.

C. Appointment and Tenure.

The Road & Bridge Official shall be appointed by the Mayor for the term of the Alderman's office, and shall only be removed from office prior to the end of their term by the Mayor or a majority vote of the Board of Aldermen.. The salary of the Road and Bridge Official shall be set by the Board or Aldermen.

SECTION 3. PARKS & RECREATION DEPARTMENT

A. Creation of Office.

The Parks & Recreation Department is hereby established.

B. Duties.

The Parks & Recreation Department will be managed by the Parks & Recreation Official and shall include all duties and responsibilities of managing the Town of Oak Valley's parks and recreation areas, including the Oak Valley Community Center., and shall further report to the Board at regular monthly meetings.

C. Appointment and Tenure.

The Parks & Recreation Official shall be appointed by the Mayor for the term of the Alderman's office, and shall only be removed from office prior to the end of their term by the Mayor or a majority vote of the Board of Aldermen.. The salary of the Parks & Recreation Official shall be set by the Board or Aldermen.

SECTION 4. COMMERCE DEPARTMENT

A. Creation of Office

The Commerce Department is hereby established.

B. Duties.

The Commerce Department will be managed by the Commerce Official and shall include all duties and responsibilities of managing the economic conditions within the limits of the Town of Oak Valley, and shall further report to the Board at regular monthly meetings.

C. Appointment and Tenure.

The Commerce Official shall be appointed by the Mayor for the term of the Alderman's office, and shall only be removed from office prior to the end of their term by the Mayor or a majority vote of the Board of Aldermen.. The salary of the Commerce Official shall be set by the Board or Aldermen.

SECTION 5. LIBRARY SERVICES DEPARTMENT

A. Creation of Office

The Library Services Department is hereby established.

B. Duties.

The Library Services Department will be managed by the Library Services Official and shall include all duties and responsibilities of managing the library services within the limits of the Town of Oak Valley, and shall further report to the Board at regular monthly meetings.

C. Appointment and Tenure.

The Library Services Official shall be appointed by the Mayor for the term of the Alderman's office, and shall only be removed from office prior to the end of their term by the Mayor or a majority vote of the Board of Aldermen.. The salary of the Library Services Official shall be set by the Board or Aldermen.

CHAPTER 7
TRAFFIC CODE

SECTION 1. UNIFORM ACT ADOPTED

For the purpose of regulating traffic on the streets and other thoroughfares of the Town, there is hereby adopted the State Uniform Act Regulating Traffic on Highways, codified as Article 6701d, Texas Revised Statutes Annotated, which Act shall be controlling in the regulation of traffic in the Town. A violation of said Act shall constitute and be punishable as a violation of this Code of Ordinances.

SECTION 2. SPEED LIMIT FOR ALL ROADS (Amended 07/08/1997 – Ordinance # 206)

BE IT ORDERED by the Board of Aldermen of the Town of Oak Valley, Texas, that effective August 01, 1997, the speed limit for the street known as “Red Oak Lane” shall be reduced from thirty (30) miles per hour to fifteen (15) miles per hour, in order to assure the safety of the children that live on “Red Oak Lane”.

The speed limit for all other roads, streets, avenues, alleys, and other public passageways lying and situated within the incorporated limits of the Town of Oak Valley, Texas shall remain Thirty (30) miles per hour, PROVIDED HOWEVER, the Board of Aldermen of the Town of Oak Valley, Texas following public hearing, may adopt a resolution setting a higher speed limit on specified road, street, avenues, alleys or other public passageways, and ordering such specified road, streets, avenues, alley or other public passageways to be posted with prominent roadside signs, setting out the speed limit, on the said road, street, avenue or passageway.

CHAPTER 8

PROHIBITION OF CERTAIN TYPES OF BUSINESS IN OAK VALLEY, TEXAS

SECTION 1. PROHIBITION OF CERTAIN TYPES OF BUSINESSES

(approved 03/12/1996 – Ordinance # 201)

Within the limits of the Town of Oak Valley, Texas it shall be unlawful for any business to locate or operate if such business includes the operation of:

1. a slaughtering establishment
2. a hide house
3. an establishment for making soap
4. an establishment for steaming or rendering lard, tallow, offal, or any other substance that may be rendered
5. any other establishment or place at which any nauseous, offensive, unwholesome business may be conducted

CHAPTER 9

PROPERTY ADDRESSING

(Approved 12/12/1996 – Ordinance # 202)

There is hereby established the following addressing standards for numbering property within the incorporated area of the Town of Oak Valley, Texas. Structures within this area are subject to addressing in accordance with this order.

