

BRADY
THE CITY OF
TEXAS

Tony Groves
Mayor

Kathy Gloria
Mayor Pro Tem

Shelly Perkins
Council Member
Place 2

Marilyn Gendusa
Council Member
Place 3

Jane Huffman
Council Member
Place 4

Jim Griffin
Council Member
Place 5

Kim Lenoir
City Manager

Shannon Kackley
City Attorney

Tina Keys
City Secretary

Platinum
Level



Texas Comptroller
Leadership Circle

CITY OF BRADY COUNCIL AGENDA REGULAR CITY COUNCIL MEETING AUGUST 2, 2016 AT 6:00 PM

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 6:00pm on August 2, 2016, at the Service Center, located at 1405 N. Bridge St., Brady, Texas, for the purpose of considering the following items. The City Council of the City of Brady, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551. of the Texas Government Code.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. APPROVAL OF AUDIT BOARD

4. APPROVAL OF MINUTES – July 19, 2016; July 7, 13, 14, 18, 2016

5. PUBLIC COMMENTS: Reserved for items NOT listed on the agenda

Please limit individual public comments to three (3) minutes. In accordance with TX AG opinion, any public comment addressing items not on the agenda, will only be heard by the City Council. No formal action, deliberation, discussion, or comment will be made by City Council. State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff to place the item on an agenda for a subsequent meeting.

6. PRESENTATIONS AND PUBLIC HEARING

A. Presentation of Proposed Fiscal Year 2016-2017 Budget – Kim Lenoir

7. INDIVIDUAL CONCERNS

A. Discussion, consideration and possible action regarding **second and final reading of Ordinance 1199** of the City of Brady, Texas, amendment to the City of Brady Zoning Ordinance 933 for an Overlay District for Infill Development Ordinance, as recommended by Planning and Zoning Commission on July 12, 2016.

B. Discussion, consideration and possible action regarding **second and final reading of Ordinance 1202** of the City of Brady, Texas, for a zoning change from Office (O) District to Commercial (C) District for property located 600 & 606 South Bridge Street, Block 133, Lots 4 & 5 of the Luhr Addition, as requested by Jay May and as recommended by Planning and Zoning Commission on July 18, 2016.

- C. Discussion, consideration and possible action regarding **Resolution 2016-035** authorizing the Mayor to sign a contract to purchase the property, known as Southward Cafeteria located at 607 W 11th Street from the Brady Independent School District, for a future Senior Citizen / Activity Center (\$100,000).
- D. Discussion, consideration and possible action regarding **Resolution 2016-036** authorizing the Mayor to sign a contract for professional services with EIKON Consulting Group LLC of Architects and Engineers to develop construction plans and budget for the remodel of the Southward Cafeteria for a future Senior Citizen / Activity Center (not to exceed \$20,700).
- E. Discussion, consideration, and possible action regarding **Resolution 2016-034** authorizing application and acceptance of a \$13,996 100% grant from Concho Valley Council of Governments (CVCOG) for a Criminal Justice Grant to fund Infrared Thermal Monocular Cameras for police use.
- F. Discuss possible changes to the proposed Cargo/Shipping Container Ordinance for the regulation and permitting of shipping containers in residential areas.
- G. Discuss possible changes to the proposed Dangerous / Substandard Building Ordinance, authorizing the Zoning Board of Adjustment to authorize removal of dangerous structures.
- H. Discuss proposed new sign ordinance, banning additional billboards, and regulating business signage.
- I. Discussion, consideration and possible action to fill alternate positions on the Board of Adjustments / Zoning Board of Adjustments (BOA/ZBA), Planning & Zoning Commission (P&Z) and to fill vacancies on the Airport Advisory Board.
- J. Discussion regarding City Council meeting procedures and process.

8. STAFF REPORTS

- A. Upcoming Special Events:
 - Thursdays, 4 p.m. to 6 p.m. – Farmers Market – Downtown Square
 - August 4 - Movies in the Park - Cars at Brady Lake
 - August 7 – Ladies Golf Tourney
 - August 18 – Last Summer Movies in the Park - Jaws at Brady Lake
 - August 20 – Day/Night Golf Tourney
 - Sept 1 – Annual Employee Picnic – Richards Park
 - Sept 2-3 – Annual World Championship BBQ Goat Cook-off – Richards Park
- B. August 4 – City Council day trip to City of McGregor, reviewing Vision 2030 Plan
- C. August 9, 5:30 p.m. – P&Z Sign Ordinance Work Session
- D. August 12 – TML Small Cities Problem Solving Meeting at City of Andrews
- E. August 16, 6 p.m. – Public Hearing for proposed Tax Rate – Regular City Council Meeting
- F. August DATE - Swimming Pool closes for the Summer
- G. August 23, 6 p.m. – Public Hearing for proposed Tax Rate – Special City Council Meeting
- H. Possible 4 p.m. Work Sessions – August 16 and/or 23 for Civic Center Fees and Charter Review
- I. September 5 – Labor Day Holiday – City Offices Closed – Holiday Trash Schedule

9. ANNOUNCEMENTS

Pursuant to the Texas Government Code § 551.0415, City Council Members and City staff may make reports about items of community interest during a meeting of the governing body without having given notice of the report.

Items of community interest include: Expressions of thanks, congratulations, or condolence; An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and Announcements involving an imminent threat to public health and safety of people in the municipality that has arisen after the posting of the agenda.

10. EXECUTIVE SESSION

The City Council of the City of Brady will adjourn into Executive Session for the following:

- A. Pursuant to Section 551.071 (Consultation with Attorney). The City Council will seek and receive advice from the City Attorney on the following matters: To seek legal advice about (1) pending or contemplated litigation; or (2) a settlement offer; or (3) on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, to wit: legal issues related to the Texas Open Meetings Act and legal issues with the negotiation of the contract with LCRA concerning the sale of the City's electric substations.
- B. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person – utility easements, animal shelter, and other proposed public facilities.
- C. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive in the form of an ad valorem tax abatement or to discuss or deliberate regarding commercial or financial information that the City Council has received from a prospective Burger King franchise.

11. OPEN SESSION ACTION on Any Executive Session Item listed above, if needed.

- A. Discuss, consider and possible action regarding offering a financial incentive in the form of an ad valorem tax abatement for a Burger King franchise to locate within the City.

12. ADJOURNMENT

I certify that this is a true and correct copy of the City of Brady City Council Meeting Agenda and that this notice as posted on the designated bulletin board at Brady City Hall, 201 E. Main St., Brady, Texas 76825; a place convenient and readily accessible to the public at all times, and said notice was posted on _____ by 6:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Tina Keys, City Secretary

In compliance with the American with Disabilities Act, the City of Brady will provide for reasonable accommodations for persons attending public meetings at City Facilities. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 325-597-2152 or citysec@bradytx.us.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussion on the same items listed

on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

The City Council of the City of Brady reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda as authorized by the Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations, vote or final action about competitive matters of the public power utility), and 551.087 (Economic Development).

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes written interpretation of the Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.114(c) and the meeting is conducted by all participants in reliance on this opinion.



STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Regular Meeting on Tuesday, July 19, 2016, at 6:00pm at the City of Brady Service Center located at 1405 N. Bridge Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Marilyn Gendusa, Shelly Perkins, Kathy Gloria, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, Finance Director Lisa Remini, City Attorney Shannon Kackley, Director of Public Works Steven Miller, Director of Community Services Peter Lamont, City Secretary Tina Keys, and Police Captain Lupe Carrizales. Others in attendance were Jeanette and Carl Tacker, Ed Hernandez, Lynn Farris, Annita Ellison, Mr. and Mrs. Leifeste, Joe and Dee Evridges, Barry Deans, and Sondra Turner.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 6:00 p.m. Roll was then called for Council and a quorum was certified.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Gendusa gave the invocation, and the Pledge of Allegiance was recited.

3. APPROVAL OF AUDIT BOARD

Council Member Gloria moved to approve the audit board. Motion was seconded by Council Member Gendusa. All Council Members voted "aye" and none "nay". Motion carried in a 5-0 vote.

4. APPROVAL OF MINUTES for July 5, 2016

Council Member Gendusa moved to approve the minutes. Motion was seconded by Council Member Griffin. All Council Members voted "aye" and none "nay". Motion carried in a 5-0 vote.

5. PUBLIC COMMENTS

There were no public comments.

6. PRESENTATIONS AND PUBLIC HEARINGS

Public Hearings for Zoning Ordinance P&Z Recommended Changes:

- A. Public Hearing to receive comments for or against an amendment to the City of Brady Zoning Ordinance 933 for an Infill Development Ordinance. Mayor opened the public hearing at 6:05 p.m. Peter Lamont presented to Council and announced that Planning and Zoning had voted to approve. There were no comments from council or audience. Closed public hearing on Infill Development Ordinance at 6:07 p.m.
- B. Public Hearing to receive comments for or against an amendment to the City of Brady Code of Ordinances, Article 3.200, Dangerous Premises. Mayor opened public hearing at 6:07 p.m. Peter Lamont presented to Council and announced that Planning & Zoning had voted to recommend. Several council members and some citizens had questions and comments. Closed public hearing on Dangerous Premises at 6:40 p.m.
- C. Public Hearing to receive comments for or against an amendment to the City of Brady Zoning Ordinance 933 for a Cargo/Shipping Container Ordinance. Mayor opened public hearing at 6:40 p.m. Peter Lamont presented to Council. Comments were made by Council and public. Closed public hearing on Cargo/Shipping Container Ordinance at 7:03 p.m.
- D. Public Hearing to receive comments for or against a zoning change from Office (O) District to Commercial (C) District for property located 600 & 606 South Bridge Street, Block 133, Lots 4 & 5 of the Luhr Addition, as requested by Jay May. Mayor opened public hearing at 7:03pm. Peter Lamont presented to Council. Council

Member Perkins questioned the June 29 map and July 11 map and commented that the drawings are not consistent. Lamont clarified that the July 11 map is correct. Closed public hearing on zoning changes at 7:09 p.m.

7. INDIVIDUAL CONCERNS

- A. Discussion, consideration, and possible action regarding **first reading of Ordinance 1199** of the City of Brady, Texas, amendment to the City of Brady Zoning Ordinance 933 for an Overlay District for Infill Development Ordinance, as recommended by P&Z Commission on July 12, 2016. Peter Lamont presented to Council. Council Member Gendusa moved to approve first reading of Ordinance 1199. The motion was seconded by Council Member Griffin. All council members voted "aye" and none "nay". Motion carried in a 5-0 vote.
- B. Discussion, consideration and possible action regarding **first reading of Ordinance 1200** of the City of Brady, Texas, amendment to the City of Brady Code of Ordinances, Article 3.200, Dangerous Premises on substandard buildings, as recommended by P&Z Commission on July 12, 2016. Peter Lamont presented to Council. Council Member Perkins is concerned that we have no written procedures. Council Member Griffin thinks it needs to be made clear that structures are to be completely uninhabitable for health and safety. Need to change lack of hot water to lack of running water. Mayor Groves affirmed that if a City Official sees something that is unsafe or dangerous, this gives him the authority to do something. Council Member Gloria agrees we have a sense of responsibility to keep our citizens safe, but we need to have something in place to help these people. City Manager Lenoir explained that the City does refer people, on a regular basis, to organizations who can help. Council Member Perkins moved to approve first reading of Ordinance 1200 as amended. There was no second. The motion failed. No action taken.
- C. Discussion, consideration and possible action regarding **first reading of Ordinance 1201** of the City of Brady, Texas, amendment to the City of Brady Zoning Ordinance 933 for a Cargo/Shipping Container Ordinance, as recommended by Planning and Zoning Commission on July 18, 2016. Peter Lamont presented to Council. There was no motion. No action taken.
- D. Discussion consideration and possible action regarding **first reading of Ordinance 1202** of the City of Brady, Texas, for a zoning change from Office (O) District to Commercial (C) District for property located 600 & 606 South Bridge Street, Block 133, Lots 4 & 5 of the Luhr Addition, as requested by Jay May and as recommended by Planning and Zoning Commission on July 18, 2016. Peter Lamont presented to Council. Council Member Griffin moved to approve first reading of Ordinance 1202. The motion was seconded by Council Member Gendusa. All council members voted "aye" and none "nay". Motion carried in a 5-0 vote.
- E. Discussion consideration and possible action regarding **second and final reading of Ordinance 1198** of the City of Brady, Texas, establishing a Curfew for Minors (under 17 years of age, 11:00pm until 6:00am Sunday to Thursday and 12:01am to 6:00am on any Saturday or Sunday). Council Member Gendusa moved to approve second and final reading of Ordinance 1198. The motion was seconded by Council Member Gloria. Four council members voted "aye" and one "nay" with Council Member Huffman opposing. Motion carried in a 4-1 vote.
- F. Discussion, consideration and possible action to fill alternate positions on the Board of Adjustments / Zoning Board of Adjustments (BOA/ZBA), Planning & Zoning Commission (P&Z) and to fill vacancies on the Airport Advisory Board. There were no new applications for review. No action taken.
- G. Discussion regarding North Bridge Street, Crothers, White Street, and Downtown 30% Design Plans by TXDOT. TXDOT US377N 30% Plans can be viewed on the City's website. Additional information is available

at http://apps.dot.state.tx.us/appscq/project_tracker/, look for Project ID 012804035 on the gradient table and click to view project details. Kim Lenoir presented. Members and visitors present discussed comments they had received concerning downtown and Crothers/White Street intersection plans. Captain Carrizales reported that 8 accidents had been reported in the past two years at White Street and North Bridge Street. Staff will share the concerns with TXDOT. Discussion Only.

- H. Discussion regarding State of Texas Local Government Code Section 504.051(c) concerning appointment, dismissal of EDC Board Members, as requested by Council Member Gendusa. Marilyn Gendusa went over procedures she found regarding removal of BEDC board members. Discussion Only.
- I. Discussion regarding City Council meeting procedures and process. Mayor asked for an opinion of how the meeting went. Most thought it went well. One suggestion was made that the City Council may want to get a motion and second on an item before a great amount of time is spent discussing changes to the item with the City Council. Discussion Only.

8. STAFF REPORTS

- A. Monthly Financial Reports for June 2016
- B. Monthly Activity Reports – Seniors, Golf, BPD, Animal Control, Code Enforcement, Tourism Funding, Airport
- C. Monthly Reports for Projects - Civic Center, Davee/Dodge Heights Replat & Leases
- D. EPA – Quarterly Report – Drinking Water Project
- E. July 20 – Good News Luncheon – 11:30 a.m., HOT Event Center
- F. Upcoming Special Events:
 - Thursdays, 4 p.m. to 6 p.m. – Farmers Market – Downtown Square
 - July 21- Movies in the Park - Finding Nemo at the Swimming Pool
 - July 30 – Couple's Golf Tourney
 - August 4 - Movies in the Park - Cars at Brady Lake
 - August 7 – Ladies Golf Tourney
 - August 18 - Movies in the Park - Jaws at Brady Lake
 - August 20 – Day/Night Golf Tourney
- G. August 2 – Proposed FY2017 Budget Presentation - City Council Meeting
- H. August 9 – P&Z Sign Ordinance Work Session
- I. August 16 – Public Hearing for proposed Tax Rate – Regular City Council Meeting; possible 4pm work session
- J. August 23 – Public Hearing for proposed Tax Rate – Special City Council Meeting; possible 4pm work session

9. ANNOUNCEMENTS

There were no announcements

10. EXECUTIVE SESSION

Council closed open session at 8:56 p.m. and took a break before going into Executive Session.

