



LAKWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKWOOD VILLAGE, TEXAS

TOWN COUNCIL MEETING
AUGUST 8, 2019 7:00 P.M.

REGULAR SESSION – AGENDA

Call to Order and Announce a Quorum is Present

A. PLEDGE TO THE FLAG:

B. VISITOR/CITIZENS FORUM: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. The council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

C. PUBLIC HEARING: A public hearing is scheduled on the proposed combined property tax rate of \$0.415/\$100 to provide an opportunity for citizen comment.

D. PUBLIC HEARING: A public hearing is scheduled on the ordinance amending the Zoning Ordinance, Subdivisions Regulation Ordinance and Building Codes to cause said ordinances to be in compliance with House Bill 2439, House Bill 3167 and House Bill 2497, which bills take effect on September 1, 2019 to provide an opportunity for citizen comment.

E. PUBLIC HEARING – A public hearing is scheduled to provide an opportunity for citizen comment on proposed ordinance changes in agenda items F.6 through F.10.

F. REGULAR AGENDA:

1. Update on Dark Sky Community Designation (Asbell)
2. Consideration of Amendment to Dark Sky Application (Asbell)
3. Discussion of Concrete Road Project, Kimley Horn (Vargus)
4. Consideration of Phase 3 Engineering Task for Concrete Roads (Vargus)
5. Discussion of Water Operations (Vargus)
6. Discussion of Zoning Ordinance (Vargus)
7. Discussion of Subdivision Ordinance (Vargus)
8. Discussion of Nuisance Ordinance (Vargus)
9. Discussion of Oversized Vehicle Ordinance (Vargus)
10. Discussion of Junked Vehicle Ordinance (Vargus)
11. Consideration of Approval of the Municipal Development District Budget 2019-2020 (Vargus)
12. Consideration of Ordinance Adopting Tax Rate for 2020 (Vargus)
13. Ratification of Fiscal Year 2019-2020 Budget (Asbell)

G. EXECUTIVE SESSION: (1) § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice. (2) § 551.071(1), Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation. (3) § 551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about Security Devices.

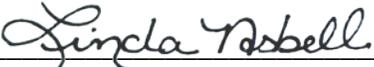
H. RECONVENE: Reconvene into regular session and consideration of action, if any, on items discussed in executive session

I. REPORTS: Reports about items of community interest. No formal action may be taken on these items at this meeting.

J. ADJOURNMENT

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 4:50 p.m. on Monday, August 5, 2019.




Linda Asbell, TRMC, CMC, Town Secretary

The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 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) and 551.087 (Economic Development), 418.183 (Homeland Security)

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the Town Secretary's office at 972-294-5555 or FAX 972-292-0812 for further information.

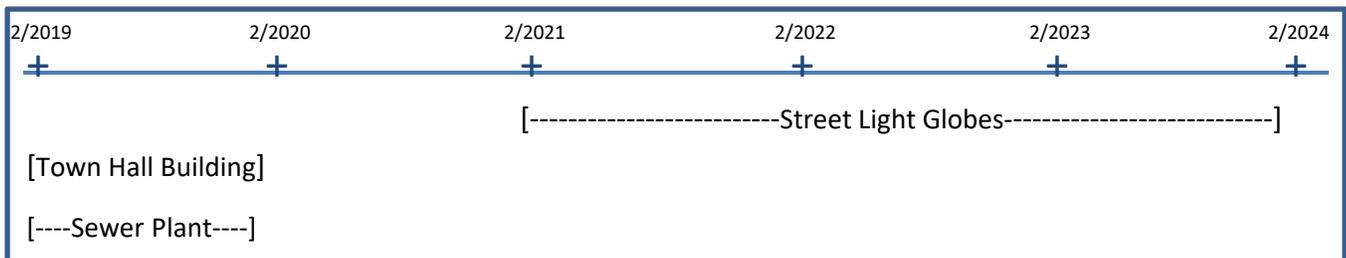
One or more board members of the LAKWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by the MDD board.

SUPPLEMENTAL APPLICATION DATA REQUESTED BY THE IDA DARK SKY PLACES COMMITTEE (DSPC)

The existing non compliant city owned light infrastructure consists of twenty-one (21) lights. Lakewood Village’s goal is to replace all within five (5) years (February 18, 2024) so as to reach a 100% public lighting compliance goal.

