

**BRADY**  
THE CITY OF  
**TEXAS**

**CITY OF BRADY COUNCIL AGENDA**  
**CITY COUNCIL WORK SESSION**  
Executive Session  
**JUNE 14, 2016 AT 9:00 AM**

NOTICE is hereby given of a meeting of the City Council of City of Brady, McCulloch County, State of Texas, to be held at 9:00am on June 14, 2016, at City Hall, located at 201 E Main Street, 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.

Tony Groves  
Mayor

Kathy Gloria  
Mayor Pro Tem, Place 1

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

Tina Keys  
City Secretary

Lisa Remini  
Director of Finance

Steve Miller  
Director of Public Works

Peter Lamont  
Director of Community  
Services

Lyle Daniel  
Chief of Fire/EMS

Steve Thomas  
Chief of Police

Shannon Kackley  
City Attorney

**1. Call to Order, Roll Call and Certification of a Quorum**

**2. Discuss any changes to Substandard Building Ordinance**

**3. Discuss any changes to In-fill Ordinance**

**4. Discuss any changes to Curfew Ordinance**

**5. Discussion of purpose for new Civic Center, reservation policies and fees**

**6. Discuss and plan future work session dates and topics**

**7. Announcements**

**8. Executive Session**

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 regarding 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 as the deliberation in an open meeting will have the detrimental effect on the position of the City in negotiations with a third person – Animal Shelter.

## 9. 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 10/10/2016 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](mailto: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.

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.



**From:** Shelly Perkins [<mailto:shellperk@aol.com>]  
**Sent:** Thursday, April 21, 2016 3:43 PM  
**To:** Kim Lenoir <[klenoir@bradytx.us](mailto:klenoir@bradytx.us)>; Anthony Groves <[agroves@bradytx.us](mailto:agroves@bradytx.us)>  
**Cc:** Loya Young <[lyoung@bradytx.us](mailto:lyoung@bradytx.us)>; Jim Kidd <[jkidd@bradytx.us](mailto:jkidd@bradytx.us)>  
**Subject:** Two questions from Residents

**Good Afternoon, Kim and Tony --**

As you are already aware, many of Brady's residents and I are very much in favor of increasing our commitment to the environment, recycling, general clean-up and also reducing our current landfill's daily usage. I also readily admit to being woefully uninformed as to how all of this is managed by the City of Brady as well as the present circumstances of each process. However, I would like to encourage any and all efforts to improve and bring more up-to-date our processes and awareness. This would include the existing regulations and restraints which affect our programs.

I have received a few comments from residents -- mostly in the area of repair and clean-up of existing buildings and structures that may be hazardous or sub-standard. I am looking forward to working on the coming *Infill Overlay and Substandard Buildings Ordinance* to define some of these policies and their remedies. This is a continuation of the desire of residents to ensure that structures are safe for occupancy which began many years ago. Safety is the major concern, but the appearance of our City is also a consideration often mentioned.

For example -- I was also recently asked, "Who owns the big dumpsters (not Polycarts) which are in use at the Brady Housing Authority and how can we get the lids repaired?" The questions were raised because some of the dumpsters are reportedly lacking in fully closing lids, resulting in blowing trash in the parking lots. It was also reported that varmints occasionally enjoy "snacks" from these dumpsters.

I spoke with Kim Davee at the Service Center this morning. She quickly explained that the City owns the dumpsters and that a request received from the Housing Authority Director would be investigated and that residents should speak to the Director to request a check by the Solid Waste Department. I will relay this information to the residents who requested it.

In addition, I would appreciate some feedback regarding the Public Comments made by Robert Seals of Republic Services at our recent City Council meeting. His company provides Municipal Recycling Services to cities around San Angelo. Our current efforts represent a good start, but this may be an opportunity to move forward in reducing tonnage at the landfill. Supplemental projects such as the tire reclamation project and the electronics recycling project seemed to be well received and helpful. I would like to see those continued and expanded. It's unfortunate that both dates scheduled for our "Keep Texas Beautiful" clean up projects were rained out.

I would like a copy of this letter to be included in our packets for the Workshop scheduled for next Tuesday morning to discuss the *Infill Overlay and Substandard Buildings Ordinance*. If that is not appropriate under the rules of the Texas Open Meetings Act for Workshop agendas, then please include it in the next City Council meeting during which we discuss the *Ordinance*.