Council reconvened into Executive Session at 9:12 p.m.

- A. Pursuant to Section 551.071 (Consultation with Attorney). The City Council will seek and receive advice from the City Attorney on the following matters: To seek legal advice about (1) pending or contemplated litigation; or (2) a settlement offer; or (3) on a matter in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act, to wit: legal issues related to responses to public comments under the Texas Open Meetings Act.

- B. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real properties of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person – utility easements, animal shelter, and other proposed public facilities.
- C. Pursuant to Section 551.087 (Economic Development), the City Council will deliberate the offer of a financial or other incentive or to discuss or deliberate regarding commercial or financial information that the City Council has received from a prospective cement plant (US Cement), retail, and other development projects that the City Council seeks to have locate in or near the City and/or with which the City Council is conducting economic development negotiations.

Executive Session adjourned and council went back into open session at 10:13 p.m.

11. Open Session Action on any Executive Session

- A. Discuss, consider and possible action regarding offering a financial incentive in the form of an ad valorem tax abatement for a Burger King franchise to locate within the City.

Council Member Gloria moved to direct staff to enter into formal negotiations with Burger King. Seconded by Council Member Griffin. All Council Members voted “aye” and none “nay. Motion carried in a 5 - 0 vote.

12. ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 10:14 pm.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Special Work Session on Thursday, July 7, 2016, at 1:00pm at the DRT Community Room, 113 N. Church Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Marilyn Gendusa, Shelly Perkins, Kathy Gloria, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, Finance Director Lisa Remini, Director of Public Works Steven Miller, Director of Community Services Peter Lamont, City Secretary Tina Keys, Police Chief Steve Thomas, Fire Chief Lyle Daniel and Asst Chief Dink Nichols. Judge Neal came in after meeting had begun.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 1:05 p.m. Roll was then called for Council and a quorum was certified.

1 Presentations from Staff: Lisa Remini presented

Base Budget Summary (see Appendix A)

Debt Service Requirements (see Appendix I)

5 Year Capital Expenditure Plan (see Appendix B)

2 Discuss: City Manager Kim Lenoir and Finance Director Lisa Remini

Proposed Tax Rates - Property and Cemetery (see Appendix R, X)

Proposed Utility Rate Increases (see Appendix G & H) Council would like staff to check into free dump passes, community clean-ups, and/or general community courtesy dumpsters. Discussed rate increases for landfill, trash rates, water rates, sewer rates and electric rates.

Proposed Expenditure Reductions- Airport (see Budget #2)

Fund Balance - Adequacy

3 Review FY 17 Budgets:

Budget Requests from other Agencies

Danny Neal discussed need and shared information and plans for a new county Library and Jail.

ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 6:15p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session and Special Meeting Executive Session on Wednesday, July 13, 2016, at 9:00 a.m. at the Brady Housing Authority located at 405 E. Main Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Marilyn Gendusa, Shelly Perkins, Kathy Gloria, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, Finance Director Lisa Remini, Director of Public Works Steven Miller, Director of Community Services Peter Lamont, City Secretary Tina Keys, Police Chief Steve Thomas, Police Captain Lupe Carrizales, Fire Chief Lyle Daniel and Asst. Fire Chief Dink Nichols.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 9:06 a.m. Roll was then called for Council and a quorum was certified.

7. INDIVIDUAL CONCERNS

A. Discuss:

- Proposed Tax Rates – Property and Cemetery
- Proposed Utility Rate Increases (see Appendix G & H)
- Proposed Expenditure Reductions – Airport (see budget #2)
- Fund Balance – Adequacy

B. Review FY 17 Budgets:

- Budget Requests from other Agencies
- Base Budget Requests from Utility Funds
- Base Budget Requests from General Fund
- Supplemental Requests from Utility Funds
- Supplemental Requests from General Fund

EXECUTIVE SESSION

Council closed work session at 3:52 p.m. and opened open special session at 3:53pm. Council went into Executive Session at 3:56pm.

A. Pursuant to Section 551.072 (Deliberations about Real Property), the City Council will deliberate the purchase, exchange lease, or value of real properties located in the southern and western sections of the City as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person – utility easements.

Executive Session adjourned at 4:08 p.m.

Open Session Action on any Executive Session

Mayor reconvened open session at 4:09 p.m. No action was taken as a result of executive session.

ADJOURNMENT

There being no further business, the Mayor adjourned the meeting at 4:09 p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session on Thursday, July 14, 2016, at 1:00pm at the Brady Housing Authority located at 405 E. Main Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Marilyn Gendusa, Kathy Gloria, Jane Huffman and James Griffin. Council Member Perkins arrived after a quorum was certified. City staff present were City Manager Kim Lenoir, Finance Director Lisa Remini, Director of Public Works Steven Miller, Director of Community Services Peter Lamont, City Secretary Tina Keys, Police Chief Steve Thomas, Police Captain Lupe Carrizales, Fire Chief Lyle Daniel and Asst. Fire Chief Dink Nichols. Also in attendance were Frank Hyden and Stephanie Cantrell.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 1:03 p.m. Roll was then called for Council and a quorum was certified.

1. Discuss:

Proposed Tax Rates – Property and Cemetery (see Appendix R, X)

Proposed Utility Rate Increases (see Appendix G & H)

Fund Balance - Adequacy

2. Review FY 17 Budgets:

Budget Requests from other Agencies

Base Budget Requests from Utility Funds

Base Budget Requests from General Fund

Supplemental Requests from Utility Funds

Supplemental Requests from General Fund

3. Review and Discuss:

Fee Schedule (see Appendix K)

Selected Policy Review (see Appendix F)

Adjournment

There being no further business, the Mayor adjourned the meeting at 3:50 p.m.

Mayor Anthony Groves

Attest: _____

Tina Keys, City Secretary

STATE OF TEXAS

COUNTY OF McCULLOCH

CITY OF BRADY

The City Council of the City of Brady, Texas met in a Work Session on Monday, July 18, 2016, at 1:00pm at the Brady Housing Authority located at 405 E. Main Street, Brady, Texas with Mayor Anthony Groves presiding. Council Members present were Shelly Perkins, Marilyn Gendusa, Kathy Gloria, Jane Huffman and James Griffin. City staff present were City Manager Kim Lenoir, Finance Director Lisa Remini, Director of Public Works Steven Miller, Director of Community Services Peter Lamont, Police Captain Lupe Carrizales, Fire Chief Lyle Daniel and Asst. Fire Chief Dink Nichols.

1. CALL TO ORDER, ROLL CALL & CERTIFICATION OF A QUORUM

Mayor Groves called the meeting to order at 1:07 p.m. Roll was then called for Council and a quorum was certified.

1. Review FY 17 Budgets:

- Budget Requests from other Agencies
- Base Budget Requests from Utility Funds
- Base Budget Requests from General Fund
- Supplemental Requests from Utility Funds
- Supplemental Requests from General Fund

2. Review and Discuss:

- Fee Schedule (see Appendix K)
- Selected Policy Review (see Appendix F)

3. Discuss and plan future work session dates and topics - Members agreed that they had completed budget work sessions and did not need the Tuesday, July 19 meeting that was posted, if needed.

Staff is to consider scheduling additional work sessions on other topics before or after Tuesday Council Meetings, if Council agenda is light.

4. Announcements

5. Adjournment

There being no further business, the Mayor adjourned the meeting at 6:00 p.m.

Mayor Anthony Groves

Attest: _____
Tina Keys, City Secretary

**CITY COUNCIL
CITY OF BRADY, TEXAS
AGENDA ACTION FORM for ORDINANCE**

AGENDA DATE:	08/02/2016	AGENDA ITEM	7.A.
AGENDA SUBJECT:	Discussion, consideration and possible action regarding second and final reading of Ordinance 1199 of the City of Brady, Texas, amendment to the City of Brady Zoning Ordinance 933 for an Overlay District for Infill Development Ordinance, as recommended by P&Z Commission on July 12, 2016.		
PREPARED BY:	Kimberly Davee	Date Submitted:	07/29/2016
EXHIBITS:	Infill Development Ordinance P&Z Recommendation		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			
<p>SUMMARY: The purpose of the Overlay District for infill development is to allow amended requirements for certain structures within Single-Family Residential and Manufactured Home District zoning. The amended requirements only pertain to lots platted prior to 1980 or transferred by metes and bounds before 1980. The amended requirements give these structures and/or vacant lots with aforementioned criteria certain allowable variances from the base zoning requirements as specified in the ordinance.</p> <p>Planning and Zoning Commission has discussed infill development needs and desires for several months. P&Z held a public hearing July 12, 2016, and now recommends this ordinance to City Council.</p>			

RECOMMENDED ACTION:

It is recommended that City Council approve the second and final reading of Ordinance as recommended by the Planning and Zoning Commission.

Mayor: “Do I have a motion to read the full ordinance?”

If no, Mayor will state: “A majority of the City Council has dispensed with the full reading of the ordinance.”

Mayor will ask: “Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.” “Secretary reads preamble”

Mayor calls for a motion:

Move to approve **second and final reading of Ordinance 1199**

ORDINANCE NO. 1199

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS
AMENDING THE CITY OF BRADY ZONING ORDINANCE ADOPTED ON MAY 7, 2003
BY AMENDING ORDINANCE 933, SUBDIVISIONS**

WHEREAS, the City of Brady has numerous undeveloped properties within established neighborhoods; and,

WHEREAS, the City of Brady wishes to promote construction of new homes in these neighborhoods; and,

WHEREAS, the City of Brady wishes to allow new homes to reflect the character and architecture of the established neighborhood.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
BRADY, TEXAS;** that an Infill Ordinance grant variance from City Building Code be established, permitting for exempted setback and exterior construction material requirements.

7.9 Infill of existing neighborhoods

The overlay district shall be in effect in all areas of the City of Brady and made a part hereof.

It is provided that within said area, the existing (or as then amended) base zoning will remain in effect, and will control the USE of the property. This section does not change the USE of the property, only the structures that may be placed on it. The base zoning still applies to structures, except as amended by this ordinance.

Property, in order to qualify under this Section 26.B, must consist of lots initially platted prior to 1980 or transferred by metes and bounds before 1980, AND be located within the Single-Family Residential and Manufactured Home District.

The following is allowed on qualifying property:

1. The front yard setback must be within five (5) feet of the average of each structure that is within fifty (50) feet from the buildable lot, as measured from the front building plane, and not including porches.
2. Maximum lot coverage is eighty percent (80%).
3. Side yards will be ten percent (10%) of lot width.
4. The massing, scale, and materials shall be appropriate to the neighborhood and porches may be required, which requirements can be set with the City staff by written approval; however, their ruling may be appealed to the Planning and Zoning Commission. (P&Z)
5. In no situation will a house be less than ten (10%) percent of the average of square footage area of houses to each side and directly across the street, but not less than 800 square feet.

6. Two off-street parking areas behind the front building plane are required, any garage that is built shall not have a door facing the right-of-way, unless set back from the front of the building plane at least five (5') feet.
7. Garages will not be required if three bedrooms or less.
8. Material for driveway may be permeable behind the front building plane with approved driveway section and material.
9. Minimum lot size—Similar sizing to adjacent lots, flexible depending on surrounding lots. In no situation will a lot be less than ten (10%) percent less than the square footage area of adjacent lots on each side and directly on the other side of the street.
10. A residential Planned Development District (PDD) may be any size in this overlay district, if approved for a Specific Use Permit (SUP).
11. Garage Dwelling Units may be allowed with SUP in SF-5 and SF-10.
12. Duplexes on corner lots must have entrances facing one to each street.

PASSED AND APPROVED THIS _____ DAY OF _____, 2016

Anthony Groves, Mayor
CITY OF BRADY

ATTEST:

Tina Keys, City Secretary
STATE OF TEXAS
COUNTY OF MCCULLOCH
CITY OF BRADY

**CITY COUNCIL
CITY OF BRADY, TEXAS
AGENDA ACTION FORM for ORDINANCE**

AGENDA DATE:	08/02/2016	AGENDA ITEM	7.B
AGENDA SUBJECT:	Discussion, consideration and possible action regarding second and final reading of Ordinance 1202 of the City of Brady, Texas, for a zoning change from Office (O) District to Commercial (C) District for property located at 600 & 606 South Bridge Street, Block 133, Lots 4 & 5 of the Luhr Addition, as requested by Jay May and as recommended by Planning and Zoning Commission on July 18, 2016.		
PREPARED BY:	Kimberly Davee	Date Submitted:	07/12/2016
EXHIBITS:	Ordinance # 1202 Zoning Application Zoning Map Recommendation by the Planning and Zoning Commission		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY MANAGER APPROVAL:			
<p>SUMMARY: Lots 4 & 5 of 600 & 606 South Bridge Street, Block 133, are currently zoned Office District. Such lots are surrounded by Commercial District on the South and East sides. The property adjacent to Lots 4 & 5 on the North side is also zones Office District. The properties on the West side are residential areas zoned SF-5. The City is unsure of why this property was zoned for Office District except there may have been an office on location at one time.</p> <p>The request for changing the zoning to Commercial District would be consistent with the Comprehensive Plan and the zoning in this area.</p> <p>P&Z is to have a public hearing in a Special Meeting, July 18, 2016 and will make a recommendation to City Council.</p>			
<p>RECOMMENDED ACTION: It is recommended that City Council accept the recommendation of the Planning and Zoning Commission. If P&Z denied this zoning request, then City Council will not consider this request on July 19. If requested by the applicant, City Council may consider an appeal of the P&Z denial at a later date.</p> <p>Mayor: <u>Do I have a motion to read the full ordinance?</u> If no, Mayor will state: <u>A majority of the City Council has dispensed with the full reading of the ordinance.</u> Mayor will ask: <u>Madam City Secretary please read the Ordinance Preamble for the record in accordance with the City Charter.</u> <u>Secretary reads preamble</u></p> <p>Mayor calls for a motion: Move to approve second and final reading of Ordinance 1202</p>			

ORDINANCE NO. 1202

**REZONING CERTAIN PROPERTY, 600 & 606 SOUTH BRIDGE STREET,
BLOCK 133, LOTS 4 & 5 OF THE LUHR ADDITION, FROM OFFICE DISTRICT
TO COMMERCIAL DISTRICT UPON APPLICATION BY JAY AND VICTORIA
MAY WITHIN THE CITY LIMITS OF THE CITY OF BRADY**

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, the Brady Code of Ordinances Chapter 14 constitutes the City's Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS, the Planning and Zoning Commission of the City of Brady provided adequate notice and held a public hearing on July 18, 2016 in accordance with the Brady Code of Ordinances and Chapter 211 of the Texas Local Government Code; and

WHEREAS, the Planning and Zoning Commission of the City of Brady has recommended approval of the re-zoning of the designated properties and has confirmed that the re-zoning is uniform and conforms to the plan and design of the City of Brady's Zoning regulations; and

WHEREAS, the City Council of the City of Brady held a public hearing on July 19, 2016 regarding the re-zoning on affected properties and complied with notice provisions of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Brady believes the re-zoning of affected properties will not adversely affect the character of the area of the neighborhood in which it is proposed to re-zone; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of Brady;

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

1. Property being described as 600 & 606 South Bridge Street, Block 133, Lots 4 & 5 of the Luhr Subdivision be re-zoned from Office District to Commercial District.
2. The City staff is hereby authorized to issue said zoning when all conditions imposed by the City Council have been addressed and complied with in full.