The following timetable portrays our expectations:

EXPECTED TIMETABLE			
Light Type	# Lights	Replacement Year/Range	Details
Street Light Globes	10	2021-2024	Development of the remaining 175 acres within the town limits is expected within five (5) years. These lights will be replaced then which will result in a consistent compliant street light infrastructure. If development does not occur as expected the Town Council will consider alternatives to meet the goal.
Town Hall Mailbox Facility	6	N/A	These lights currently meet compliance requirements.
Town Hall Building	4	2020	These lights will become compliant when replaced.
Sewer Plant	1	2020	These lights will become compliant when replaced.



INDIVIDUAL PROJECT ORDER NUMBER 06448710-05B

August 5, 2019

Describing a specific agreement between Kimley-Horn and Associates, Inc. (the Consultant), and THE TOWN OF LAKEWOOD VILLAGE (the Client) in accordance with the terms of the Master Agreement for Continuing Professional Services dated April 6, 2015, which is incorporated herein by reference.

The Original IPO was revised this date to offer a phased approach for budgeting purposes. The Geotechnical Investigation was approved by the Town and completed with Phase 1 of the IPO (IPO 06448710-05). The Topographic Survey was approved by the Town and is currently in progress as part of Phase 2 of the IPO (IPO 06448710-05A). IPO 06448710-05B was prepared for authorization of Phase 3 – Plans and Contract Document Preparation and Bidding Phase Services.

Identification of Project: Highridge Drive, Wood Crest Drive, Meadow Lake Road, Melody Lane, Stowe Lane, Stowe Court, Carrie Lane, Carrie Court, and Green Meadow Drive Street Rehabilitation Project.

Project Understanding: The project will consist of removing the existing driving surface and subgrade to the proposed profile elevation, replacement of damaged or undersized culverts and culvert end treatments, preparation of the subgrade per the geotechnical report recommendations, installation of reinforced concrete pavement, cleaning and grading the existing drainage ditches, re-vegetation of the drainage ditches and minor adjustments to existing Town utility appurtenances.

SPECIFIC SCOPE OF SERVICES

Phase 3, Task 1 – Plans and Contract Document Preparation

As part of this Task, the following subtasks will be performed:

- A. Perform general project management related tasks such as routine communication with the Client, project status updates, quality control efforts, internal team meetings, project invoicing, project planning efforts, preparation of the project schedule and updates to the project schedule.
- B. Conduct up to four site visits to observe pre-construction conditions, review topographic features identified as part of Phase 2 (Topographic Survey) and to review the design performed as part of this task prior to bidding the project.
- C. Prepare for, attend and conduct up to three project meetings with the Client to discuss the design/project.
- D. Prepare a concrete pavement section that will be used to replace the existing asphalt roadway within the project limits. Recommendations by the geotechnical engineer (Phase 1 – Geotechnical Investigation) will be used as the basis for the roadway's pavement section, including the roadway pavement and subbase material, thickness and strength (if applicable). The design of the roadway will include evaluating the location and grades of existing driveways and side streets and establishing the proposed grades for each of these components.
- E. The Consultant will evaluate the drainage within the project limits. It is understood the drainage "sheet flows" along the project limits in open ditches (no internal storm drainage system). The Consultant will not design an internal storm drainage system but will evaluate the project limits to determine areas that need to have positive drainage. Existing drainage structures will be evaluated for capacity and recommendations for removal and replacement will be made as necessary to convey the storm water.

- F. No improvements to the water or wastewater utilities are proposed.
- G. No new sidewalks will be designed as part of this project. Applications and submittals to TDLR are not included in this scope.
- H. The Consultant will coordinate with the franchise utilities regarding the proposed roadway improvements. The Consultant will provide a 90% plan set to the franchise utility companies.
- I. The Consultant will prepare construction plans for the roadway rehabilitation project. It is anticipated the following sheets may be included in the construction plans:
 - 1. Cover Sheet – 1 Sheet
 - 2. General Notes – 1 Sheet
 - 3. Index Sheet– 1 Sheet
 - 4. Dimensional Control/Borings – 5 Sheets
 - 5. Demolition Plan – 5 Sheets
 - 6. Paving Plan/Profile Sheets (1" = 20' scale) – 20 to 25 Sheets
 - 7. Typical Sections – 1-Sheet
 - 8. Cross Sections (every 50' and at driveway locations) – 10 Sheets
 - 9. Erosion Control Sheet – 5 Sheets
 - 10. Standard Construction Details – 4 to 5 Sheets
 - 11. TxDOT Details (where appropriate)
- J. The Consultant will prepare 90% construction plans and a preliminary Opinion of Probable Construction Cost (OPCC). The Consultant will submit the 90% construction plans to the Client for review and comment.
- K. The Consultant will address the 90% comments and prepare the final construction plans.
- L. The Consultant will prepare the final construction plans and a final OPCC.
- M. The Consultant will prepare contract documents and project specifications for the project. It is anticipated the Client will use Engineers Joint Contract Documents Committee (EJCDC) will be utilized. Contract Documents will include Notice to Bidders, Instruction to Bidders, Bid Form, Bid Bond, Contract Agreement, Performance Bond, Payment Bond, Standard General Conditions and Supplementary Conditions.
- N. Meetings:
 - Kickoff Meeting
 - 90% Plan Review Meeting
 - Final Plan Review Meeting
 - Franchise Utility Coordination Meeting, if necessary