As I frequently say, "Onward and Upward through the Fog",

**Shelly Perkins**  
**Council Member, Place 2**

**CC: Loya Young, Environmental Compliance Operator**  
**Jim Kidd, Solid Waste Superintendent**

ORDINANCE NO. \_\_\_\_\_

**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; AND DIRECTING THE CITY  
SECRETARY TO PUBLISH THE CAPTION IN ACCORDANCE WITH  
THE CITY CHARTER.****

**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 take effect ten (10) days after the City Secretary causes this Ordinance, or its Caption, to be published in the Official Newspaper ~~be in full force and effect on \_\_\_\_\_, 2016, as required by Section 3.16 of the City Charter.~~

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 said-the unsecured building or structure to secure the same, and if said-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 such-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:

#### (1A.)    Inadequate sanitation.

(a1.)    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.

(a2.)    Lack of or an improper kitchen including running water, drainage, and UL Listed equipment for cooking or warming.

(a3.)    Lack of hot and cold running water to plumbing fixtures.

(a4.)    Lack of or improper required heating, mechanical ventilation or electric facilities.

(e5.) Lack of required amounts of natural light and ventilation.

(6.) Lack of adequate ~~and~~ means of egress so as to ~~that~~ constitute a fire hazard.  
(if accepted, will need to renumber the remaining items).

(f6.) Lack of or improper space or floor area as required defined by City Zoning Ordinance 933.

(g7.) Lack of required electrical lighting.

(h8.) Dampness of habitable space as evidenced by condensate dripping, mold, and or mildew [sk1].

(i9.) Infestation of insects, vermin or rodents.

(j10.) The existence of dead trees, tree limbs, holes, excavations or other conditions reasonably capable of causing injury to a person.

(k11.) Lack of or improper connection to required sewage disposal.

(l12.) Lack of or improper garbage and rubbish storage and removal facilities.

(m13.) 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 nuisance 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 as described in section 3.215 B. of this Ordinance.

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

**(DC.)** 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 3.205FF.

**(FED.)** 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.

**(F)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, one that could result in injury or death of an occupant, 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, any condition that could result in imminent failure of the structure; and

**(3.)** A minimum of 30 days shall be allowed for the correction of a noncritical violation, a situation in which the structure is considered substandard for the purposes of this ordinance, but not in danger of imminent failure~~(sk2)~~.

### **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)A.** 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)B.** 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)C.** 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)D.** Inspect any premises, building wall or structure which ~~he has there is~~ reason to believe may be in violation hereof;
- (5)E** 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)1. The owners shall vacate, repair or demolish such building in accordance with the terms of the notice and this article ordinance;

(B)2. The occupant or lessee shall vacate such building or have it repaired in accordance with the notice and remain in possession;

(C)3. The mortgagee, agent or other person having an interest in such building may at his-their 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)F. Set forth in the notice provided for in subsection (5E) 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)G. 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 (5E) and (6F) hereof. The city attorney shall then take any necessary action to secure compliance with the order of the building inspector provided in subsection (4A) 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)A. The building or structure is liable to partially or fully collapse.

(2)B. 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)C. 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)D. The foundation or the vertical or horizontal supporting members are twenty-five (25) percent or more damaged or deteriorated.

(5)E. The nonsupporting coverings of walls, ceilings, roofs, or floors are fifty (50) percent or more damaged or deteriorated.

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

(9)L. 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)J. 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 ever in varmints~~ [sk3], reptiles or birds, not kept as pets, or other disease carrying animals or insects reasonably calculated to spread disease.

(11)K. 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)L. 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)M. 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

(aA.) *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:

\_\_\_\_\_ (iA) 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

\_\_\_\_\_ (iib) 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.

(bB.) *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)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)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)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)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)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 ~~z~~Zoning ~~b~~Board of ~~a~~Adjustment, be afforded a hearing as described in this article.

#### **Sec. 3.218 Appeals from orders of building inspector.**

**(a)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, h~~ 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 sections 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)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.

**(e)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, postage prepaid, 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 vacation orders made pursuant to ~~s~~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)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 forthwith.

**(b)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 a date certain, as determined by the building inspector to be reasonable, but not to exceed ten (10) days.

**(c)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 less than sixty (60) days from the date of the order.

**(d)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:

(ia) ~~He or she~~The owner 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.

(ib) 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.

(ic) 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:

(ia) Upon the limitations set forth in the order;

(ib) Upon application of the current code standards to any repair;

(ic) Upon the owner's expressed assumption of his or her exclusive responsibility for strict, timely, and complete compliance with these restrictions; and

(id) 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 ~~and completely~~ 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)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)B.** *Diligent effort must be made to locate the owner, lien holder, or a mortgagee on the property.*

**(c)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)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 ~~z~~Zoning ~~b~~Board of ~~a~~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)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)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)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)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 the~~ 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 the~~ work or expense.

(e)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)A. Civil Remedies.