PASSED and APPROVED this the _____ day of _____ 2016.

Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

06-23-16; 01:36PM;
Brady Code Enforcement
Division
325-597-2244 Ext. 201 (phone)
325-597-0556 (fax)

:325-597-0556

172
City of Brad
1405 N BridgeS
P.O. Box 35
Brady, TX 7682

City of Brady Zoning Application

Property Owner Information:

Owner: Jay May Phone No.: 597-5629 Fax 597-1900
Cell No.: 451-7619 Email: j.s.may@verizon.net
Address: 405 South Bridge
Owner Signature: Jay May

If the property owner is represented by an authorized agent, please complete the following:

Agent: _____ Phone No.: _____ Fax _____
Cell No.: _____ Email: _____
Address: _____
Agent Signature: _____

Existing Property Information:

Lot: 485 No. of Lots: 2 Block: 1 Subdivision: 133 L U H R
Survey Abstract & Acreage: 0.172 ± 0.230 Parcel 22732 ± 22733
Address: 100 ± 601 S Bridge
Current Zoning District (Please note chart below): (C) Commercial District
(A) Agriculture (BLR) Brady Lake Recreational (SF-5) Single Family Residential (2F) Two Family Residential
(MF) Multi-Family Residential (MH) Manufactured Home District (C) Commercial District (O) Office District
(R) Retail District (CBD) Central Business District (I) Industrial District (PD) Planning Development District
(SUP) Specific Use Permit

Application Requests:

Zone Change Specific Use

Use or Zoning Requested: (C) Commercial District

Reason for Request: Office District is not reasonable. Never been office, was residential then commercial never office

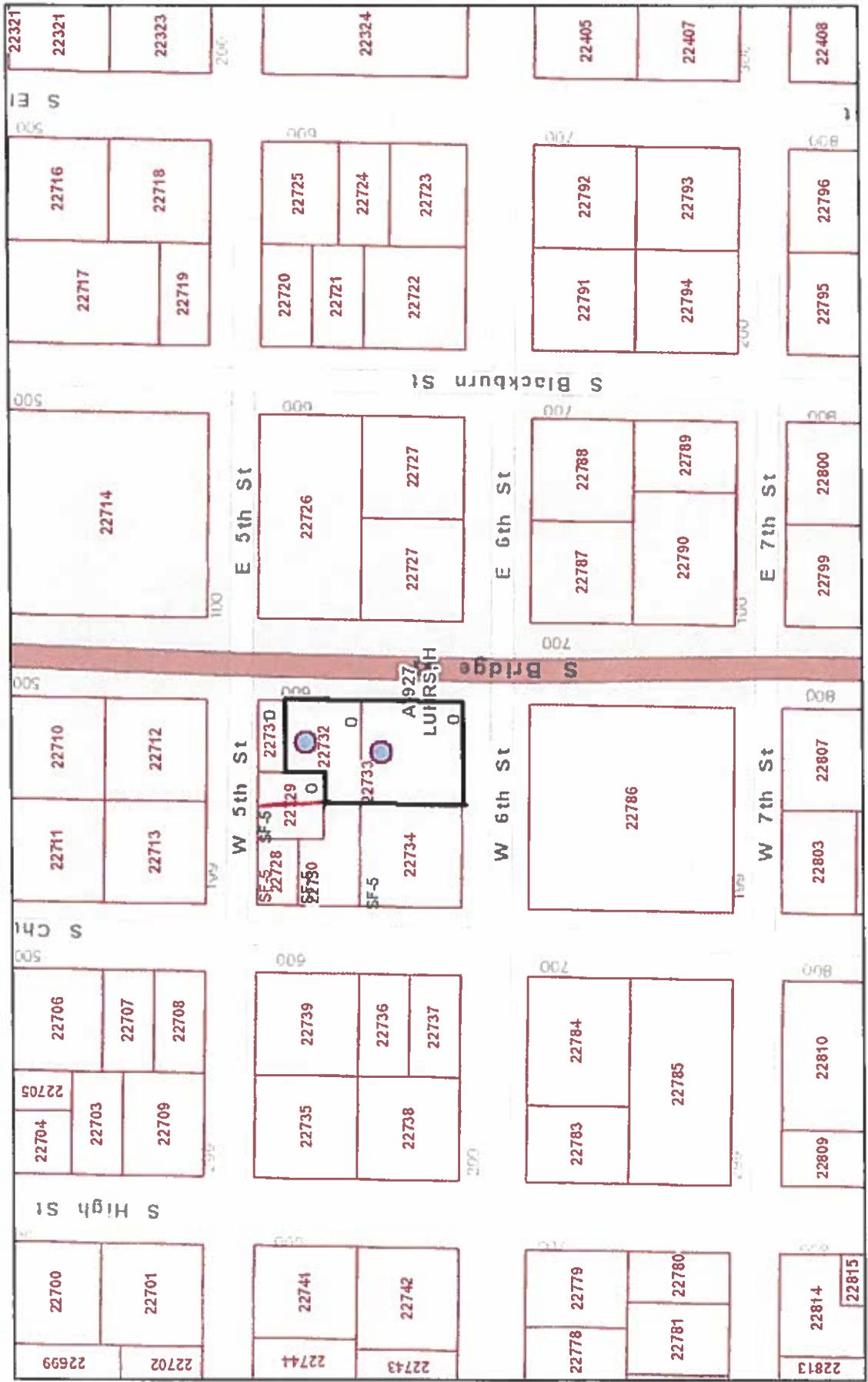
The Code Enforcement Division will only accept complete applications. This includes a completed application form, proof of ownership, non-refundable filing fee made payable to the City of Brady, legal description or surveyed plat drawn by a licensed Surveyor, and a Comprehensive Site Plan (if applicable). Planning and Zoning Commission meetings are held on the 2nd Thursday of each month at 4:00 p.m. Applications are due thirty (30) days prior to the meeting date.

Office Use Only:

<input type="checkbox"/> Complete Application <input checked="" type="checkbox"/> \$200.00 Fee <input type="checkbox"/> Proof of Ownership <input checked="" type="checkbox"/> Surveyed Plat <input type="checkbox"/> Comprehensive Site Plan (for PD or SUP)	Received by: <u>Kim Whittle</u> Filing Date: <u>6-23-16</u> P&Z Date: <u>7-18-16</u> 1st City Council Date: <u>7-19-16</u> 2nd City Council Date: <u>8-2-16</u>
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60

600/606 S Bridge



July 11, 2016

Parcels
Abstracts

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

1:1,881

0 0.015 0.03 0.06 mi
0 0.025 0.05 0.1 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, Incisive, P. Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), McCulloch County Appraisal District, BIS Consulting - www.bisconsultants.com

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City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	8-2-16	AGENDA ITEM	7.C
AGENDA SUBJECT:	Discussion, consideration and possible action regarding Resolution 2016-035 authorizing the Mayor to sign contracts to purchase the property known as Southward Cafeteria located at 607 W 11 th Street, from the Brady Independent School District, for a future Senior Citizen / Activity Center (\$100,000).		
PREPARED BY:	Kim Lenoir	Date Submitted:	7-27-2016
EXHIBITS:	Resolution 2016-035		
BUDGETARY IMPACT:	Required Expenditure:	\$100,000	
	Amount Budgeted:	\$100,000	
	Appropriation Required:	\$0	
CITY MANAGER APPROVAL:			

SUMMARY:

For over a year, the City of Brady and McCulloch County have been visiting, studying and considering various facilities for a new location for the Senior Citizens Center and programs, due to the poor condition of the existing Sunset Center facility owned by McCulloch County. McCulloch County Commissioners budgeted \$50,000 in FY2016 as a one-time contribution to the City of Brady to assist in purchasing a new facility for the senior citizens. The City of Brady had also budgeted \$50,000 to purchase a new home for the senior program.

The City of Brady has provided staffing and funding for the Senior Citizen program since 2001. McCulloch County has provided the facility, repairs of the facility and partial staffing of van drivers. The CVCOG assist in funding the Meals on Wheels and Lunch Programs that the Senior Center provides the community. The CVCOG Thunderbird transportation program local funding share was funded 50/50 by the city and county. In FY2017, the County will increase funding to 75% with the City funding 25%. The goal is by FY2018 the County will fund the transportation program 100%.

On May 3rd, the City Council unanimously voted to offer Brady ISD \$100,000 to purchase the old Southward Cafeteria for a future Senior Citizens / Activity Center. On July 18th, BISD approved an earnest money contract to sell the City of Brady the property as offered.

The proposed resolution authorizes the Mayor to sign all contracts required to purchase the property known as Southward Cafeteria located at 607 W 11th Street, from the Brady Independent School District, for a future Senior Citizen / Activity Center for \$100,000.

RECOMMENDED ACTION:

Move to approve Resolution 2016-035

RESOLUTION NO. 2016-035

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY,
TEXAS AUTHORIZING THE MAYOR TO SIGN THE CONTRACTS FOR
PURCHASING THE BISD OLD SOUTHWARD CAFETERIA FOR A
FUTURE SENIOR CITIZENS / ACTIVITY CENTER**

WHEREAS, the City of Brady has a Comprehensive Plan Action Item 33 recommending assessment of all Public Facilities; and

WHEREAS, the Senior Citizen Center Facilities need to be modernized; and

WHEREAS, the City of Brady has offered to purchase the old Southward Cafeteria from Brady ISD; and

WHEREAS, the City of Brady wishes to develop a usable facility for our employees to better serve our senior citizens and the general public.

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

That the City Council of the City of Brady authorizes the Mayor to sign contracts with BISD to purchase the Southward Cafeteria to serve the community as a future Senior Citizens / Activity Center for \$100,000.

PASSED AND APPROVED this the 2nd day of August, 2016.

CITY OF BRADY

Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	8-2-2016	AGENDA ITEM	7.D
AGENDA SUBJECT: Discussion, consideration and possible action regarding Resolution 2016-036 authorizing the Mayor to sign contract for professional services with EIKON Consulting Group LLC of Architects and Engineers to develop construction plans and budget for the remodel of the Southward Cafeteria for a future Senior Citizen / Activity Center (not to exceed \$20,700).			
PREPARED BY:	K Lenoir	Date Submitted:	7-27-16
EXHIBITS:	EIKON Agreement for Professional Services		
BUDGETARY IMPACT:		Required Expenditure:	\$25,000.00
		Amount Budgeted:	\$20,700.00
		Appropriation Required:	\$00.00
CITY MANAGER APPROVAL:			
SUMMARY: <p>City staff has visited and toured with two different architecture firms viewing our city facilities, discussing challenges and issues for our senior center facilities.</p> <p>The 2013 City Comprehensive Plan recommends that the city conduct a facilities assessment and look for opportunities to meet the needs for all municipal services (page 86, Action Item 33).</p> <p>Staff recommends that the City enter into professional services contract with EIKON Consulting Group of the Dallas area to prepare construction plans and budget for renovating the old Southward Cafeteria for a future Senior Citizen / Activity Center, not to exceed \$20,700.</p>			

RECOMMENDED ACTION:

Move to approve Resolution 2016-036

RESOLUTION NO. 2016-036

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRADY,
TEXAS AUTHORIZING THE MAYOR TO SIGN THE AGREEMENT FOR
EIKON CONSULTING GROUP TO PROVIDE PROFESSIONAL
SERVICES FOR REVONATIONS OF THE OLD SOUTHWARD
CAFETERIA FOR A SENIOR CITIZENS / ACTIVITY CENTER
CONSTRUCTION PLAN AND BUDGET.**

WHEREAS, The City of Brady has a Comprehensive Plan Action Item 33 recommending assessment of all Public Facilities; and

WHEREAS, the Senior Citizen Center Facilities need to be modernized; and

WHEREAS, the City of Brady has purchased the old Southward Cafeteria from Brady ISD; and

WHEREAS, the City of Brady wishes to be in full compliance with all requirements by the building codes and to have usable facilities for our employees to better serve our public.

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

That the City Council of the City of Brady authorizes the Mayor to sign an agreement with EIKON Consulting Group to prepare renovation construction plans and budget for renovations of the old Southward Cafeteria to serve the community as a future Senior Citizens / Activity Center, not to exceed \$20,700.

PASSED AND APPROVED this the 2nd day of August, 2016.

CITY OF BRADY

Anthony Groves, Mayor

Attest: _____
Tina Keys, City Secretary



DESIGNING CONFIDENCE

AGREEMENT FOR CONSULTING SERVICES

Date June 15, 2016

Client Kim Lenoir, City Manager
City of Brady
201 East Main Street
Brady, Texas 76825
klenoir@bradytx.us

Project Name and Location Cafeteria Building Renovation
Brady, Texas

As requested, EIKON Consulting Group, LLC (EIKON) is pleased to submit this proposal for professional consulting services related to the above referenced project. Our proposed Scope of Services, Assumptions, Deliverables, Schedule, and Fee are outlined below.

General Project Description

We understand that the project includes the renovation of an existing central cafeteria previously owned by the Brady ISD. The building will be repurposed to accommodate the needs of the City of Brady for use by the Senior Citizens as well as a multi-purpose facility for use by the community.

Scope of Services (Exhibit A)

Descriptions of Specific Services

EIKON will meet with the City of Brady personnel to gather program elements required for the functionality of the renovated facility.

EIKON will perform Architectural, Civil, Structural, Mechanical, Electrical and Plumbing design services. The following documentation will be provided.

Construction Documents

- Floor Plan
- Elevations
- Reflected Ceiling Plan
- Mechanical, Electrical and Plumbing Plan
- Civil Site Plan
- Material Finish Recommendations
- Code Review
- Egress Plan
- Energy Code - Envelope COMCheck
- Accessibility Plan Review

Deliverables

- EIKON will deliver 30X42" drawings. A hardcopy and electronic version will be provided.