Deliverables:

- Up to five (5) copies of the 90% Construction Plans and Preliminary OPCC
- Up to ten (10) copies of the Final Construction Plans, Contract Documents and Final OPCC

Phase 3, Task 2 – Bidding Phase Services (Per Bid)

As part of this Task, the following subtasks will be performed:

- A. Prepare a bid set from the approved set of construction drawings for the limits of work proposed.
- B. Print and issue up to twenty (20) sets of bidding documents. Bidding documents shall be prepared as 11"x17" plan sets. 24"x36" plans will not be provided for bidding purposes. Additional sets of bidding documents shall be printed, only upon the Town's authorization, as Additional Services.
- C. Prepare the Notice to Bidders and submit to the Town for advertising.
- D. Upload Project to CivCast. Hard copies of bidding documents will be issued to potential bidders upon the payment of a non-refundable fee to cover a portion of the cost of printing those documents.
- E. Issue addenda as required.
- F. Attend bid opening, prepare a tabulation of bids and prepare a letter of recommendation for award of contract.
- G. Prepare the contract documents for execution by the contractor, receive and review such documents for completeness and forward to the Town for review and execution.



Town of Lakewood Village Road Rehabilitation Project August 2, 2019

Legend

- Lakewood Village Town Limits
- Proposed Road Rehabilitation Limits
- Bore Locations
- Parcels
- Lakes



Kimley»Horn

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 TEXAS REGISTERED ENGINEERING FIRM #7429




Design Phase			
Notice to Proceed with Design=	February 2019		
Geotech=	Complete		
Survey=	July 2019 to September 2019	Weather Permitting	
Preliminary Design=	September 2019 to November 2019	(2 Months)	
Town Review=	November 2019 to November 2019	(1 Weeks)	
Final Design=	November 2019 to January 2020	(2 Months)	
Town Review=	January 2020 to January 2020	(1 Weeks)	
Final Revisions & Bid Set Preparation=	January 2020 to February 2020	(1 Week)	
Bidding Phase			
Advertise Notice to Bidders=	February 2020 to February 2020	(1 Week)	
2nd Advertisement of Notice to Bidders=	February 2020 to February 2020	(1 Week)	
Pre-Bid Meeting=	February 2020 to February 2020	(0 Weeks)	
Deadline for Questions from Bidders=	February 2020 to February 2020	(1 Week)	
Issue Addendum & Bid Opening=	February 2020 to March 2020	(1 Week)	
Bid Tabulation, References Check & Award Recommendation=	March 2020 to March 2020	(1 Week)	
Contract Award			
Town Council Contract Approval=	Monday, March 9, 2020 to Thursday, March 12, 2020	(0 Month)	
Construction Phase			
Prepare Conformance Plans & Contract Documents=	March 2020 to March 2020	(1 Week)	
Issue Notice to Proceed=	March 2020 to March 2020	(1 Week)	
Construction Period=	March 2020 to November 2020	(8 Months)	

ADDITIONAL SERVICES IF REQUIRED:

Any services not specifically provided for in the above scope will be considered additional services and can be performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Construction Phase Services
- Assisting Town or contractor in the defense or prosecution of litigation in connection with or in addition to those services contemplated by this Agreement. Such services, if any, shall be furnished by Kimley-Horn on a fee basis negotiated by the respective parties outside of and in addition to this Agreement.
- Sampling, testing, or analysis beyond that specifically included in the Scope of Services referenced herein above.
- Preparing applications and supporting documents for government grants, loans, or planning advances, and providing data for detailed applications.
- Appearing before regulatory agencies or courts as an expert witness in any litigation with third parties or condemnation proceedings arising from the development or construction of the Project, including the preparation of engineering data and reports for assistance to the Town.
- Providing professional services associated with the discovery of any hazardous waste or materials in the project route.
- Providing additional presentations to the Town Council.
- Providing construction staking, additional platting, or other surveying services not identified in the above Scope of Services.
- Providing any easement acquisition services.
- Attending additional public meetings during the project.
- Preparation of Easement Documents
- Perform any materials testing.
- Perform welding and coating inspections.
- Application for payment
- Any services not listed in the Scope of Services.