911 regulations require property owners and inhabitants of Oak Valley, Texas to post their assigned property address number near their driveway and /or the structure. Numbers must be visible from the road or street and must not be obscured. Residential posting may be no less than 4” high and reflective; business structure posting may be no less than 12” high. The Board of Aldermen encourage all property owners and inhabitants to post their 911 address number within three months of receiving notice of the assigned address number by the Building Official. In case where two or more structures use the same driveway or entrance, structure must also be numbered near the structure entrance with 3” high numbers.

CHAPTER 10

BURN BAN

(Approved 04/13/2004 – Ordinance 212)

Now, therefore, be it ordained by the Board of Aldermen of the Town of Oak Valley, Texas:

This ordinance authorizes that such bans as authorized by the County of Navarro will be imposed in the Town of Oak Valley, Texas requiring no further action by this Board. It is likewise ordained by the Board of Aldermen of the Town of Oak Valley, Texas that the Burn Ban shall be removed in compliance with such Burn Ban Removal by the County of Navarro

CHAPTER 11

ZONING

SECTION 1. TITLE

This Chapter shall be known as the zoning regulations of the Town of Oak Valley..

SECTION 2. PURPOSE

These zoning regulations adopted after public hearing as required by state law promoting the health, safety, and general welfare of the community. These regulations are also designed to prevent the overcrowding of land, as well as to avoid undue concentration of population that would create traffic congestion or overload public utilities and facilities. These regulations are established to ensure that town development take plan in an orderly controlled manner in accordance with the town's comprehensive plan.

SECTION 3. GENERAL PROVISIONS

A. COMPLIANCE REQUIRED

Except as hereinafter provided, no house or building shall be constructed, reconstructed, erected, converted, enlarged, or structurally altered, nor any house, building, or land used with does not comply with all the regulations established by this Chapter.

B. ZONING COMMISSION

The Board of Aldermen shall act as the Zoning Commission for the purpose of granting specific use permits, or changes in zoning classification, or amendments to these regulations.

SECTION 4. ZONING DISTRICT ESTABLISHED

The Town of Oak Valley is hereby zoned Residential District, including any property which may be hereafter annexed into the Town.

SECTION 5. ZONING MAP

The zoning district boundaries and the location of any specific use permits, herein provided for, are indicated upon the zoning map of the Town of Oak Valley, which is on file with the Town Secretary, and is made a part of this Chapter the same as if copied in full herein. It shall be the duty of the Town Secretary to update the zoning map as changes are approved by ordinances adopted by the Board of Aldermen.

SECTION 6. RESIDENTIAL DISTRICT REGULATIONS

A building or premises located in the Residential District shall be used only in accordance with the regulation contained in this section.

A. PERMITTED USES

No building or land shall be used and no building shall be hereafter erected, converted or structurally altered, unless otherwise provided for herein, except for one or more of the following:

- (1) Residential dwelling constructed on-site and garages, carports, storage rooms, swimming pools and other structure which are customarily incidental to resident dwelling;
- (2) Churches and other houses of worship;
- (3) Public schools or private schools offering curricula comparable to that of public schools;
- (4) Home occupations in compliance with Section 11 of this Chapter.
- (5) Identification signs when in compliance with any sign regulations adopted by the Town of Oak Valley.
- (6) Real estate sales offices during the development of residential subdivisions if located on property under development, but not to exceed a period of two (2) years;
- (7) Farms, nurseries, or truck gardens
- (8) Mobile homes and manufactured homes when in compliance with any mobile home or manufactured home regulation adopted by the Town of Oak Valley..
- (9) Oil and gas well activities, when in compliance with any ordinances regulating oil and gas well activities
- (10) Public utility facilities

B. DIMENSIONAL REQUIREMENTS (Amended 07/13/2004 – Ordinance 213)

All principal and accessory structures shall be located and constructed in accordance with the following requirements:

- | | |
|---|------------------------------|
| (1) Minimum lot area | 1 acre |
| (2) Minimum yard setbacks of principal structure | |
| (a) Front | 20 feet |
| (b) Side | 10 feet |
| (c) Rear | 30 feet |
| (3) Minimum building floor space of principal structure | 1,000 feet |
| (4) Maximum building height of principal structure | 35 feet |
| (5) Maximum percent of lot coverage | 25% |
| (6) Off-street parking | two spaces per dwelling unit |