Schedule (Exhibit B)

The construction documents will be completed in a timely fashion to meet the Client's requirements.

Fee (Exhibit C)

- Fixed Fee (refer to the scope of services and assumptions): \$18,800.00
Reimbursable Expenses: \$1900.00

Invoices are processed monthly and are based on completed phases, direct man-hours, or on a percentage of completion.

Fee to be paid within 30 days after the delivery of an invoice from EIKON.
Unpaid invoices shall serve interest at 1.5% per month.

Notice to Proceed

EIKON must receive (by fax, email, or regular mail) this signed services agreement. This proposal will remain in effect for 30 days.

If this proposal meets with your approval, please sign the attached agreement authorizing our office to begin work. Note that references in the agreement to Exhibits A, B and C are those identified above.

Thank you for considering EIKON for your consulting services. We look forward to working with you and your staff on this project. Should you have any questions regarding this proposal, please do not hesitate to contact us.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08/02/2016	AGENDA ITEM	7.E
AGENDA SUBJECT:	Discussion, consideration, and possible action regarding Resolution 2016-034 authorizing application and acceptance of a \$13,996, 100% grant, from Concho Valley Council of Governments (CVCOG) for a Criminal Justice Grant to fund Infrared Thermal Monocular Cameras for police use.		
PREPARED BY:	G. Slone/S. Thomas	Date Submitted	07/27/16
EXHIBITS:	Resolution 2016-034		
BUDGETARY IMPACT:	Required Expenditure: \$00.00	Amount Budgeted: \$00.00	Appropriation Required: \$00.00
CITY MANAGER APPROVAL:			

SUMMARY:

There are currently grant funds available through the Concho Valley COG. The City of Brady Police Department submitted a funding application and have received approval. This resolution is required to accept the grant funding and authorized the City Manager to sign documents for the grant award. This grant is 100% funded. The cameras are infrared thermal cameras that will enable the police officers to find suspects, weapons, or injured or ill persons in the dark.

RECOMMENDED ACTION:

Move to approve Resolution 2016-034

RESOLUTION 2016-034

RESOLUTION OF THE CITY OF BRADY AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE CONCHO VALLEY COUNCIL OF GOVERNMENTS FOR A CRIMINAL JUSTICE ASSISTANCE GRANT; AUTHORIZING THE CITY MANAGER TO ACT ON BEHALF OF THE CITY OF BRADY IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BRADY WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE CONCHO VALLEY COUNCIL OF GOVERNMENTS, THE JUSTICE ASSISTANCE GRANT PROGRAM AND THE STATE OF TEXAS

WHEREAS, the Concho Valley COG is directed by the Office of the Governor of Texas; and

WHEREAS, the City of Brady in the State of Texas is qualified to apply for grant funds under the Request for Applications.

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

1. That the City Manager is authorized to request grant funding under the Concho Valley COG Request for a Criminal Justice Grant to fund FLIR brand Thermal Monocular cameras and act on behalf of the City of Brady in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project if funded, the City of Brady will comply with the grant requirements of the Concho Valley COG, the Justice Grant Program and the State of Texas.
3. The grant funds and any grant-funded equipment will be used only for the purposes for which they are intended under the grant.

PASSED AND APPROVED by the City Council of the City of Brady, Texas on this the _____ day of _____, 2016.

Tony Groves, Mayor

Tina Keys, City Secretary

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08-02-2016	AGENDA ITEM	7.F
AGENDA SUBJECT:	Discuss possible changes to the proposed Cargo/Shipping Container Ordinance, for the regulation and permitting of shipping containers in residential areas.		
PREPARED BY:	Peter Lamont	Date Submitted:	07/26/16
EXHIBITS:	Cargo/Shipping Container Ordinance		
BUDGETARY IMPACT:	Required Expenditure:	\$0.00	
	Amount Budgeted:	\$0.00	
	Appropriation Required:	\$0.00	
CITY MANAGER APPROVAL:			

SUMMARY:

At the July 19, 2016 Council meeting the Cargo/Shipping Container Ordinance was presented. At the time, Council expressed concerns over the requirements and program implementation. Staff is asking that the Council provide clarification of these concerns so that alterations to the ordinance can be made, if desired.

Staff have received complaints about shipping containers in residential areas. Planning and Zoning Commissioners have worked several months on this ordinance. P&Z held a public hearing on July 12 and voted to recommend to the City Council approval on July 18, 2016 with a final revision. No one spoke at the public hearing.

RECOMMENDED ACTION:

Provide direction to staff.

ORDINANCE NO. 1201

AN ORDINANCE OF THE CITY OF BRADY, MCCULLOCH COUNTY, TEXAS, TO AMEND ZONING ORDINANCE 933, SECTION 30, ACCESSORY BUILDING AND USE REGULATIONS TO ESTABLISH REGULATIONS FOR THE USE OF CARGO OR SHIPPING CONTAINERS WITHIN THE CITY LIMITS OF THE CITY OF BRADY; REQUIRING A PERMIT FOR THE PLACEMENT OF SUCH CONTAINERS; PROVIDING STANDARDS FOR USE AND DEVELOPMENT OF STORAGE CONTAINERS; PROVIDING A FINE FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Cargo or Shipping Containers are becoming more common additions to cities and towns as homeowners and businesses acquire said containers as accessory buildings; and

WHEREAS, cargo or shipping containers have a useful and valid purpose when properly used and situated; and

WHEREAS, the improper use and location of cargo or shipping containers can be unsightly, dangerous and inappropriate so as to affect property values and the overall health, safety and welfare of the City of Brady;

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

DEFINITIONS (The definitions will go in Section 36: Definitions of the Zoning Ordinance)

- a) Shipping or Cargo or Storage Container: means, generally, an all steel container with strength to withstand shipment, storage and handling. Such containers include reusable steel boxes, freight containers and bulk shipping containers; originally a standardized reusable vessel that was designed for and used in the parking, shipping, movement, transportation or storage of freight, articles or goods or commodities; generally capable of being mounted or moved on a rail car, truck trailer or loaded on a ship.
- b) Active building permit: means an unexpired and unrevoked building permit for which the Building Inspector has not performed a final inspection.
- c) Applicant: means an owner, occupant or authorized agent, or a contractor or person with control of a property or lot.
- d) City: means City of Brady, Texas.
- e) Special Use Permit: means a permit that allows, upon request and approval by the Building Official, use of cargo/shipping containers that do not meet the requirements outlined in this ordinance.

30.4 CARGO/SHIPPING CONTAINER USE

- a) No person shall store, maintain or otherwise keep a cargo or shipping container temporarily or permanently on any lot or parcel of property within the City of Brady without first having

obtained and possessing an active building permit issued by the City of Brady, and a permit for placement of a cargo/shipping container.

- 1) Residential permits are valid for a period not to exceed six months.
- 2) Upon review of a request for an extension of the residential permit, the City may grant one (1) six month extension.

- b) Cargo/Shipping Containers must abide by building codes except that: (1) a foundation is not required as they are temporary structures; (2) ventilation is not required; (3) electricity is optional but not required; (4) tie-downs are not required unless electricity is installed; (5) Setbacks are to be at least 15 feet from any other structure including other cargo/shipping containers.
- c) Cargo/Shipping Containers may be installed only in the Commercial, Agriculture and Industrial Districts, and in Single Family Residential Districts only with the following restrictions:
 - 1) Cargo/Shipping Containers cannot be installed on any Residential site with less than 1.0 acre (or 43,560 sq. ft.)
 - 2) Only one Cargo/Shipping Container per 1 acre of land.
 - 3) No Cargo/Shipping Containers can be placed on a front yard.
 - 4) No Cargo/Shipping Containers can be stacked on top of one another or on top of any other object.
 - 5) Cargo/Shipping Containers must be behind or beside the main or primary structure on the lot or parcel of land and are subject to the same setback requirements as the main structure.
 - 6) Cargo/Shipping Containers must have opaque screening such as fencing of equal height to the Container to screen the container from the street right of way or adjacent properties.
 - 7) No Cargo container shall be used for human habitation or commercial business purposes.
 - 8) No Cargo Container shall be used to store hazardous materials.
 - 9) No Cargo Container shall be used to store and keep refuse or debris in, against, on or under the cargo container.
 - 10) Any Cargo Container shall be secure, structurally sound, stable and in good repair.
- d) Special use permits will be available for residential sites for a period not to exceed (90) days for hardship uses such as:
 - 1) Moving
 - 2) Renovation
 - 3) Disaster Relief

30.5 GENERAL TERMS OF USE

- a) Any permit issued under this Ordinance may be revoked upon ten (10) days written notice to the owner, occupant or person in control of the property if such person is storing, maintaining, or otherwise keeping a cargo container in violation of this ordinance.
- b) Any person aggrieved by a decision of the City to revoke a permit may appeal to the Zoning Board of Adjustments, whose decision shall be final.

30.6**REPEALER**

All provisions of ordinances of the City of Brady in conflict with the provisions of this ordinance are and by the terms of this ordinance shall be deemed amended and repealed and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

30.7**SEVERABILITY**

If any article, paragraph, subdivision clause or provision of this Ordinance shall be determined invalid or held unconstitutional by a court of competent authority, the same shall not affect the validity of the Ordinance as a whole or any part or provision thereof, other than the part so deemed to be invalid or unconstitutional.

30.8**VIOLATIONS AND PENALTIES**

Any person, firm or corporation violating any of the provisions of this ordinance of the City of Brady, Texas, or amendments thereto, shall be guilty of a misdemeanor and, upon conviction in the municipal court of the City of Brady, Texas, shall be subject to a fine not to exceed the sum of Five Hundred (\$500.00) dollars for each offense, and each and every day such offense shall continue shall be deemed a separate offense.

30.9**EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after the publication of its caption as provided by law.

Passed and Approved on FIRST READING on the _____ day of _____, 2016.

Passed and Approved on SECOND READING on the _____ day of _____, 2016.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08-02-2016	AGENDA ITEM	7.G
AGENDA SUBJECT:	Discuss possible changes to the proposed Dangerous/Substandard Building Ordinance, authorizing the Zoning Board of Adjustment (ZBA) to authorize removal of dangerous structures.		
PREPARED BY:	Peter Lamont	Date Submitted:	07/26/16
EXHIBITS:	Revised Dangerous Premises Ordinance #1200		
BUDGETARY IMPACT:	Required Expenditure:	\$0.00	
	Amount Budgeted:	\$0.00	
	Appropriation Required:	\$0.00	
CITY MANAGER APPROVAL:			

SUMMARY:

At the July 19, 2016 Council meeting the Dangerous Premises Ordinance was presented. At the time, Council expressed concerns over the requirements and program implementation. Staff is asking that the Council provide clarification of these concerns so that alterations to the ordinance can be made.

Council previously held a work session on June 14, 2016 and Planning and Zoning held a public hearing and voted to recommend approval on July 12, 2016 of this ordinance. No one spoke at the public hearings for or against the proposed ordinance.

Staff plans to focus on vacant properties first for consideration of any proposed demolition.

RECOMMENDED ACTION:

Provide direction to staff.

ORDINANCE NO. 1200

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS
AMENDING THE CITY OF BRADY CODE OF ORDINANCES CHAPTER 3 BUILDING
REGULATIONS BY AMENDING ARTICLE 3.200, TITLED DANGEROUS PREMISES;
PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING A
SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Section 1.04 of the City's Charter permits the City to pass and enforce ordinances, not inconsistent with the Charter and State law, to make and enforce all police, health, and sanitary regulations as may be expedient for the protection and maintenance of good government, for peace and welfare of the City for the performance of the functions of the City and the order and security of its residences, and to provide suitable penalties for the violations of any ordinance enacted by the City; and

WHEREAS, Chapter 214 of the Texas Local Government Code allows the City to require the vacation, relocation of occupants, securing, repair, removal, and demolition of a building that is dilapidated, substandard, unfit for human habitation, or a hazard to the public health, safety, and welfare; and

WHEREAS, Article 3.200 of the City's Municipal Code of Ordinances regulates dangerous and substandard premises and establishes procedures to remove and demolish dangerous and substandard premises; and

WHEREAS, the City Council has determined that the safety, health and welfare of the citizens and general public require amendments to Article 3.200 of the Code of Ordinances to regulate dangerous and substandard premises; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADY, TEXAS THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Brady's Municipal Code of Ordinances, Chapter 3 (entitled "*Building Regulations*"), Article 3.200 (entitled "*Dangerous Premises*") is hereby amended and replaced with Article 3.200 contained in Exhibit A.

Section 3. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance (including Exhibit A) are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 4. Savings. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed offense, nor shall the repeal prevent a prosecution from being commenced for any violation occurring to the repeal of the ordinance. Any remaining portion of conflicting ordinances shall remain in full force and effect.

Section 5. Remedies. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of the Code of Ordinances in effect on the effective date of this Ordinance and modified by this Ordinance or any other ordinances in effect on the effective date of this Ordinance and modified by this Ordinance and requiring the payment of fees for licenses, permits, and other services provided by the City which have accrued on the effective date of this Ordinance; and any and all accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This Ordinance shall be in full force and effect on _____, 2016.

PASSED AND APPROVED ON FIRST READING on this _____ day of _____
2016.

PASSED AND APPROVED ON SECOND READING on this _____ day of
_____ 2016.

Anthony Groves, Mayor

ATTEST:

Tina Keys, City Secretary

APPROVED AS TO FORM:

M. Shannon Kackley, Asst. City Attorney
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, P.C.

EXHIBIT A

ARTICLE 3.200 DANGEROUS PREMISES

Sec. 3.201 Definitions

As used in this article, the following terms are defined as follows:

Appraised value. The value given the structure by the county tax assessor's office.

Building. Any structure of any kind or any part thereof, erected for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

Building Inspector. The person appointed by the city to conduct periodic inspections of buildings and structures to insure that the same are being maintained in a manner consistent with prescribed building codes of the city and not in violation of this article.

City. The City of Brady, Texas.

City Council. The governing body of the City of Brady.

Diligent Effort. Best or reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee including a search of the following records:

- (1) County real property records of the county in which the building is located;
- (2) Appraisal district records of the appraisal district in which the building is located;
- (3) Records of the secretary of state;
- (4) Assumed name records of the county in which the building is located;
- (5) City tax records; and
- (6) City utility records.

Minimum Housing Standards. Those standards found in the city's adopted standard building, electrical, plumbing, gas, mechanical, existing building and fire prevention codes and any other housing and structure regulations adopted under Chapter 214, Local Government Code.

Owner. Any person, agent, firm, corporation, or other entity named in the real property records of the county where the building is located as owning the property.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, or any part thereof.