SCHEDULE

Phase 3, Task 1 – Plans and Contract Document Preparation	5 Months
Phase 3, Task 2 – Bidding Phase Services	1.5 Months

TERMS OF COMPENSATION:

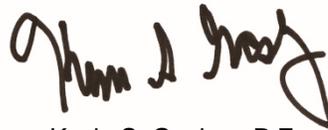
The Consultant will provide the Scope of Services for Phase 3 for a lump sum fee (LS):

Phase 3, Task 1 – Plans and Contract Document Preparation	\$ 252,500 LS
Phase 3, Task 2 – Bidding Phase Services	\$ 15,000 LS (PER BID)
Total <u>Lump Sum</u> Fee	\$ 267,500

ACCEPTED:

TOWN OF LAKEWOOD VILLAGE

KIMLEY-HORN AND ASSOCIATES, INC.



BY: _____

BY: Kevin S. Gaskey, P.E.

TITLE: _____

TITLE: Senior Vice President

DATE: _____

DATE: August 5, 2019

**TOWN OF LAKEWOOD VILLAGE
ZONING AND BUILDING REGULATION
AMENDMENTS IMPLEMENTING HB 2439
ORDINANCE 19-XX**

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, ENACTING AMENDMENTS TO THE TOWN'S ZONING ORDINANCE AND BUILDING CODE REGULATIONS; PROVIDING FOR COMPLIANCE WITH NEW STATE LAWS AFFECTING MATERIALS USED IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL AND COMMERCIAL BUILDINGS, RULES AND PROCEEDINGS BEFORE THE ZONING BOARD OF ADJUSTMENT; PROVIDING FOR APPEALS; PROVIDING RELATED DIRECTIVES TO THE TOWN MANAGER; PROVIDING A CONFLICT/SAVINGS CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the 2019 Legislature enacted HB 2439, prohibiting municipal regulation of materials used for construction and renovation of residential and commercial buildings in certain instances and subject to certain exceptions; and

WHEREAS, HB 2439 affects both the enactment of new regulations and the enforcement of existing regulations pertaining to materials for construction or alteration of residential and commercial buildings; and

WHEREAS, HB 2439 was signed by the Governor on June 14, 2019 and has an effective date of September 1, 2019; and

WHEREAS, the Town Council finds that Town regulations prescribing the types of materials, products or aesthetic methods used for the construction or alteration of residential and commercial buildings are essential for preserving the public health and safety of its citizens and substantially further the economic development and general welfare of the Town; and

WHEREAS, the exemptions to the provisions of HB 2439 hereinafter provided by this Ordinance are in accordance with the purpose and content of such law; and

WHEREAS, there is insufficient time before HB 2439 takes effect to amend specific provisions of the Town's zoning and building regulations that may conflict with the provisions of HB 2439; and

WHEREAS, it is the intent of this Ordinance to supersede enforcement of regulations prescribing the types of materials, products or aesthetic methods used for construction or renovation of residential and commercial buildings, in so far as they conflict with HB 2439; and

WHEREAS, it is the further intent of this Ordinance to provide procedures for appealing decisions of officials in the enforcement of regulations prescribing the types of materials, products and aesthetic methods used for construction or renovation of residential and commercial buildings; and

WHEREAS, it is the further intent of this Ordinance to provide information to citizens of the Town of Lakewood Village, Texas, that are affected by HB 2439 concerning the prohibitions and limitations on enactment and enforcement of zoning and building regulations prescribing the types of materials, products and aesthetic methods used for construction or renovation of residential and commercial buildings; and

WHEREAS, the 2019 Legislature enacted HB 2497, which requires amendments to procedures applicable to the rules of and appellate procedures before the Zoning Board of Adjustment; and

WHEREAS, HB 2497 was signed by the Governor on June 10, 2019 and has an effective date of September 1, 2019; and

WHEREAS, it is the intent of the Town Council of the Town of Lakewood Village, Texas (“Town”), to fully comply with the provisions of HB 2439 and HB 2497, while maximizing the public health, safety and general welfare of its citizens; and

WHEREAS, it is the further intent of this Ordinance to amend provisions of the Town’s Zoning Ordinance in order to implement such changes; and

WHEREAS, the Town has given notice of the amendments to the zoning and building regulations contained in this Ordinance in accordance with all provisions of state law and the Town’s ordinances; and

WHEREAS, a public hearing on the provisions of this Ordinance before the Town Council was conducted on August 8, 2019, and August 15, 2019; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

Section 1: Incorporation of Recitals. The foregoing recitals hereby are incorporated by reference and made a part hereof as if fully set forth.