(A)1. 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)2. 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)A. Other Remedies.

(A)1. 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)2. 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, ~~z~~Zoning the ~~b~~Board of ~~a~~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.

**PLANNING & ZONING COMMISSION**

PLACE			TERM
1	Nick Blyshack	<a href="mailto:nfb@bradynationalbank.com">nfb@bradynationalbank.com</a>	325-597-2104
2	Ronnie Aston	<a href="mailto:traston@gmail.com">traston@gmail.com</a>	325-456-7828
3	Amy Greer	<a href="mailto:wintersfamilybeef@yahoo.com">wintersfamilybeef@yahoo.com</a>	325-456-7945
4	Thomas Flanigan		325-792-4545
5	Jeffrey Sutton	<a href="mailto:jksutton@gmain.com">jksutton@gmain.com</a>	325-226-1299
6	Connie Easterwood	<a href="mailto:connie314@verizon.net">connie314@verizon.net</a>	325-597-0354
7	Jeff Bedwell	<a href="mailto:jeff.bedwell@ranchmoney.com">jeff.bedwell@ranchmoney.com</a>	325-597-2252
Alt	vacant		6/18

## Section 26.B. - Overlay District for infill development.

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.
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 (PD) district may be any size in this overlay district, if approved for a specific use permit.
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.

# City Council

## City of Brady, Texas

### Work Session Item

<b>AGENDA DATE:</b>	06/14/2016	<b>AGENDA ITEM</b>	5
<b>AGENDA SUBJECT:</b> Discussion of purpose for new Civic Center and reservation policies and fees.			
<b>PREPARED BY:</b>	K. Lenoir	<b>Date Submitted</b>	6/14/2016
<b>EXHIBITS:</b>	Existing reservation forms and policies		
<b>BUDGETARY IMPACT:</b>		<b>Required Expenditure:</b>	\$00.00
		<b>Amount Budgeted:</b>	\$00.00
		<b>Appropriation Required:</b>	\$00.00
<b>CITY MANAGER APPROVAL:</b>			

#### **SUMMARY:**

The City of Brady has several public facilities that are available to the public for private or public events. In summary, these facilities are managed as follows:

Airport – Peter Lamont and Joe Mosier approve use of 2 conference rooms in Hangar B (free of charge). This year while Civic Center is under construction, we have allowed only 3 events that normally used the Civic Center (NRA Banquet, Chamber Banquet, and HOT Music Festival). Smaller groups have been required to use other private venues.

GRW – Peter Lamont reserves and approves day use events. The newest reservation policy and forms were updated last year. City Council also approved a five year lease agreement with the McCulloch County Jr Livestock Association and FFA.

Richards Park & Willie Washington Park – City Hall maintains a calendar and facility rental agreements for the pavilion rentals. All other facilities are first come first serve. This is the second year that the City is taking reservations for RV Campsites during the HOT Music Festival.

Swimming Pool – Private parties are booked with the swimming pool manager.

Brady Lake – Lake Store employees maintain reservations and calendars for all of the lake facilities including the Gun Range. Private overnight events at the gun range currently have only been approved by City Council or by long range agreements such as the Texas Muzzleloaders.

For comparison purposes, area rental facilities include the following: HOT Event Center holds 300 people and charges \$400 (plus \$150 refundable deposit); Palace (Movie) Theater holds approx. 180 people and charges \$150 for daily rental; DRT Meeting Room holds 80 auditorium seating or 40 dining and charges \$50 (plus \$50 refundable deposit); BNB Community Room holds 72 people and charges \$50 (plus \$50 refundable deposit);

Selah Springs Ranch holds 75 people (indoors) and charges vary seasonally; First Baptist Church Family Life Center holds approx. 150 people (refrigerated air) and charges \$300 (plus \$100 refundable deposit); Housing Authority holds approx. 50 people and charges \$100 (for private events); Holiday Inn Meeting Room holds 40 people and charges \$125; VFW Hall holds 150 people and charges \$250 (plus \$100 refundable deposit).

The new expanded Civic Center now needs new rules and fees. First the City Council needs to define the purpose of the new Civic Center, by doing so we can better determine policies and fees. One of the reasons for the expansion in the 2009 vote was to have a facility that could accommodate more events to attract tourism and fill local hotels.