Sec. 3.202 Purpose

This dangerous premises article is adopted so that the city council may promote the public health, safety, and general welfare within the city through the regulation of substandard and dangerous buildings or structures. By requiring the repair or demolition of substandard and dangerous buildings and structures, the city council seeks to protect property values and prevent bodily injury, death, and property damage within the city limits.

Sec. 3.203 Securing vacant structures.

No owner or person having charge of any unoccupied building or structure within the city shall leave said building or structure unlocked, un-boarded, or otherwise unsecured so that unauthorized persons may enter said building or structure. An unsecured building or structure shall constitute *prima facie* evidence of a condition of immediate danger to the building or structure and adjoining buildings or structures, and the building inspector shall immediately notify the owner of the unsecured building or structure to secure the same, and if the building or structure is not secured within seventy-two (72) hours after the date of issuance of notice to the owner or person in charge of the building or structure, the building inspector is authorized to secure the building or structure at the expense of the owner or person in charge of said building or structure, the cost of expense of the work required to secure the building or structure to be charged against the owner of the property as provided by state law.

Sec. 3.204 Substandard premises

A premises is substandard under this article if any one or more, in any combination, of the following conditions exists on the premises:

- (1) Inadequate sanitation.
 - (a) Lack of a bathroom or the existence of an improper bathroom lacking connections to an approved water supply and adequate sanitary sewer or septic system.
 - (b) Lack of or an improper kitchen including water, drainage and UL Listed equipment for cooking or warming
 - (c) Lack of hot and cold running water to plumbing fixtures.
 - (d) Lack of or improper required heating, mechanical ventilation or electric facilities.
 - (e) Lack of required amounts of natural light and ventilation and means of egress that constitute a fire hazard.
 - (f) Lack of or improper space or floor area as defined by City Ordinance 933.

- (g) Lack of required electrical lighting.
- (h) Dampness of habitable space as evidenced by condensate dripping, mold and or mildew.
- (i) Infestation of insects, vermin or rodents.
- (j) The existence of dead trees, tree limbs, holes, excavations or other conditions reasonably capable of causing injury to a person.
- (k) Lack of or improper connection to required sewage disposal.
- (l) Lack of or improper garbage and rubbish storage and removal facilities.
- (m) Lack of or improper drainage so as to prevent standing or stagnant water on the premises that allows the breeding or the attraction of insects, vermin or rodents.

Sec. 3.205 Violations; application; penalty and report of inspections

(A) The owner of a premises that is substandard commits an offense. The occupant of a substandard premises commits an offense if the occupant causes or has caused the premises to be substandard.

1. An owner of a premises remains liable for violations of this article even though an occupant of those premises is responsible for the premises and regardless of any agreement between the owner and another that imposes or attempts to delegate responsibility for the premises to the other.

(B) It shall be a violation for an owner or occupant of a premises or multifamily dwelling to occupy, or allow the occupation of, any structure or building that has been placarded as substandard by the city.

1. Unless otherwise specified in this article, no culpable mental state is required for the commission of an offense under this article.

(C) In addition to imposing a criminal penalty, the city shall have the power to enforce any provision of this article and any applicable provision of this Code under the provisions of subchapters B and C of chapter 54 of the Texas Local Government Code. No enforcement remedy shall be exclusive of any other remedy the city may have under state law or city ordinances.

1. Whenever a routine inspection is made for an alleged violation at a premises or multifamily dwelling, the findings shall be recorded on a form approved by the city. The owner or property manager or other person in charge of the property shall be provided a copy of the inspection report, either in person or by mail. Notice of the alleged violations has been given to an

owner when a copy of the inspection report: (1) is delivered in person to any owner, manager, or person in charge of the property; or (2) two days after the copy of the inspection report is deposited with the US Postal Service, addressed to any owner, manager, or person in charge of the property, with proper postage affixed. The inspection report may establish violation categories as defined in Section 3.204, which shall be corrected within a time as established in subsection 3.205F.

(D) The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

(E) A violation listed in a notice of violation shall be corrected in accordance with the time specified in the notice of violation, subject to the following:

- (1) A life-safety violation shall be corrected within 24 hours of the issuance of the notice of violation;
- (2) A minimum of 72 hours shall be allowed for the correction of a critical violation; and
- (3) A minimum of 30 days shall be allowed for the correction of a noncritical violation.

Sec. 3.206 Termination of utility services

The city may initiate termination of utility services, or place a hold on reconnecting or reinstating utility services that have been terminated, as the case may be, to or for a dwelling unit or premises that is substandard, or unfit for human occupation by certifying, in writing, that the dwelling unit or premises is substandard or unfit for human occupation.

Sec. 3.207 Declaration of Nuisance

Any building or structure requiring repair, removal, or demolition, as described and defined in this article and all buildings or structures within the city which because of their condition are unsafe, unsanitary, substandard, or otherwise dangerous to the health, safety, and general welfare of the citizens of the city are hereby declared to be a public nuisance and unlawful and subject to the provisions of this article in addition to the other provisions in this code of ordinances. Such unsafe, unsanitary, substandard, and dangerous conditions include, but are not limited to the other portions of Chapter 3 of the city code of ordinances regarding building, electrical and plumbing regulations, Chapter 8 of the city code of ordinances regarding repair, removal or demolition of nuisances, Chapter 13 of the city code of ordinances regarding utilities, and any other provision in the city code of ordinances.

Sec. 3.208 Inspection

An inspection shall be made of every building located within the city which is suspected of being in violation of this article. The building inspector, or his or her official designee, is hereby

authorized to conduct inspections of buildings suspected of being in violation of this article and take such actions as may be required to enforce the provisions of this article.

Sec. 3.209 Adoption of the Uniform Code for the Abatement of Dangerous Buildings

The Uniform Code for the Abatement of Dangerous Buildings, 1994 edition published by the International Conference of Building Officials is adopted, incorporated by reference into this section in its entirety, and the city secretary will make available relevant provisions at the request of any citizen of the city.

Sec. 3.210 Duties of Building Inspector

The building inspector shall perform the following duties:

- (1) Inspect or cause to be inspected periodically all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial manufacturing or loft buildings or tents for the purpose of determining whether conditions exist which render any such place a dangerous premises within the terms of this article;
- (2) Inspect any premises, building, wall or structure about which complaints have been filed by any person to the effect that such premises or building, wall or structure is or may be existing in violation of this article;
- (3) Inspect any premises, building, wall or structure reported by the health, fire or police department of this city as possibly existing in violation of the terms of this article;
- (4) Inspect any premises, building wall or structure which he has reason to believe may be in violation hereof;
- (5) Notify in writing the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such premises, at their last known address as shown by the records of the assessor and collector of taxes of the city, of any premises found by him to be dangerous premises within the standards set forth in this article, that:
 - (A) The owners shall vacate, repair or demolish such building in accordance with the terms of the notice and this article;
 - (B) The occupant or lessee shall vacate such building or have it repaired in accordance with the notice and remain in possession;
 - (C) The mortgagee, agent or other person having an interest in such building may at his own risk repair, vacate or demolish the building or have such work or act done; provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30

days, as may be necessary to do, or have done, the work or act required by the notice provided herein.

(6) Set forth in the notice provided for in subsection (5) of this section a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building; and a statement requiring the building to be put in such condition as to comply with the terms of this article within such time as is reasonable, as long as that time is not longer than 30 days;

(7) If the owner, occupant, mortgagee or lessee fails to comply with the notice provided for in subsection (5) above within 30 days, report the condition to the city attorney giving him or her a copy of the notice described in subsections (5) and (6) hereof. The city attorney shall then take any necessary action to secure compliance with the order of the building inspector provided in subsection (1) of this section, and in particular shall proceed as provided in Sections 3.211 and 3.212, taking additional steps to determine the names and addresses of persons having an interest in the premises.

Sec. 3.211 Determination

The following standards shall be utilized in determining whether a building should be ordered repaired, removed or demolished:

- (1) The building or structure is liable to partially or fully collapse.
- (2) The building or structure was constructed or maintained in violation of any provision of the city's building code, or any other applicable ordinance or law of the city, county, state, or federal government.
- (3) Any wall or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle one-third (1/3) of its base.
- (4) The foundation or the vertical or horizontal supporting members are twenty-five (25) percent or more damaged or deteriorated.
- (5) The nonsupporting coverings of walls, ceilings, roofs, or floors are fifty (50) percent or more damaged or deteriorated.
- (6) The structure has improperly distributed loads upon the structural members, or the structural members have insufficient strength to be reasonably safe for the purpose used.
- (7) The structure of any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public, health, safety and welfare.

(8) The structure does not have adequate light, ventilation, or sanitation facilities as required by the city.

(9) The structure has inadequate facilities for egress in case of fire or other emergency or has insufficient stairways, elevators, fire escapes or other means of ingress or egress.

(10) The structure, because of its condition, is unsafe, unsanitary, or dangerous to the health, safety or general welfare of the city's citizens including all conditions conducive to the harboring of rats or mice or other disease carrying animals or insects reasonably calculated to spread disease.

(11) The structure is unsafe, unsanitary or dangerous to the health, safety and general welfare of the city's citizens due to failure to comply with any provision in Chapter 13 of the city code ("Utilities").

(12) The structure is unsafe, unsanitary or dangerous to the health, safety and general welfare of the city's citizens due to a nuisance that constitutes an unsanitary condition on property as defined in Section 8.106 of the city code.

(13) The structure or premises is substandard.

Sec. 3.212 Standard for Vacation

If a dangerous or substandard premise is in such condition as to make it dangerous to the health or safety of its occupants, it shall be ordered to be vacated.

Sec. 3.213 Standard for Repair

If a dangerous or substandard premise can be feasibly repaired or the condition remedied so that it will no longer exist in violation of the terms of this article, it shall be ordered remedied or repaired. Repairs will only be deemed feasible if less than 50% of the appraised value as determined by the McCulloch County Appraisal District value or structure of the building is required to be repaired or replaced.

Sec. 3.214 Standard for Demolition

In any case where a dangerous or substandard building is fifty (50) percent or more damaged, decayed or deteriorated from its value or structure, it shall be demolished, and in all cases where a building cannot be repaired to meet the standards and provisions in this article, it shall be demolished.

Sec. 3.215 Notice of Violation

(a) *Notice to property owner.* Whenever the building inspector determines that there has been a violation of this article or has grounds to believe that a violation has occurred, notice shall be given

to the property owner in the manner prescribed in Section 3.218(c) for the violation. The notice and order shall:

(1) Inform the property owner of the right to appeal, specifically:

(i) that any person having recorded title or legal interest in the building or structure may appeal from the notice and order or any action of the building inspector to the zoning board of adjustment; provided the appeal is made in writing as provided in this article and filed with the building inspector within thirty (30) days from the date of service of such notice and order; and

(ii) that failure to appeal will constitute a waiver of all rights to an administrative hearing and termination of the matter.

(2) Include a statement of the city's right to file a lien.

(3) Include statements advising that if any required repair or demolition work, is not commenced within the specified time, the building inspector may order the building vacated and posted to prevent further occupancy until the work is completed.

(b) *Placarding of Structures.* Upon any vacant structure being deemed dangerous by the building inspector, the building inspector shall cause to be posted on each entrance to such structure a placard including, but not limited to, the following language:

“Do Not Enter, Unsafe to Occupy. It shall be unlawful for any person to enter such structure except for persons authorized by the owner to enter for the purpose of securing the structure, making the required repairs therein under permit, and under inspection by inspectors of the city. This notice shall remain on this building until it is repaired or demolished.”

It shall be unlawful for any person to enter any structure marked by such placard, except for persons authorized by the owner to enter for the purpose of securing the structure, making the required repairs therein under permit, and under inspection by inspectors of the city. Such placard shall remain on the structure until it is repaired or demolished, or until removed by the building inspector.

Sec. 3.216 Recordation of notice and order by the building inspector.

If compliance with a notice and order described by Section 3.211 is not secured within the time specified therein, and no appeal has been timely and properly filed, the building inspector may file in the deed records of the office of the county clerk a certificate describing the property and certifying that the building or structure has been determined to be a dangerous or substandard building or structure by the building inspector and that the owner has been so notified. Whenever the corrections ordered shall thereafter be completed or the building or structure demolished or that all required corrections have been made so that the building or structure is no longer dangerous, whichever is appropriate.

Sec. 3.217 Emergency measures authorized by the building inspector.

- (a) *Temporary safeguards.* Notwithstanding other provisions of this division, whenever, in the opinion of the building inspector, there is imminent danger due to an unsafe condition, the building inspector shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the building inspector deems necessary to meet such emergency.
- (b) *Closing streets.* When necessary for public safety, the building inspector shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures and prohibit the same from being utilized.
- (c) *Emergency repairs.* For the purposes of this section, the building inspector shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (d) *Costs of emergency repairs.* Costs incurred in the performance of emergency work may be paid by the city. The city attorney may institute appropriate action against the owner of the premises for the recovery of such costs.
- (e) *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the zoning board of adjustment, be afforded a hearing as described in this article.

Sec. 3.218 Appeals from orders of building inspector.

- (a) *Form of appeal.* Any person entitled to service of a notice issued pursuant to Section 3.211 may appeal from any notice and order or any action of the building inspector under this division by filing at the office of the building inspector a written appeal and filing fee as determined by the city council and on file in the office of the city secretary. The appeal shall contain the following:
 - (1) A heading in the words: "Before the Zoning Board of Adjustment of the City of Brady, Texas";
 - (2) A caption reading: "Appeal of _____," giving the names of all appellants participating in the appeal;
 - (3) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order;
 - (4) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant;

- (5) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
- (6) The signatures of all parties named as appellants and their official mailing addresses; and
- (7) The verification, by declaration under penalty of perjury, of at least one (1) appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within thirty (30) days from the date of the service of such order or action of the building inspector; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property, or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 3.208 and 3.211, such appeal shall be filed within ten (10) days from the date of the service of the notice and order of the building inspector.

- (b) *Processing of appeal.* Upon receipt of any appeal filed pursuant to this article and receipt of the filing fee, the building inspector shall present the appeal at the next available regular or special meeting of the zoning board of adjustment.
- (c) *Scheduling and noticing appeal for hearing.* As soon as practicable after receiving the written appeal, the zoning board of adjustment shall fix a date, time and place for the hearing of the appeal by the zoning board of adjustment. Such date shall be not less than ten (10) days, or more than sixty (60) days, from the date the appeal was filed with the building inspector. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, addressed to the appellant at his address shown on the appeal.

Sec. 3.219 Scope of hearing on appeal.

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal as provided in this article.

Sec. 3.220 Staying of order under appeal.

Except for order to vacate made pursuant to Section 3.208, enforcement of any notice and order of the building inspector issued under this article shall be stayed during the pendency of an appeal therefrom which is timely and properly filed.

Sec. 3.221 Order to repair, vacate, remove or demolish.