Section 2. Definitions. The following definitions apply to the provisions of this ordinance:

(a) “National model code” means a publication that is developed, promulgated, and periodically updated at a national level by organizations consisting of industry and government fire and building safety officials through a legislative or consensus process and that is intended for consideration by units of government as local law. “National model code” includes the International Residential Code, the National Electrical Code and the International Building Code.

(b) “Residential building” means a building having the character of a one-family or two-family dwelling or a multiple single-family dwelling that is not more than three stories high with separate means of egress, including the accessory structures of the dwelling and that does not have the character of a facility used for the accommodation of transient guests or a structure in which medical, rehabilitative, or assisted living services are provided in connection with the occupancy of the structure.

(c) “Commercial building” means a building for the use or occupation of people for a public purpose or economic gain, or a residence if the building is a multi-family residence that is not defined as a residential building.

(d) “Building Code” means any of the following adopted by the Town, as amended: the International Residential Code, the National Electrical Code; the International Building Code; the International Plumbing Code, the International Fire Code, the International Fuel Gas Code, the International Energy Conservation Code, the International Electrical Code; and the International Mechanical Code.

Section 3. Prohibitions on Enforcement.

(a) Notwithstanding any other provision contained in the Town’s ordinances, regulations or rules to the contrary, an official responsible for enforcement of the Town’s Zoning Ordinance or Building Codes, as designated by Town ordinance or other authorization of the Town, shall not:

(1) prohibit or limit, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

(2) enforce a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

(b) An applicant who proposes to use a building material, product or aesthetic method in the construction or alteration of a residential or commercial building that is prohibited or limited by the Town's adopted Zoning Ordinance or building codes, as amended, or that is less stringent than the standard established by such Ordinance or building codes, as amended, shall identify each provision in a national model code published within the last three code cycles that approves the use of such building material, product or aesthetic method, as a necessary requirement of the application.

(c) An applicant may agree in writing to employ a building material, product or aesthetic method for use in the construction or alteration of a residential or commercial building that otherwise cannot be enforced under subsection (a).

Section 4. Exemptions for ordinances, requirements and programs. The prohibitions in Section 3 do not apply to the following ordinances, requirements or programs of the Town or State, and the officials responsible for enforcement of the Town's Zoning Ordinance and Building Codes, as designated by town ordinance or other authorization of the Town, shall apply all regulations and standards prescribed by such enactments, requirements or programs, whether such ordinances, requirements or programs existing or hereafter adopted or established, to the fullest extent therein provided:

(a) a local amendment of a building code to conform to local concerns if the amendment does not conflict with Sections 3(a) or (b);

(b) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

(c) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Texas Insurance Code;

(d) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that: (1) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or (2) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(e) an ordinance that regulates outdoor lighting and is adopted under Subchapter B, Chapter 229, Texas Local Government Code, or under Subchapter B, Chapter 240, Texas Local Government Code; or

(f) installation of a fire sprinkler protection system under Tex. Occupation Code, section 1301.551(i), or under Tex. Health and Safety Code, section 775.045(a)(1).

Section 5. Exemptions for Buildings. The prohibitions in Section 3 do not apply to the following buildings, and the officials responsible for enforcement of the Town's Zoning Ordinance and Building Codes, as designated by town ordinance or other authorization of the Town, shall apply all regulations and standards prescribed by those ordinances or codes to such buildings, whether such provisions are existing or hereafter adopted or established, to the fullest extent.

(a) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by the Town which were adopted by the Town Council prior to April 1, 2019:

(b) a building located in a zoning district designated by the Town Council after April 1, 2019 for its historical, cultural, or architectural importance and significance by the Town, and for which the owner has voluntarily consented in writing to the application of the regulations or standards prohibited by Section 3, including the following zoning districts and any district that may hereafter be created by the Town Council for its historical, cultural, or architectural importance and significance;

(c) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Texas Local Government Code, if the municipality (1) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or (2) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(d) a building located in an area designated as a historic district on the National Register of Historic Places;

(e) a building designated as a Recorded Texas Historic Landmark;

(f) a building designated as a State Archeological Landmark or State Antiquities Landmark;

(g) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

(h) a building located in a World Heritage Buffer Zone; and

(i) a building located in an area designated for development, restoration, or preservation in a main street Town under the main street program established under Section 442.014, Texas Government Code.