SECTION 7. SPECIFIC USE PERMITS

A. PERMIT CONDITIONS

- (1) Any person, firm, or corporation desiring to construct any building or other structure, or to either, remodel or repair any such building or structure, or use any building or property for any purpose other than for residential use, must obtain a specific use permit from the Board of Aldermen before beginning or using same.
- (2) The Board of Aldermen may, by ordinance, grant specific use permits authorizing the uses of land within its boundaries where the same is not now permitted by this Chapter.
- (3) In granting of specific use permits for land under consideration, the Board of Aldermen shall determine that such uses are harmonious with and adaptable to existing and proposed future buildings, structures, and uses of abutting property and other property in the vicinity of the premises under consideration and in accordance with the Town of Oak Valley's comprehensive plan.
- (4) The Board of Aldermen in considering and determining any requirement for a Specific Use Permit may require from the applicant, plans, information, operating date and expert evaluation concerning the location, function, and characteristics of any building or use proposed. The Board of Aldermen may, in the interest of the public welfare and to assure compliance with this Chapter, establish conditions of operation, location arrangement and construction of any use for which a permit is authorized. In authorizing a Specific Use Permit, the Board of Aldermen may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, electronic interference, dust, dirt, smoke fumes, gas, odor, explosion, glare, offensive view, or other undesirable or hazardous conditions.

B. RECORD OF PERMIT

All Specific Use Permits approved in accordance with the provisions of this Chapter in its original form or as hereafter amended shall be referenced on the Zoning Map and a list of such permits shall be maintained in an Appendix attached to this Chapter's. Ordinances granting Specific Use Permits shall be filed in the Town ordinance book.

C. NOTICE AND HEARING

Before granting any Specific Use Permit, the Board of Aldermen shall hold a public hearing thereon. Written notice of the public hearing shall be sent to owners of real property lying within two hundred feet (200') of the property on which the Specific Use Permit is proposed. Such written notice shall be given not less than ten (10) days before the date set for hearing, to all such owners who have rendered their said property for taxes as the ownership appears on the last approved appraisal district tax roll. Such notice may be served by depositing the same, property address and postage paid in the U.S. Mail. At least fifteen (15) days notice of the time and place of the public hearing shall be published in the official newspaper of the Town of Oak Valley..

No Specific Use Permit shall be granted until after the 30th day following the notice to property owners required herein.

D. FEE

The fee for application for a Specific Use Permit shall be twenty-five dollars (\$ 100.00)

E. RE-APPLICATION

In the event an application for a Specific Use Permit is denied by the Board of Aldermen, a subsequent application for a Specific Use Permit on the same tract of land shall not be considered by the Board of Aldermen until a period of six (6) months has elapsed from date of denial.

SECTION 8. NONCONFORMING USES

The lawful use of land existing upon the effective date of this Chapter, although such use does not conform to the provisions hereof, may be continued, subject to the provision hereof. Such use may be extended through such portions of the buildings as are arranged or designed for such use, provided no structural alterations, except those required by law or ordinance, are made therein. If such non conforming building is voluntarily removed, the future use of such premises shall be in conformity with the provisions of the Chapter. In the event of nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the provisions of the district in which it is location.

Repairs and alterations may be made to a nonconforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use. A non conforming use shall not be extended or rebuilt in care of obsolescence or total destruction by fire or other cause. In the case of partial destruction by fire or other causes not exceeding fifty percent (50%) of its value, the Board of Aldermen shall issue a reconstruction permit. If destruction is greater than fifty percent (50%) of its value, the Board of Aldermen may grant a permit for repair or replacement after public hearing and having due regard for the property rights of the person affected when considered in the light of public welfare and the character of the areas surrounding the designated nonconforming use and the purpose of this Chapter.

SECTION 9. VARIANCES

The Board of Aldermen hears appeals and granting variances to this Chapter as authorized in I Article 1011g, V.T.C.S.

SECTION 10. ENFORCEMENT AND ADMINISTRATION

A. BUILDING OFFICIAL

The provisions of this Chapter shall be enforced by the Town's Building Official.

B. BUILDING PERMIT

All applications for building permits shall be accompanied by accurate plot plans, drawn to scale, showing:

- (1) The actual shape and dimensions of lot to be built upon.
- (2) The exact size and locations on the lot of the building and accessory building then existing;
- (3) The lines within which the proposed building and structure shall be erected or altered;
- (4) The existing and intended use of each building and or part of building;
- (5) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Chapter.

C. CERTIFICATE OF OCCUPANCY

- (1) No building hereafter erected or structurally altered shall be used, occupied or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Official stating that the building or proposed use of a building or premises complies with the building laws and the provision of these regulations.
- (2) Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued with ten (10) days after the erection or structural alterations of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Town Secretary.