The following standards shall be followed by the building inspector or by the zoning board of adjustment regarding any order to repair, vacate, remove, or demolish substandard or dangerous buildings or structures:

- (a) When, in the opinion of the building inspector;

- (1) There is imminent danger of failure or collapse of a building or structure which endangers life;
- (2) When any structure or part of a structure has fallen and life is endangered by the occupation of the structure; or
- (3) When there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes, or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the building inspector is hereby authorized and empowered to order and require the occupants to vacate the premises immediately.

(b) If the building inspector has determined that the building or structure constitutes an immediate danger and must be vacated, the order shall require that the building or structure to be vacated before the date, as determined by the building inspector to be reasonable, but not to exceed ten (10) days in accordance with Section 3.215.

(c) If the building or structure is in a dangerous or substandard condition, but does not present an immediate threat to the life, limb, property or safety of the public or its occupants, the deadline to vacate may be extended to not more than sixty (60) days from the date of the order.

(d) Any building or structure declared dangerous or substandard under this article shall be repaired or demolished in accordance with the current building code or current code applicable to the type of substandard condition(s) requiring the repair, or demolition, as follows:

- (1) If in the opinion of the building inspector, the repair is not feasible, the zoning board of adjustments may issue an order to demolish and remove such structure; or
- (2) If such structure is capable of being made safe by repairs, then the building inspector or the zoning board of adjustment may issue an order to repair and make safe and sanitary, provided that the owner agrees to the following conditions, which will also be listed in the order:
 - (i) He or she exclusively assumes all risk, expense, and responsibility for ensuring that all legal requirements and standards are fully and strictly satisfied within the strict time constraints of the order, regardless of whether such standards are required under the code of ordinances or any other law.
 - (ii) Neither the city, nor its staff, assume any responsibility for identifying these standards, nor for guiding the owner towards a timely, successful, or feasible repair.
 - (iii) Neither the city, nor its staff, warrant, assure, represent or recommend that timely, compliant, affordable, complete, or satisfactory repairs are feasible, or even possible, whether under ideal circumstances or in the face of hidden, unforeseen, or unforeseeable circumstances.

- (3) Any building permit for repairs is strictly conditioned:
 - (i) Upon the limitations set forth in the order;
 - (ii) Upon application of the current code standards to any repair;
 - (iii) Upon the owner's expressed assumption of his or her exclusive responsibility for strict, timely, and complete compliance with these restrictions; and
 - (iv) Upon the owner's understanding and acceptance that the order could be strictly applied to authorize demolition of the structure if repairs are not timely completed, regardless of any cause, condition, or circumstance, even if unforeseen or unforeseeable, regardless of any other statement or representation made by the city, or its staff; regardless of time, money or effort already invested into the repairs upon expiration of the time allocated for repairs, and regardless of the amount of progress made toward completion upon expiration of the time allocated for repairs under the order.
- (4) If an order has been issued to allow repairs, the owner still retains the option to demolish or remove the structure for which the order has been issued.
- (5) Upon any structure deemed dangerous and/or substandard by the building inspector, the building inspector shall cause to be posted at each entrance to such structure, a placard including, but not limited to, the following language:

"Do Not Enter, Unsafe to Occupy. It shall be unlawful for any person to enter such structure except for persons authorized by the owner to enter for the purpose of securing the structure, making the required repairs therein under permit and under inspection by inspectors of the City of Brady. This notice shall remain on this building until it is repaired or demolished."

It shall be unlawful for any person to enter any structure marked by such a placard, except for persons authorized by the owner to enter for the purpose of securing the structure or making the required repairs therein under permit, and inspectors of the city. Such placard shall remain on the structure until it is repaired or demolished, or until removed by the building inspector.

Sec. 3.222 Public hearing required for order of demolition.

(a) *Hearing required.* In cases where the building inspector has determined that a building or structure should be demolished, a public hearing before the zoning board of adjustment shall be held, regardless of whether an appeal from such determination has been filed.

(b) *Diligent effort must be made to locate the owner, lien holder, or a mortgagee on the property.*

(c) *Notice of hearing.* Notice of the hearing shall be given as in cases where an appeal has been filed. In addition, the secretary of the zoning board of adjustment shall cause a notice to be published in the official newspaper of the city at least ten (10) days prior to the scheduled hearing date. The published notice shall be directed to any person having any interest in the property, stating the names of such persons, if known. The notice shall include the following:

- (1) The names of all persons to whom notice is being served;

- (2) The street address and a legal description sufficient for identification of the premises upon which the structure is located;
- (3) The date of inspection;
- (4) The nature of the violation(s);
- (5) A statement that the building inspector has found the building or structure located thereon to be dangerous and/or substandard and constitutes a hazard to the health, safety, and welfare of the citizens;
- (6) A statement that a public hearing will be held before the zoning board of adjustment on a date and time and at a place therein specified to determine whether the building or structure should be demolished in accordance with the notice and order of the building inspector; and
- (7) A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the article and the time it will take to reasonable perform the work.

(d) *Nuisance determination required to demolish.* A notice and order to demolish a building or structure shall be issued only in those cases where the zoning board of adjustment after the hearing has determined that the building or structure is dilapidated, substandard, dangerous, or unfit for human occupancy, does not meet minimum standards, and that the building or structure constitutes a nuisance, in so far as it is a hazard to the health, safety and welfare of the public and the occupants.

(e) *Notice of demolition.* Notice of demolition shall be by the following methods within ten (10) days after the date that the order of the Zoning Board of Adjustment is issued:

- (1) *Notice by mail.* Whenever the Zoning Board of Adjustment has determined that a building should be demolished, the Zoning Board of Adjustment's notice and order shall be sent to all record owners, interested parties of record or other persons known to have an interest in the property informing such persons of the zoning board of adjustment's determination and that, pursuant to the determination, the building will be demolished. The notice shall state that the costs of demolition shall be assessed against the property. All notices shall be sent by registered or certified mail, return receipt requested.
- (2) *Notice by publication.* In addition to the notice provided for in subsection (e)(1) of this section, the building inspector shall cause to be published in the official newspaper of the city, a notice of the Zoning Board of Adjustment's determination. The notice shall contain:
 - (i) The street address or legal description of the property;
 - (ii) The date of the hearing;
 - (iii) A brief statement indicating the results of the order;
 - (iv) Instructions stating where a complete copy of the order may be obtained; and
 - (v) A statement that the building or structure on the premises will be demolished and that the cost of demolition will be assessed against the property.

(3) A copy of the order shall be filed with the office of the city secretary.

(4) A copy of the order shall be filed with the county clerk.

Sec. 3.223 Appeal

The owner, lienholder, or mortgagee shall have the right to appeal the decision made by the zoning board of adjustment to a district court. A notice of appeal must be filed with the district court within thirty (30) calendar days from the date the order is mailed to the owner, lienholder or mortgagee, as provided herein.

Sec. 3.224 Assessment of Lien

(a) When the city incurs expenses to repair, remove, or demolish a building, the city may assess the expenses on and obtain a lien against the property on which the building is located, unless it is a homestead as protected by the Texas Constitution. The lien arises and attaches to the property when the city has the lien recorded and indexed with the county clerk in which the property is located. The notice shall contain:

- (1) The name and address of the owner, if that information can be determined with a reasonable effort;
- (2) A legal description of the real property on which the building was located;
- (3) The amount of expense incurred by the city;
- (4) The balance due; and
- (5) The date on which said work was done or improvements made.

(b) The city shall have a privileged lien on such lot, lots, or other premises or real estate upon which said building was located, to secure the expenditure so made, second only to other liens as provided by law. It is further provided that for any such expenditure suit may be instituted and foreclosure of said lien may be made in the name of the city; and the statement of expenses so made, as aforesaid, or a certified copy thereof, shall be *prima facie* proof of the amount expended for such work or expense.

(c) The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses.

Sec. 3.225 Penalty for Violation of This Article

The city shall have the power to administer and enforce the provisions of this article as may be required by governing law.

(1) Civil Remedies.

(A) A property owner violating any provision of this article shall, upon conviction, be fined a sum not exceeding one thousand dollars (\$1,000.00) for each and every day of violation, or, if the owner shows the property is the owner's lawful homestead, in an amount not to exceed ten dollars (\$10.00) per day for each violation, provided that:

(i) The owner was notified of the requirements of the article and the owner's need to comply with the requirements; and

(ii) After notification, the owner committed an act in violation of the article or failed to take action necessary for compliance with the article.

(B) If such a civil penalty is assessed, the city secretary shall file a certified copy of the order containing such amount and duration of the penalty with the county district clerk's office no later than three (3) working days after such order.

(2) Other Remedies.

(A) The remedies provided in this section shall be available to the city in addition to any penal or other remedy provided by law or equity which the city, state, or any other person may provide to remedy the unsafe building condition.

(B) The city may bring a civil action in a court of competent jurisdiction to collect the amount due plus all associated costs and fees.

Sec. 3.226 Administrative Liability

Neither the city, the zoning board of adjustment, nor any authorized agent acting under the terms of this article shall be liable or have any liability by reason of orders issued or work done in compliance with the terms of this article. Any suit brought against any officer, agent, board member, or employee of the city as a result of any act required or permitted in the discharge of his duties under this article shall be defended by the city attorney until the final determination of proceedings therein.

Sec. 3.227 Duties of Other Departments

The heads of the fire, police, public health and other city departments shall make prompt reports in writing to the building inspector of all buildings or structures which are, may be or are suspected to be dangerous premises within the terms of this article and the code of ordinances of the city.

City Council

City of Brady, Texas

Agenda Action Form

AGENDA DATE:	08-02-2016	AGENDA ITEM	7.H
AGENDA SUBJECT:	Discuss proposed new sign ordinance, banning additional billboards, and regulating business signage.		
PREPARED BY:	Peter Lamont	Date Submitted:	07/26/16
EXHIBITS:	Draft 1 of a possible sign ordinance		
BUDGETARY IMPACT:	Required Expenditure:	\$0.00	
	Amount Budgeted:	\$0.00	
	Appropriation Required:	\$0.00	
CITY MANAGER APPROVAL:			

SUMMARY:

Currently the city does not have a sign ordinance. At the February 2, 2016 meeting, the City Council passed Resolution 2016-011, placing a moratorium of six months of the construction of pole signs, due to another large billboard being added to South Bridge Street. Since that time, staff has been developing a comprehensive sign ordinance to define, where and what type of signs may be placed in view of the public right of way. Planning and Zoning Commission has reviewed the ordinance several times but not reached a consensus. P&Z has asked for feedback and direction from City Council.

The City's Comprehensive Plan suggested removing all pole signs. Retail Coach Inc, the business recruitment consultants hired by BEDC, have commented that Brady needs a sign ordinance to provide a cleaner and more consistent look for the business community advertising of their businesses. P&Z will hold a work session August 9 at 5:30pm, to review the proposed sign ordinance, item by item.

Staff is asking council to review the proposed draft ordinance. This comprehensive ordinance came from several existing city sign ordinances. The goal at this meeting is for staff to show a series of pictures of signs to get council feedback on what types of signs need to be addressed. This feedback to staff on what type of signs should be permitted will allow staff to share council input with P&Z Commissioners in their upcoming work session.

RECOMMENDED ACTION:

Discuss and provide direction to staff.

4.200 – Signs –(Draft 7-27-16)

4.201 Purpose

Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This article provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and, in part, to achieve the following:

1. Safety. To promote the safety of persons and property by providing that signs:
 - a. Do not create a hazard due to collapse, fire, collision, decay or abandonment;
 - b. Do not obstruct firefighting or police surveillance; and
 - c. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
2. Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - a. Businesses and services may identify themselves;
 - b. Customers and other persons may locate a business or service;
 - c. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
 - d. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
3. Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
 - a. Do not interfere with scenic views;
 - b. Do not create a nuisance to persons using the public rights-of-way;
 - c. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
 - d. Are not detrimental to land or property values; and

- e. Contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.

4.202 Definitions

Alter: To change the size, shape or outline, intent or type of sign.

Attach: To stick tack nail or otherwise affix a sign to any object; to paint, stencil, write or otherwise mark on an object

Awning: A structure hung from the surface of a building, designed to provide protection from sun, rain, wind and other climatological conditions or to provide decoration to the building facade. An awning is typically composed of canvas, fabric, or other similar lightweight material supported and shaped by a metal or wood frame. An awning shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Building Line: See definition in Section 36 - 40 of the Zoning Ordinance.

Building Official: See definition in Section 36 - 43 of the Zoning Ordinance.

Canopy: A roof-like structure which is supported by the building to which it is attached, and which is generally open on two or more sides. A canopy shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Commission: The State Highway and Public Transportation Commission.

Dilapidated or Deteriorated Condition: Dilapidated or deteriorated condition shall include instances where:

- a. Elements of the surface or background can be seen, as viewed from a normal viewing distance (i.e., the intended viewing distance), to have portions of the finished material or paint flaked, broken off, missing and/or otherwise not in harmony with the rest of the surface; or
- b. The structural support or frame members are visibly bent, broken, dented or torn; or
- c. The sign panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
- d. The sign and/or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown by high winds or from the failure of a structural support); or
- e. The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or
- f. The sign and/or its elements are not in compliance with the requirements of the National Electrical Code, the City's Electrical Code, and/or the current Building Code of the City of Brady.

Erect: To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.

Face Panel or Surface: A surface(s) of the sign upon, against or through which the message is displayed or illustrated on the sign.

Framework: A support structure which meets all existing wind and load requirements as stated in applicable Brady codes and ordinances, and which is designed to secure a banner or an interchangeable sign on any or all sides.

Illegal Conforming Sign: A sign erected within the City that meets current sign regulations but does not have a required permit.

Illegal Nonconforming Sign: A sign erected within the City that does not meet current sign regulations and does not have a required permit.

Illegal Sign: A sign that was erected in violation of any regulation applicable at the time of erection of such sign. Any sign which does not comply with the provisions of the City of Brady's sign regulations.

Kiosk Sign: Multi-user directional or location sign, on- or off-premises, containing individual panels of a prescribed size for that particular kiosk, with each panel to contain an individual business logo, name or message, and, when appropriate, a directional arrow and/or distance indicator to the advertised business.

Legal Sign: A sign that, when erected, has met all Brady codes and ordinances pertaining to signs, including this Section of the Zoning Ordinance.

Logo: A formalized design or insignia (i.e., symbol) of a company or product, which is commonly used in advertising to identify that company or product.

Nonconforming Sign: A sign that was lawfully installed in compliance with all City codes and ordinances that were applicable at the time of installation, but that does not comply with the provisions of this Section of the Zoning Ordinance (and/or other codes or ordinances) of the City of Brady.

Noncombustible Material: Any material which will not ignite at or below a temperature of one thousand two hundred (1,200^{deg.}) degrees Fahrenheit and will not continue to burn or glow at that temperature, and which would have a flame spread of twenty-five (25) feet or less.

Non-Structural Trim: A retainer, batten, capping, nailing strip, latticing, platform or other similar trim component which is attached to the sign or its structure.