Section 6. Appeal. An applicant, landowner or other aggrieved person may appeal the decision of an official responsible for enforcement of the Town's Zoning Ordinance or Building Codes, as designated by town ordinance or other authorization of the Town, applying a regulation or standard to the construction, renovation, maintenance, or other alteration of a residential or commercial building, which application is asserted to be prohibited by Section 3, in the following manner:

- (a) If the decision applies a requirement of a building code, to the Building Board of Appeals, or if there is no Building Board, to the Zoning Board of Adjustment; or
- (b) if the decision applies a requirement of the zoning ordinance, to the Zoning Board of Adjustment.

The appeal shall identify the provision or provisions which the appellant alleges to have been applied in violation of Section 3. The appeal shall be filed, processed and decided in the manner provided for appeals by the appellate entity herein designated.

Section 7. Amendments to Zoning Board of Adjustment Procedures. Notwithstanding any other provision contained in the Town's ordinances, regulations or rules to the contrary, the following provisions apply to the adoption of or amendment to rules of the Zoning Board of Adjustment and to appellate procedures before the Board.

(a) Rules of the Zoning Board of Adjustment adopted or amended on or after September 1, 2019, must be approved by the Town Council.

(b) Appeals to the Board from the decision of an administrative official made on or after September 1, 2019, shall be governed by the following rules:

(1) an appeal of a decision by an administrative official that is not related to a specific application, address or project may be made by an aggrieved person or any officer, department, board, or bureau of the Town affected by the decision.

(2) an appeal of a decision by an administrative official that is related to a specific application, address or project may be made by: the applicant; the owner or owner's representative of the property that is the subject of the decision; an aggrieved person who is the owner of property within 200 feet of the property that is the subject of the decision; or any officer, department, board, or bureau of the Town affected by the decision.

Section 8. Conflict/Savings Clause. In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or authorization of the Town, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the Town are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect..

Section 9. Effective Date. This Ordinance shall take effect immediately upon its passage [or second reading [or other requirement prescribed by charter or ordinance]]. The applicability of an exemption specified by Sections 4 and 5 of this Ordinance that is hereafter adopted or established by ordinance shall take effect on the effective date of such ordinance.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this the 15th day of August 2019.

Dr. Mark E. Vargus
Mayor

ATTESTED:

Linda Asbell, TRMC, CMC
Town Secretary

**TOWN OF LAKEWOOD VILLAGE
COMPLIANCE WITH HB 3167
ORDINANCE 19-XX**

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS SUSPENDING APPLICATION OF ORDINANCE PROVISIONS CONTAINED IN THE TOWN'S SUBDIVISION ORDINANCE, AS IT NOW EXISTS OR AS IT MAY BE AMENDED, THAT CONFLICT WITH THE PROVISIONS OF HB 3167 PASSED BY THE 86TH LEGISLATURE OF THE STATE OF TEXAS AND SIGNED BY GOVERNOR GREG ABBOTT ON JUNE 14, 2019; DIRECTING TOWN STAFF TO PROCESS ALL PLANS AND PLATS AS DEFINED IN HB 3167 IN ACCORDANCE WITH THE PROVISIONS OF HB 3167; PROVIDING FOR A CONFLICT/SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the 86th Legislature of the State of Texas passed HB 3167 which was signed by Governor Abbott on June 14, 2019, with an effective date of September 1, 2019 (the "Act"); and

WHEREAS, the Act requires extensive revisions to the Subdivision Ordinance and to the way in which the plats and plans, as defined in the Act, are processed by the staff and the Planning & Zoning Commission; and

WHEREAS, the Town Council of the Town of Lakewood Village urges the Texas Legislature to reconsider the provisions of the Act at its earliest opportunity.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

SECTION 1. The recitals set forth above are incorporated as if fully set forth herein.

SECTION 2. The Town Council hereby acknowledges the provisions of the Act and suspends the application of any ordinance or process contained in the Subdivision Ordinance, as it now exists or as it may be amended, that conflict with the provisions and requirements of the Act.

SECTION 3. The Town Council further directs the Town's staff and outside consultants to process, approve, approve with conditions or deny all plats and plans, as defined in the Act, in accordance with the provisions and requirements of the Act.

SECTION 4. Conflict/Savings Clause. In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by charter, another ordinance, resolution or authorization of the Town, the provisions of this ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the Town are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

SECTION 5. Effective Date. This Ordinance shall take effect immediately from and after its date of passage.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this the 15th day of August 2019.