1. So should the tourism events have booking priority?
2. The Civic Center was also expanded to accommodate large events that could not use other area facilities. So should larger community events have booking priority?
3. The Civic Center has always been popular for private parties. Should the facility have higher rates for the popular holiday seasons – New Year's Eve/Day, Memorial Day Weekend, Labor Day Weekend?
4. Who should fund the O&M of the Civic Center – the users or the general local taxpayer?
5. Should the Civic Center operate as a break-even facility?
6. Should fees support 100% the annual operating expenses?
7. Should the fees support the long-term maintenance and upkeep – replacing tables and chairs, repainting, repairs, etc?
8. Should the rental fees at least cover utility cost and clean-up fees / deposits to support a contract janitorial cleaning crew?

Initially, staff proposed a graduated scale depending on party size, food service, and/or alcohol use. If food is served we could increase clean-up deposits on a scale; and if alcohol is served another deposit and fee, plus required security hired. Staff would like to require that set-up be determined before the event and the set-up be done by city crews. Decorating fee and deposit may also need to be added, since many groups like to decorate a day early and when decorations are not removed deposits are kept to cover the expense of clean-up. An annual review of expenses versus rental income needs to take place to determine need to adjust fees and charges.

**Draft rules and rates to discuss for the new Civic Center rentals:**

Daily Rental Hours: 7am to 11pm (extended hour fee??)

Commercial/Tourism Events may book two years ahead.

Local Community Public Events may book 18 months ahead.

Private parties may book, first come first serve, up to one year ahead.

Holiday Events (New Year's Eve/Day, Memorial Day Weekend, Labor Day Weekend) extra \$200 fee collected due to greater demand for space.

- A. Daily Rate - Monday to Thursday Rate, 8am to 5pm \$30/hour; after 5pm \$40/hour, with a maximum of \$250 per day
- B. Friday, Saturday or Sunday Event: \$500 to \$700 (less than 400 attendees \$500; 400 -500 attendees \$600; More than 500 attendees \$700.
- C. Two-Day Weekend (Friday/Saturday or Saturday/Sunday) Add \$250
- D. Three-Day Weekend (Friday/Saturday/Sunday) Add \$250

- E. Kitchen Use/Food Service to be included: Add .25 cents per meal served; maximum \$100
- F. Alcohol Service: Hiring by party reservation of Off-Duty Security required for events over 100 attendees (1 officer per 150 attendees)
- G. Basic Cleaning / Damage Deposit: \$200
- H. Additional Decorating Deposit: \$100
- I. Day before decorating fee: \$100 Day of event decorating – no charge
- J. Additional Alcohol Service Cleaning/Damage Deposit: \$400
- K. Other Fees:

**RECOMMENDED ACTION:**

Direct staff as needed to prepare a rental policy and fee schedule for future consideration.

**CITY OF BRADY  
ED DAVENPORT CIVIC CENTER  
RULES AND FEES AS AMENDED 2006**

The fees for the use of the Civic Center are listed below. The following fee schedule shall apply to all use of the Civic Center and shall include use of the kitchen facilities and normal cleaning after use.

**Fees are per day or any portion thereof and they are as follows:**

**Non-Profit: \$400.00**

**Profit: \$400.00**

**THERE WILL BE NO FREE USE OF THE CIVIC CENTER EXCEPT FOR CITY SPONSORED EVENTS. PAYMENT FOR USE OF THE CIVIC CENTER MUST BE MADE IN ADVANCE.**

Fees are for **ONE DAY USE ONLY**. Use of the Civic Center prior to the day of rental for the purpose of decorating, setting up tables, etc. will constitute a fee of \$50.00 and can only be scheduled if someone else has not rented it on the day prior to your event. Rental time shall end when all of the lessee's effects have been removed from the building.

Reservation, payment and keys will be handled by the City Secretary in City Hall. Notice of cancellations must be made within two weeks prior to an event otherwise you will lose your deposit.

The key to the Civic Center must be returned on the day after use, or on the following Monday (or weekday) if use is on a weekend or holiday, unless prior arrangements are made. Failure to return the key will constitute losing your deposit.