Obsolete Sign: A sign which no longer serves a bona fide use or purpose.

On-Premises Sign: A sign identifying or advertising a business, person or activity on the premises, and which is installed and maintained on the same premises as the business, person or activity it advertises.

Off-Premises Sign: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located.

Person: A person, firm, partnership, association, corporation, company or organization of any kind.

Primary Systems: A portion of the system of connected main highways located in this State that is designated officially by the Commission and approved pursuant to Title 23, United States Code.

Private Premises: A dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited/vacant. A private premises shall include any yard, ground, lawn, walk, driveway, porch, steps or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.

Projecting Structure: A covered structure of a permanent nature which is constructed of approved building materials, specifically excluding canvas or fabric material (i.e., an awning), and where such structure is an integral part of the main building or is permanently attached to a main building and does not extend over public property. A projecting structure is defined to include marquee and fixed canopy types of structures. A projecting structure shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Property Line: The line denoting the limits of legal ownership of property.

Public Place: Any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

Rear Wall: A wall with no main entrances or store fronts, and which does not face the front of the lot (i.e., the street). A building may have a maximum of one rear wall (either in a single wall segment or in several segments which are more or less parallel to one another or which follow the curvature of the overall building).

Roof Line: The height which is defined by the intersection of the roof of the building and the wall of the building with the following exception: for mansard-type roofs having two (2) slopes, the "roof line" shall be defined as the top of the lower slope of the roof. For mansard-type roofs having parapet walls, the "roof line" shall be the top of the parapet.

Setback: The horizontal distance between a sign and the front, rear or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front, rear or side property line.

Sight Visibility Triangle/Area: The areas of property on both sides of the intersection of an alley access-way and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection (as measured along the property line, not the curb line), and the third side being a line connecting the ends of the other two (2) sides. The areas of property located at a corner formed by the intersection of two (2) or more public street rights-of way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length from the point of the intersection (as measured along the property line, not the curb line), and the third side being a line connecting the ends of the other two (2) sides.

Sign (general): A name, number, identification, description/announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, window, door or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, product, service, place, activity, person, institution, organization or

business. Any interior illuminated or moving sign or light which is visible from the exterior may be determined as being erected on the exterior of the building or structure. (See Section 4.2021, "Definitions and Regulations for Specific Types of Signs" for each particular type of sign.)

Sign Area: The area (i.e., square footage) of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faceted signs shall be calculated as the maximum area visible from any single direction at any point in time. Signs may be V-shaped, not to exceed a forty-five (45) degree angle, and can have only two sign faces (i.e., one sign face, or panel, in each of two different directions only; the sign cannot have sign panels in three different directions).

Structure Trim: The molding, battens, capping, nailing strips, latticing, and platforms which are attached to the sign structure.

Vehicle: For the purpose of this Section, "vehicle" shall mean any automobile, truck, camper, tractor, van, trailer or any other device capable of being transported, and shall be considered a "vehicle" in both moving and stationary modes, irrespective of its state or repair or its physical condition.

4.2021 Definitions and regulations for specific types of signs:

The following definitions and regulations generally pertain to specific types of signs.

Attached Sign: A sign permanently anchored or moored to a structure.

Awning Sign: The copy/artwork on an awning sign shall not exceed the area and size that are allowed for a wall sign on the wall upon which it is attached, and the copy/artwork shall not be illuminated. However, the total area of wall signs and awning signs on any wall surface shall not exceed the area and size allowed for a single wall sign, and any awning sign shall not exceed seventy-five (75) percent of the awning's surface area. An awning and/or awning sign shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

- a. **Maximum Height:** Not applicable.
- b. **Maximum Size/Area:** Not to exceed seventy-five (75) percent of the awning's surface area.
- c. **Zoning Permitted:** In all nonresidential districts.
- d. **Placement:** On an architectural projection (i.e., awning) which provides weather protection, identity or decoration, and supported by the building to which the awning is attached.
- e. **Maximum Number:** Not applicable.
- f. **Duration:** No limit.

Banner: A type of portable sign that is generally constructed of lightweight plastic, fabric or a similar non-rigid material, and that is mounted/tethered to a pole(s), building or other structure

at one or more edges. A banner typically, (but not always) exhibits a text message and/or a symbol(s) for the business located on the property, or for a product or service provided by that business. Banner signs shall not be utilized as permanent wall signs. National/State or local government flags are not considered banners (see "Flag").

Billboard Sign: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located (i.e., off-premises).

Canopy Sign: A canopy sign may be placed upon or be an integral part of the face of a canopy. The sign may consist of only the name and/or logo of the business at the location of the canopy. An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third (1/3) of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face upon which a sign or illuminated stripe is permitted. A canopy and/or canopy sign shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

- a. Maximum Height: Not to exceed the height of the canopy.
- b. Maximum Size/Area: Not to exceed ten (10) percent of the area of the face of the canopy of which it is a part or to which it is attached, or a maximum of twenty-five (25) square feet, whichever is greater.
- c. Zoning Permitted: In all nonresidential districts.
- d. Placement: On the face of the canopy.
- e. Maximum Number: One (1) per canopy face.
- f. Duration: No limit.

Construction Sign: A temporary, accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator and/or mortgagee engaged in the design, construction and/or improvement of the premises upon which the sign is located. Construction signs may be erected in non-residential and residential zoning districts, and shall not exceed thirty-two (32) square feet in size and a maximum height of fifteen (15) feet. The required setback for a construction sign shall be twenty (20) feet from the front property line, and construction signs are limited to one (1) per street front. A construction sign shall be removed prior to the issuance of a Certificate of Occupancy or, in the case of a residential dwelling, prior to the final building inspection.

Decorative Display: See "Promotional Flags/Pennants" and "Promotional Signage".

Development Signs: A temporary, accessory sign identifying the name and general nature of the development project that is being constructed on the premises upon which the sign is located. Development signs may be erected in non-residential and residential zoning districts, and shall not exceed one hundred (100) square feet in size and a maximum height of twenty (20) feet. Such signs must relate only to the property on which they are located. The required setback for a development sign shall be thirty (30) feet or the required building setback line if less than thirty (30) feet. Each development may have one (1) such sign, or one (1) for each fifty (50) acres of total project size. A development sign shall be removed when the project is ninety (90) percent

complete. In the case of a commercial project, "ninety (90) percent complete" means when a Certificate of Compliance is issued for a shell building. For a residential project, "ninety (90) percent complete" means when ninety (90) percent of the subdivision is permitted.

Directional Sign (On-Site): A sign designated specifically for the purpose of directing or providing guidance to vehicular and/or pedestrian traffic on private property. Sign shall not show advertising, such as company names/logos or advertised specials, of any type. Examples include, but are not limited to, signs with or without a directional arrow and wording such as "Entrance", "Exit", "Visitor Parking", "Customer Service Department", "One Way", "Leasing Office This Way", etc.

Directory/Informational Sign (On-Site): A sign used for the purpose of directing vehicular and/or pedestrian traffic to specific occupants/businesses on private property (i.e., within shopping centers, industrial parks, retail districts, office complexes and commercial sites). Sign shall not show any advertising (such as corporate logos, advertised specials, etc.) other than the names of occupants/businesses and arrows directing traffic to those locations.

Electronic Message Sign:

- 1) Signs may be illuminated. Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
- 2) Electronic message signs may be allowed by Specific Use Permit (SUP).
 - a) A maximum of 70% of the sign face may be devoted to changeable sign copy.
 - b) Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.
 - c) Any marquee signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.
 - d) Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
 - e) Additional requirements may be set forth by the Planning and Zoning Commission and/or City Council.

Flag: A fabric, banner or bunting containing distinctive colors, patterns, words and/or insignia which is used as a symbol for a government, political subdivision or some other professional, religious, educational or nonprofit entity, provided that such device is displayed for noncommercial (i.e., not-for-profit) purposes.

Garage Sale Sign: Any temporary, promotional sign for the occasional (i.e., not on-going) sale of personal household goods, typically displayed in a residential area or on the property of a non-profit organization. Off-premises garage sale signs are permitted, provided they have the address of the sale upon them, they are self-supporting, and they are not placed within public rights-of-way or mounted upon public/utility structures (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc. Off-site garage sale signs may not be

placed prior to 5:00 p.m. of the day before the sale, and they must be recovered (i.e., removed) by 8:00 a.m. on the day immediately following the last day of the sale. A fine will be assessed for each off-site garage sale sign left after 8:00 a.m. on the required removal date.

- a. Maximum Height: Three (3) feet.
- b. Maximum Size/Area: Four (4) square feet.
- c. Zoning Permitted: In all districts.
- d. Placement: On private property (off-premises signs require the property owner's permission); cannot be mounted on public/utility structures or within public rights-of-way or easements.
- e. Maximum Number: One (1) on the property having the sale; no more than five (5) off-site.
- f. Duration: From 5:00 p.m. the day before the sale, until 8:00 a.m. the day after the sale.

Identification Sign: A sign which is used to identify the name of a retail shopping center, of a business park, or an industrial, commercial or office center.

Illuminated Sign: A sign which has characters, letters, figures and/or designs that are illuminated by electric lights, luminous tubes or other means, and that are specifically placed to draw attention to, or to provide nighttime viewing of, the subject matter on the sign face.

Incidental Sign: A small sign, less than three (3) square feet in surface area, of a noncommercial nature which is intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, and entrances to buildings, public telephones, and directions to locations, "Help Wanted" signs, civic organizations, and so forth. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of an office building or a business development by means of a directory designating names and addresses only (see "Directional Sign").

Inflatable Sign: A portable, hollow sign expanded or enlarged by the use of air or gas.

Kiosk Sign: The City Council, by duly executed license agreement, grant the exclusive right to design, erect, and maintain kiosk signs within the City of Brady.

- a. Kiosk signs must be designed and constructed according to the specifications contained in the license agreement approved by the City Council.
- b. Prior to erecting any kiosk sign the licensee shall submit a sign location map to the building department for approval.
- c. Kiosk signs shall include breakaway design features as required for traffic signs in the street rights-of-way.
- d. Price information is prohibited on kiosk signs.
- e. No signs, pennants, flags or other devices for visual attention of other appurtenances shall be attached to kiosk signs.
- f. Kiosk signs shall not be illuminated.
- g. Individual sign panels on kiosk signs shall have a uniform design and color.

- h. Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians, or traffic control signs; shall not be installed in the immediate vicinity of street intersections and shall comply with the any visibility triangle as dictated by the City of Brady.
- i. No kiosk sign plaza or sign panel shall be installed within the right-of-way of a state highway without written authorization from the Texas Department of Public Transportation.
- j. All kiosk signs shall be maintained in "like new" condition and shall be free of grass and weeds in surrounding vicinity.
- k. The agreed upon license shall be consistent and comply with this ordinance.

Menu Board: A sign that is used to list items, dishes, meals or specialties to be served.

Model Home Sign: Model home signs may be erected in residential zoning districts, and shall not exceed sixteen (16) square feet with a maximum height of six (6) feet. Required setback shall be fifty (50) percent of the distance between the front property line and the building, but no less than ten (10) feet from the front property line. Model home signs are limited to one (1) per premises. Each builder within the subdivision may have one (1) model home sign, and the permit for such sign shall be granted for a period of time to coincide with the validity of the model home's Certificate of Occupancy.

Monument Sign: A sign having a low profile and made of stone, concrete, brick or similar materials. A monument sign shall be solid from the ground up; pole(s) or supports shall be concealed.

1. Multiple tenants:

- a. Shopping centers and office buildings with multiple tenants or businesses are permitted to erect Monument Signs that comply with the following regulations:
 - 1. Maximum size - One hundred twenty-five (125) square feet.
 - 2. Maximum height - Ten (10') feet measured from grade.

Setbacks:

- a. Fifteen (15') feet from street right-of-way.
- b. Fifteen (15') feet from property lines other than those property lines fronting the street right-of-way.
- c. Two hundred fifty (250') feet from any other Monument Sign on the same property, measured along the right-of-way.

2. Properties with Single Tenants:

- a. Businesses located on individually platted land including individual pad sites.
- b. Within a shopping center, apartments, schools, model homes and other nonresidential uses located on residentially zoned property are permitted to erect.

3. Monument Signs must comply with the following regulations:

- a. Maximum size — Eighty (80) square feet.

- b. Maximum height — Eight (8') feet.

Setbacks:

- a. Fifteen (15') feet from street right-of-way.
- b. Fifteen (15') feet from property lines other than those property lines fronting the street right-of-way.
- c. Two hundred fifty (250') feet from any other monument sign on the same property, measured along the right-of-way.

- 4. Zoning Permitted: Multi-Family, Manufactured Home, Central Business District, Commercial, Industrial, Office, Residential, Planned Development.
- 5. Duration: Permanent.

Municipally Owned Sign: A sign which identifies a park, an entrance into the City, a place of interest within the City, a City-sponsored event, or any municipally owned site or facility. A municipally owned sign does not include traffic or street identification/name signs.

Nameplate: A sign showing only the name and address of the owner or occupant of the premises upon which it is erected or placed. A nameplate shall not exceed four (4) square feet in size.

Neon Sign: A sign or advertising device formed from neon (or other gaseous, such as argon) lamps/tubing.

Pole Sign: A freestanding (i.e., independent of any structure or building) sign supported by a pole (or poles) having no guys or braces to the ground or to any other structure.

- a. **Maximum Height:** Pole signs taller than ten (10) feet in height shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive a dead load as required in the Building Code or other codes/ordinances of the City. All pole signs shall be placed in concrete bases or footings, and the plans for such signs and their bases/footings shall be sealed by a licensed structural engineer. No sign shall be constructed to exceed the maximum building height permitted in the specific zoning district where the sign is located except within shopping centers or similar commercial/office centers containing six (6) acres or more. All such high-rise signs shall comply with the Building Code and with other applicable codes/ordinances of the City of Brady which pertain to design and construction. All pole signs must be supported by a single or dual freestanding pole with masonry columns without guy wires and braces and provide a landscaped, stone-base feature. All pole signs greater than twenty-five (25) feet in height shall be set back a minimum distance of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds 25 feet, from all property lines. No sign shall exceed seventy five (75') feet.
- b. **Maximum Size/Area:** Two hundred (200) square feet for up to fifty (50) feet tall. Signs between fifty one (51') and seventy five (75) feet may be three hundred (300) square feet.

Political Sign: Political signs are allowed on private property (with the permission of the property owner), and shall be prohibited within rights-of-way, on any other public property, and on any public/utility structure (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc. Political signs may be placed no more than one hundred

twenty (120) days prior to the election for which the sign is applicable, and must be recovered (i.e., removed) no more than ten (10) days after the election has taken place. Political signs placed on property which is zoned residential may be no greater than thirty-two (32) square feet in area. Political signs placed within the rights-of-way or upon public/utility property or structures may be removed and disposed of by the City of Brady (or the applicable utility company) personnel, and removal costs and/or fines may be assessed for removal of the signs and/or noncompliance with this Section of the Zoning Ordinance.