Dr. Mark E. Vargus
Mayor

ATTESTED:

Linda Asbell, TRMC, CMC
Town Secretary



MEMORANDUM

TO: Town Council
CC: Linda Asbell
FROM: Dr. Mark E. Vargus, Mayor
DATE: August 1, 2019
RE: Updated Nuisance Ordinance

Periodically we review ordinances to evaluate whether there is overlapping or duplication of various issues across ordinances. I am proposing changes to three ordinances (two existing and one new one). The changes are as follows:

A. Nuisance Ordinance 16-10

1. Cleaning up the definition of prohibited outdoor storage;
2. Removing the house property maintenance section - Requiring the owner maintain a "*pleasing appearance to their neighbors*"
3. Removing the contractor construction waste burning prohibition. This is already prohibited under Chapter 33 of the International Fire Code which the Town adopted in 2016.

B. Junked Vehicles Ordinance 18-06

Removing the section on parking on an approved surface. This is now SECTION 4 of the Oversized Vehicle parking ordinance.

C. Parking and Storage of Oversized Vehicles Ordinance

This is a new ordinance which prohibits parking of oversized vehicles, trailers, and boats on town streets and right of ways. It also includes parking on an approved surface regulations.

These items are for discussion only. I look forward to your comments;

TOWN OF LAKEWOOD VILLAGE N
ORDINANCE ~~16-1019-XX~~

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS PROVIDING FOR PUBLIC NUISANCES, COMMUNITY APPEARANCE TO PROTECT PROPERTY VALUES, QUALITY OF LIFE AND PUBLIC HEALTH AND SAFETY, ~~AND TO PROVIDE FOR THE CONTROL OF OPEN BURNING~~; PROVIDING FOR DEFINITIONS; PROVIDING FOR OWNER'S DUTY TO MAINTAIN PROPERTY BY KEEPING PROPERTY FREE AND CLEAR OF NUISANCES INCLUDING WEEDS, BRUSH AND UNSIGHTLY MATTER; DUTY TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR NOTICE OF VIOLATION; PROVIDING FOR TOWN ABATEMENT; PROVIDING FOR ADMINISTRATIVE FEES; PROVIDING FOR OFFENSES, PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE REPEALER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town Council of Lakewood Village, Texas in order to provide for the general health and welfare of the citizens of this Town is permitted to enact certain rules and regulations; and

WHEREAS, the Town Council of the Town of Lakewood Village, Texas adopts the Texas Health and Safety Code, Chapter 342, Subchapter A, as amended and supplemented by the terms of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein. Exhibit “A” herein is for all purposes fully incorporated and set forth herein.

Section 2: Repeal

Nuisance/Burning Ordinance 12-08 is hereby repealed in its entirety. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and those that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the Ordinances or sections thereof that have been specifically repealed on the date of the adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance or section thereof and for that purpose the Ordinance or section thereof shall remain in full force and effect.

Section 3: Penalty Clause

1. After any required notice to the owner, the failure or refusal to comply with any demand for compliance within the applicable time period shall be deemed as maintaining a public nuisance and the Mayor, Mayor Pro-Tem, Town Administrator/Town Secretary, or the Town Council designee may issue a citation in municipal court and/or file a lien upon and against such real property to include all costs, Town administrative fees, filing fees, charges and expenses. Any owner, as defined herein, violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed \$2000.00 for each offense. Each day a violation of any provision of this ordinance shall continue, it shall constitute a separate offense.

2. The property owner’s failure to comply with this ordinance may result in the Town securing a lien against the property. In this event, the Town will file with the County Clerk a statement of the expenses incurred in correcting the condition of the property. The Town shall have a privileged lien on the property, second only to tax liens and liens for street improvements, together with ten percent (10%) on the delinquent amount from the date such payment was due.

Section 4: Severability

The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or

application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5: Savings Clause

All rights and remedies of the Town of Lakewood Village are expressly saved as to any and all violations of the provisions of any Ordinances affecting and which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 7: Effective Date

This Ordinance shall be in full force and effect from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the ~~8th~~ 15th day of ~~September~~ August, 2016~~9~~.

Dr. Mark Vargus
Mayor

ATTEST:

Linda Asbell, TRMC, CMC
Town Secretary



**DUTY TO MAINTAIN PROPERTY
NUISANCE ~~AND BURNING~~ REGULATIONS**

Adopted: August 11~~5~~, 201~~9~~6

2.1 DEFINITIONS

~~“Builder/Developer/Contractor” shall mean any person(s), firm, corporation or other entity that has been hired by an owner, as defined herein, to perform any new construction, remodel or repair of said property within the corporate limits of the Town of Lakewood Village. If the owner is also the builder/developer/contractor, as defined herein, then the owner is held to the limitations of a builder/developer/contractor as specified in this ordinance.~~

“Bulk Trash” shall mean any rubbish/brush as defined herein and other large or bulky items approved for collection as “bulk trash” on the designated day as set forth within the contract between the Town of Lakewood Village and the Town’s Solid Waste Collection provider.