SELECTION 11. HOME OCCUPATIONS

A. GENERALLY

Home occupations shall include any professional and personal service meeting the standards and criteria stated below, but shall not include activities at the premises involving retail and wholesale sales and service, automotive or similar repair businesses, automotive body repair business or other such similar businesses.

B. STANDARDS AND CRITERIA

All home occupations shall comply with the following standards and criteria before permits can be issued:

- (1) The home occupation shall be conducted only within the principal building;
- (2) No more than one (1) additional person other than the residents residing on the premises shall be employed or engaged in said home occupation at the premises;

- (3) There shall be no alteration or change to the outside appearance, character, or use of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding one (1) square foot in area, nonilluminated, mounted flat against the wall of the principal building;
- (4) No home occupation shall occupy more space than fifty percent (50 %) of the total floor area of a resident, exclusive of any open porch, attached garage, or similar space not suited for or intended to be occupied as living quarters, provided.
- (5) No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors, or electrical interference detectable to the normal senses outside the dwelling unit, nor shall there be any combustible materials located anywhere on the premises which are in violation of the Town of Oak Valley's fire Prevention Regulations. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises;
- (6) No articles or materials used in connection with such home occupation shall be stored on the premises other than in the principal building so used;
- (7) No more than one (1) automobile or truck, whose size shall not be larger than a stock one (1) ton panel or pick-up truck, used in conjunction with such home occupation shall be permitted to park on the premises in question or off the premises in question and with view form surrounding properties.

SECTION 12: AMENDMENTS

The Board of Aldermen may, from time to time, amend, supplement, or change by ordinance the boundaries of the district, establish new districts, or revise the regulations herein established. Before taking any action on a proposed amendment, the Board of Aldermen shall hold a public hearing thereon. Written notice of the public hearing shall be sent to owners of real property lying within two hundred feet (200') of the real property on which a change in classification is proposed. Such written notice shall be given not less than ten (10) days before the date set for hearing, to all such owners who have rendered their said property for taxes as the ownership appears on the last approved appraisal district tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the U.S. Mail. At least fifteen (15) days notice of the time and place of the public hearing shall be published in the official newspaper of the Town. No change in zoning classification shall be granted until after the 30th day following the notice to property owner require herein. In the event the Board of Aldermen proposes amendment to the Zoning Ordinance not involving a particular property but involving a change in the zoning regulations generally, notice to individual property owners shall not be required. In such cases, notice of the required public hearing shall be given by publication in the office newspaper of the Town, stating the time and place of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

SECTION 13. VIOLATION AND PENALTY

Any violation of this Chapter shall be a misdemeanor and each day that said violation occurs shall be a separate misdemeanor and the penalty for violating the pr of this Chapter shall be as provided for in Chapter 1, Section 5 of this Code of Ordinances.

Any owner or owners of any building or premises or part thereof, who participants in, or knowingly and willingly, permits a violation of this Chapter, and any architect, builder, contractor, agency, person, or corporation who assists in the commission of any such violation shall be guilty of a separate offense, and upon conviction thereof, shall be fined as provided in the preceding paragraph.

The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction as provided in Texas Revised Civil Statues, Article 1011h and as may be amended, may be exercised in enforcing this Chapter whether or not there has been a criminal complaint filed.

In addition to the penalty provided, the right is hereby conferred and extended to any property owner owning property in any district where such property may be affected by a violation of the terms of this Chapter, to bring suite in such court or courts having jurisdiction thereof, and obtain such remedies as may be available at law or in equity for the protection of the rights of such property owners.

SECTION 14. SEVERABILITY

If any section, subsection, phrase, sentence, or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 15. INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the prom of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provide, however, that where this Chapter imposes a greater restriction upon the building or premises or upon height of building, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Chapter shall govern.

SECTION 16. TRANSFER OF OWNERSHIP RESTRICTION

Said Special Use Permit will cease to exist upon the sale of property ownership or relocation of property owner and/or owner of said business from said property.

CHAPTER 11 – APPENDIX 1

SPECIFIC USE PERMITS ADOPTED WITH ORIGINAL ZONING ORDINANCE AND REFERNCED ON ZONING MAP

<u>Specific Use Permit Number</u>	<u>Type of Use</u>
S - 1	Incinerator Manufacturing Plant
S – 2	Automotive Service Station and Grocery Store
S – 3	Masonic Lodge Hall and Community Building
S – 4	Liquified Petroleum Gas Storage Tanks
S – 5	Auto Repair Shop
S – 6	Auto Repair Shop
S – 7	Hardware and Feed Store