Projecting Sign: A sign that projects from a building and has one end attached to a building or other permanent structure. Projecting signs shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Promotional Flags/Pennants: A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material, that is mounted/tethered to a pole(s), building or other structure by a rope, wire, string or similar device, usually in series (i.e., more than one on a string), and that is designed to move in the wind (i.e., flutter) to attract attention. Promotional flags/pennants may or may not exhibit a text message or symbol of any kind, and may be a single color or several colors. For the purposes of this Section, a string of multiple pennants and/or streamers, of whatever length, shall also constitute a "promotional pennant". (Also see "Promotional Signage".)

Promotional Signage: A type of temporary signage that is typically used for (but not limited to) special events and promotions or for business grand openings. Promotional signage may include banners, flags, pennants, streamers, balloons, inflatable signs/devices, and any other legal types of signs allowed by this Section. A searchlight may be used provided it complies with all other provisions of this Section (see "Searchlights").

- a. Promotional signage is allowed for four (4), four-week periods each calendar year per legal business. These time periods cannot be allowed to run consecutively. A two-week period will commence on the first day promotional signage is displayed. The two, two-week periods shall not occur within the same or consecutive months. A legal business shall include any retail, commercial, industrial or institutional use for which the Building Inspection Department has issued a Certificate of Occupancy.
- b. Any device described as promotional signage shall not exceed an overall height of thirty-five (35) feet.
- c. A separate permit is required for each four-week period promotional signage will be used. If any device described as promotional signage is installed prior to issuance of a permit, fines for noncompliance with this Ordinance may be assessed in addition to the permit fee.
- d. Promotional signage shall be contained on the property of the legal business which it advertises, and shall not extend into the City right-of-way or onto other adjacent property(s). Signage shall not be located in any sight visibility triangle/area, nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.

Pylon Sign: A freestanding sign supported by a solid, ground up, tall monumental structure (see "Pole Sign").

Reader-Board Sign (also called "Changeable Message Sign): A marquee-type sign having alternating electronic data, messages and/or control components.

Real Estate Sign: A temporary accessory sign pertaining to the sale or rental of property, and which advertises property only for a use for which it is legally zoned. Real estate signs may be erected in nonresidential and residential zoning districts, and shall not exceed thirty-two (32) square feet with a maximum height of fifteen (15) feet. The required setback shall be eight (8) feet from any property line (i.e., front, side or rear), and signs are limited to one (1) per street front. A real estate sign shall be removed upon the sale/rental of the property.

Roof Sign: A sign erected upon or above a roof or parapet of a building or structure.

Sandwich Board Sign: A portable sign consisting of two panels of equal size, which are hinged at the top and placed on the ground or pavement so as to be self-supporting.

Sandwich Board Signs:

- Eight (8) square feet, one per lease space.
- Permitted only on sidewalks along streets and internal driveways.
- Sign shall be removed every day after the business is closed.
- Sign may not exceed 2 feet in width.
- A minimum of 4 feet of sidewalk shall remain clear.
- If deemed to cause an obstruction to pedestrian traffic, it may be required to be removed or relocated
- Chalkboards/whiteboards may be used for daily changing of messages. No readerboards may be used.
- Must be within limits of store front that sign is advertising for.

Searchlights: Searchlights may be permitted in accordance with any other applicable City regulations, and may include traditional searchlight devices or laser-type devices. A permit for use of an advertising searchlight may be granted under the following additional regulations:

- a. A searchlight shall be located a minimum distance of fifty (50) feet from any public right-of-way and from side or rear property lines, and shall be positioned so as to project all beams at minimum angle of thirty (30) degrees upward from grade level. No searchlight beam may project onto adjacent property or onto property or buildings not owned/operated by the business utilizing the searchlight.
- b. The maximum light intensity generated by searchlights on any premises may not exceed a total of one thousand six hundred (1,600) million footcandle power. No more than four (4) beams of light may be projected from any premises at any point in time.
- c. All searchlights must be designed and maintained so as to prevent beam rays of light (or laser beams) from being directed at any portion of the traveled ways, and no light shall be of such intensity or brilliance as to cause glare or to impair the vision of the driver of

any vehicle, or to create any other type of traffic hazard (i.e., cannot be such an unusual, eye-catching display that would distract the attention of motorists).

- d. No advertising searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.
- e. No advertising searchlight may be operated on a premises for more than seven (7) consecutive days, nor for more than fourteen (14) days within any calendar year. No permit for an advertising searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premises within the last six (6) months preceding the date of the permit application.

Wall Sign: A sign attached to or painted upon a wall surface with the sign facing parallel to and not more than twelve (12) inches from the wall surface. A sign attached to or painted upon an awning and visible to the exterior shall be considered a wall sign (also see "Awning Sign"). Neon (or other gaseous) tubing attached directly to a wall surface shall be considered a "wall sign" when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols or pictorial designs.

Unless otherwise specifically provided, the regulations set forth in this Section shall be applicable to all attached signs that are allowed under this Ordinance.

Installation Requirements. All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than twelve inches (12") from that surface, except for Projecting Signs. Wall signs shall not extend above the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as Promotional Signs.

Maximum Sign Area. Wall signs shall not exceed the following area schedules:

- a. An attached sign located at a height of thirty-six feet (36') or less is limited to one (1) square foot of sign area for each lineal foot of building frontage for a single tenant building, or lease space frontage in a multiple tenant building, not to exceed two hundred and fifty (250) square feet, and a minimum of twenty five (25') square feet.
- b. An attached sign located above a height of thirty-six feet (36') shall be permitted an increase in maximum effective area. Such increases shall not exceed four (4) square feet in effective area for each additional one foot (1') of height above thirty-six feet (36') measured from the base of the sign. Signs may be increased hereunder to a maximum size of three hundred and fifty (350) square feet. Attached signs may be located on any facade except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. The sum of the effective area of all attached signs shall not exceed the allowable effective area specified in paragraphs a. or b. above, whichever paragraph is applicable. Signs on a single facade shall not exceed the sign area allowed in paragraph a. above.
- c. Attached Signs may only be illuminated utilizing internal lighting. Exterior letters with exposed neon lighting are allowed.
- d. **Zoning Permitted:** In all Retail, Commercial and Industrial Zones. May be allowed by the amending ordinance establishing a Planned Development (PD) district.

- e. Placement: Upon the wall of the building, painted or attached directly to the surface.
- f. Maximum Number: Four (4) per building.
- g. Duration: Permanent.

Window Sign: A sign painted or affixed to the exterior (or interior) surface of a window and visible from outside the building (e.g., from the street or parking lot).

- a. Maximum Height: Not applicable.
- b. Maximum Size/Area: Forty (40) percent of the total window area (exception: A civic, governmental or charitable organization).
- c. Zoning Permitted: In all Retail, Commercial and Industrial Zones.
- d. Placement: Interior or exterior surface of the window.
- e. Maximum Number: Not applicable.
- f. Duration: No limit.

4.203 Administration

The provisions of this Section shall be administered and enforced by the Building Official or designated representative of the City of Brady.

The permittee, owner, agent, person or persons having the beneficial use of the sign, the owner of the land or structure upon which the sign is located, and the person in charge of erecting the sign are all subject to the provisions of this Section.

Permit procedures and fees:

- A. Requirements: It shall be unlawful for any person to erect, replace, enlarge or relocate any sign within the City without first obtaining a permit to do so from the Building Official, except as may be hereinafter provided. All sign construction shall conform to the adopted Building Code.
- B. Applications for Permits: All applications for permits shall include a drawing to scale of the proposed sign (including size, colors and design) and all existing signs maintained on the premises and visible from the right-of-way, a drawing(s) of the lot plan and/or building facade indicating the proposed location(s) of the sign, and sign specifications. Applications shall be made to the Building Official on forms provided by the City. If a site plan is required, the sign location shall also be shown on the site plan drawing.
- C. Fee Required: Fees for a permit to erect, alter, replace or relocate a sign shall be as provided by separate ordinance.
- D. Repair Permit (Nonconforming Signs): It shall be unlawful for any person to repair or make alterations to any nonconforming sign without first obtaining a repair permit and making payment of the fee required. Fees for a permit to repair shall be as provided by separate ordinance.

- E. Permit Revocable: The Building Official may suspend or revoke any permit issued under the provisions of this Section whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this Section or any other ordinance of the City of Brady or the laws of this State or of the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises upon which the sign is located. Any sign installed under a revoked permit shall be removed by the permit holder, sign owner or property owner within fifteen (15) days of written notice of the revocation.
- F. Inspections:
 - 1. All signs for which a permit is required shall be subject to inspection by the Building Official.
 - 2. Footing inspections shall be required by the Building Official for all signs having footings prior to the erection of a sign.
 - 3. All signs containing electrical wiring shall be subject to the provisions of the governing Electrical Code, and the electrical components used shall bear the label of an approved testing agency.
 - 4. The Building Official may order the revocation of any sign permit and/or the removal of any sign that is not maintained in accordance with the provisions of any City ordinance.
 - 5. The Building Official may inspect annually, or at such other times as he deems necessary, each sign regulated by this Section for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.
- G. Investigation Fee: When a sign is erected, placed or maintained, or work started thereon before obtaining a sign permit, it shall be subject to an investigation fee as specified by separate ordinance. The investigation fee does not excuse full compliance with the provisions of this Section.
- H. Electrical Permit: Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to insure compliance with the Electrical Code of the City. No sign shall be erected in violation of the Electrical Code. However, the sign contractor may tie the sign to an existing power source or power provided by an electrician that has permitted the job. The electrical power supply for a sign must be placed underground within an acceptable type of conduit, and shall be concealed from view (i.e., it cannot be strung as an overhead line). No temporary electrical service for signs shall be allowed.

4.204 Signs on public property

Except as specifically authorized in this article, no person shall attach any sign, paper, or other material or paint, stencil, or write any name or number or otherwise mark any sidewalk, curb, gutter, street, tree, utility pole, traffic sign, traffic light standard, public

building, public fence, or public structure. This section shall not prohibit the posting of governmental signs or the painting or attaching of street address numbers to curbs. Both the person who erected or affixed the sign and the person and business who benefits from the placement of the sign shall be responsible for the illegally placed sign.

4.205 Signs in right-of-way prohibited

Except as specifically authorized in this article, no sign shall be erected or affixed within or project over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way. This section shall not be construed so as to prohibit the carrying or displaying of signs by any person so long as such sign is not connected or affixed to the real property comprising the public right-of-way, its fixtures and appurtenances. Homeowners' associations and crime watch meetings and alerts may have signs projecting over the public right-of-way. Both the person who erected or affixed the sign and the person and business who benefits from the placement of the sign shall be responsible for the illegally placed sign.

Signs Exempt From Permit: A permit shall not be required for the following signs provided, however, such signs shall otherwise comply with all other applicable provisions of this Section of the Zoning Ordinance and with any other applicable City code/ordinance:

1. One temporary wall sign not exceeding eight (8) square feet in area, which advertises the sale, rental or lease of the premises upon which such sign is located.
2. Memorial plaques, building identification signs and building cornerstones when cut or carved into the masonry, surface or when made of noncombustible material and made an integral part of the building or structure. These signs shall not exceed four (4) square feet in area.
3. On-site directional and directory/informational signs not exceeding eight (8) square feet in area and three (3) feet in height, provided that such directional or directory/informational signs do not contain advertising and are not used as such. On-site directional and directory/informational signs are only permitted behind the front building line.
4. Political sign in or upon a motor vehicle if such sign does not exceed six (6) square feet in area and does not project from the front, side, rear or top surfaces of such vehicle. Said sign shall not be illuminated, and shall not be placed thereon sooner than thirty (30) days prior to the election the sign pertains to, and must be removed within five (5) days after the election.
5. Traffic or other municipal signs, legal notices, danger and such emergency, temporary or non-advertising signs as may be approved by the City Council or the City Manager or his authorized representative, when placed in compliance with the "Uniform Manual of Traffic Control Devices" and with applicable City codes/ordinances.
6. Temporary special occasion announcement signs on residential lots for a maximum time limit of five (5) days.

7. Religious emblems when installed in compliance with this Section and with other applicable City codes/ordinances.
8. Seasonal decorations for a maximum of sixty (60) days, provided traffic visibility is not affected.

M. Prohibited Signs and Activities:

1. **Traffic** - A sign shall not be erected in a manner that would confuse motorists, or that would obstruct the view or interpretation of any official traffic sign, signal or device.
2. **Obscene, indecent and immoral matter** - It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.
3. All billboard and signs advertising off-premises sale, service or activity.
4. Advertising matter placed or suspend from buildings, poles, sidewalks and the like.
 - a. No person shall place or suspend from any building, light pole, utility pole, structure, sidewalk, parkway, driveway or parking area, any goods, wares, merchandise or other advertising or display of such items other than a sign, as defined, regulated and permitted by this Section.
 - b. No cloth, paper, banner, flag, device or other similar advertising matter shall be permitted to be attached to, suspended from or be allowed to hang from, any sign, building or structure, when the same shall create a public menace or danger.
5. **Painting, marking or otherwise inscribing streets, sidewalks, utility poles, and the like.** No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by ordinance.
6. Attaching advertising matter to fences, utility poles, and the like; scattering advertising matter on streets and sidewalks.
 - a. No person, firm, corporation, association or person, shall paste, stick, stack, nail, or otherwise place any advertisement, handbill, placard or printed, pictured or written matter or thing for any purpose upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon.
7. No lighted sign shall be erected within one hundred and fifty (150) feet of a residential district unless the lighting is shielded from view of the residential district.
8. **Roof sign prohibited** - Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited.
9. **Balloons and other inflatable devices** - No person shall erect, maintain or permit the erection of any balloon or other similar inflatable/floating device anchored to the ground or to any other structure within the City.
10. No signs attached to a trailer, skid, or similar mobile structure, where the primary use of such structure is for sign purposes, will be permitted. This provision does not

restrict the identification signing on vehicles used for delivery service, interstate commerce, or any bonafide transportation activity.

11. Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product. Vehicles operating under a City franchise shall be excluded from this provisions.
12. Pole Signs are prohibited within the City Limits.
13. There shall be no Off-Premise Signage excepting for Political signs and real estate sale signs.

N. Illegal Signs: Owners with/of illegal conforming signs must obtain a permit from the Building Inspection Department of the City of Brady within fifteen (15) days of notification of noncompliance. If the owner has not obtained a permit for the illegal conforming sign by the sixteenth (16) day following notification, the owner will be cited for noncompliance.

O. Central Business District / Historic Overlay District. Signs—Signs within the Historic Overlay District shall be approved by the Heritage Preservation Committee. Signs approved by the Heritage Preservation Committee will still be required to obtain a sign permit and any necessary engineering.