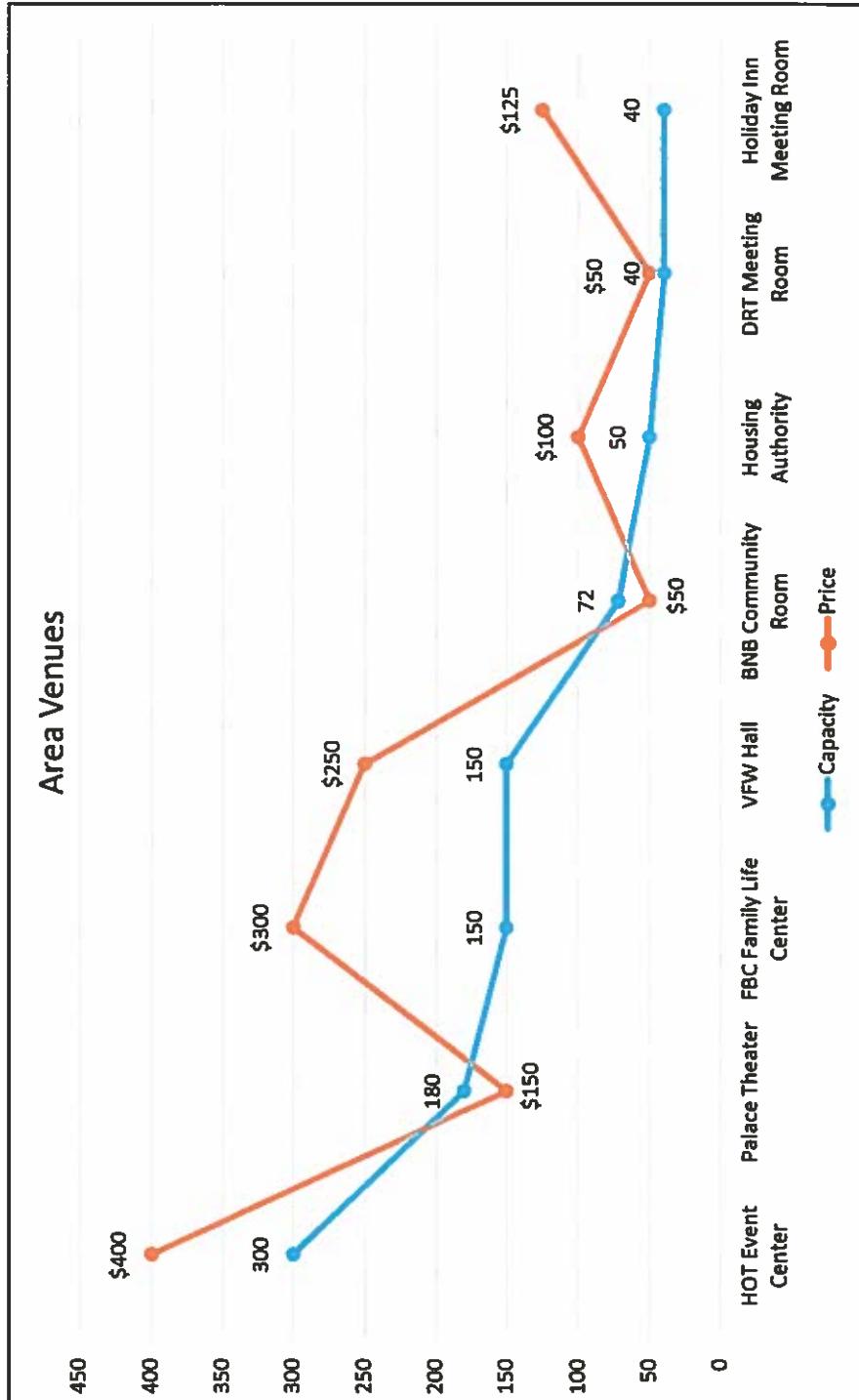
Persons renting the Center will be fully responsible for any damage to the building and equipment during the time that the Center is in use. Damages above the deposit will be the responsibility of the renter. In addition to the normal rent charged for the use of the Center, a deposit of \$200.00 will be required in all instances. The full deposit will be returned within two weeks after the key is returned to allow for inspection of the center after each use. **Only if there is no damage to the building and provided all trash and litter (both inside the Center and on surrounding public grounds) has been placed and secured in plastic bags and taken out to the dumpster. Otherwise, a deduction on an actual charge basis will occur from the deposit.**

**No Smoking** is allowed in the Civic Center per Ordinance No. 950. Please use receptacles provided inside.

**Use of the Civic Center** where alcoholic beverages will be permitted, a minimum of two public safety officers must be hired to provide security for the event. In all cases the names of these guards will need to be on file with the City prior to access being made available to the facility.

## Facility Reservations Exhibit

Venue	Capacity	Price	Deposit	Refundable
HOT Event Center	300	\$400	\$150	Yes
Palace Theater	180	\$150	\$0	N/A
FBC Family Life Center	150	\$300	\$100	Yes
VFW Hall	150	\$250	\$100	Yes
Selah Springs Ranch*	75	N/A	N/A	N/A
BNB Community Room	72	\$50	\$50	Yes
Housing Authority	50	\$100	\$0	N/A
DRT Meeting Room	40	\$50	\$50	Yes
Holiday Inn Meeting Room	40	\$125	\$0	N/A



\*Selah Springs Ranch Red Cedar Barn venue omitted from graph as price list/range was not available by posting date; prices vary based on season.