“Nuisance” shall mean whatsoever is dangerous to human life or health, whatsoever renders the ground, the water, the air or the food a hazard or injurious to human life or health or that is offensive to the senses or that is detrimental to the public health is hereby declared to be a nuisance.

“Owner” shall mean any person(s) or entities owning, claiming, occupying or having supervision or control of any lot, tract, parcel of land, occupied or unoccupied, improved or unimproved, within the corporate limits of the Town of Lakewood Village.

“Rubbish/brush” shall mean lawn trimmings, tree trimmings, trash, debris, rubble, concrete, cement, stone, excess or useless fragments of construction materials, or other miscellaneous useless waste or rejected matter.

“Town” shall mean The Town of Lakewood Village

“Weeds/Vegetation” shall mean vegetation, including grass, that because of its height is objectionable, unsightly or unsanitary, but excluding shrubs, bushes, trees, cultivated flowers, and cultivated crops.

SECTION 2 DUTY TO MAINTAIN PROPERTY

2.1 It shall be unlawful for any owner to allow a nuisance of weeds/vegetation, as defined in Section 1 herein, to grow to a height greater than 12 inches upon any real property within one hundred fifty (150) feet of any property line which abuts a Town street right-of-way and within 50 feet from any part of a habitable dwelling.

~~2.2 Any builder/developer/contractor is strictly prohibited from burning any materials within the Town of Lakewood Village including, but not limited to, any rubbish/brush, as defined in Section 1 herein. Burning of any materials shall be prohibited on any construction site.~~

~~2.3 Also, it shall be unlawful for any builder/developer/contractor to allow a nuisance of rubbish/brush to accumulate or be present upon any real property within the Town of Lakewood Village, unless such nuisance of rubbish/brush is in a covered container designed for such purposes.~~

2.4 It shall be unlawful for any owner to allow a nuisance of rubbish/brush, as defined in Section 1 herein, to accumulate or be present upon any real property within the Town in excess of ten days.

2.5 It shall be the duty of any owner to maintain their property in a reasonable neat and orderly fashion. Therefore,

2.5.a Outside storage of auto parts, appliances, ~~lawnmowers, bicycles, building materials and motoreycles~~, or any items that fall within the definition of “nuisance” as defined in Section 1 herein, is strictly prohibited.

~~2.5.b Exterior paint, trim, gutters, down spouts, garage doors, windows, masonry and siding shall be maintained in such a manner so as to be consistent with surrounding homes. In general, an owner shall maintain their property in such a manner as necessary to provide a pleasing appearance to their surrounding neighbors.~~

2.5.c If a building permit is current, it is reasonable to temporarily store, in outside view, such building materials as needed to complete the permitted construction.

2.5.d Placement of bulk trash for collection in excess of ten (10) days prior to date of collection as established by Solid Waste Collection contract is strictly prohibited.

~~2.5.e Violation of this section is subject to notice and penalties as described herein.~~

SECTION 3 **RESPONSIBILITY FOR ENFORCEMENT**

Enforcement of this Ordinance shall be the responsibility of the proper State and Denton County authorities; the Mayor, Mayor Pro-Tem and Town Administrator/Town Secretary; and/or any person(s) duly appointed by the Town Council.

SECTION 4 **NOTICE OF VIOLATION**

In the event that any owner fails to comply with the provisions of this ordinance, an authorized person or entity pursuant to Section 3, the Town shall give ten (10) days’ notice in writing to such owner, or by certified mail, return receipt requested addressed to such owner at their last known mailing address, demanding compliance with this ordinance. Additionally, pursuant to the Texas Health and Safety Code, Section 342.006, this is the only notice that will be given for the next

twelve (12) months. If, within the next twelve (12) months, the same violation(s) occurs again, the Town, without notice, may take the appropriate actions to bring the property into compliance and assess its expenses as provided by Section 5 herein.

SECTION 5 ABATEMENT BY TOWN

- 5.1 If an owner fails or refuses to comply with the Town's demand for compliance with of this Ordinance within ten (10) days of the notice provided pursuant to Section 4 herein, the Town may do such work or cause the work to be done to bring the real property into compliance with this ordinance.

- 5.2. The expense incurred in correcting any condition of a property in violation of this ordinance shall be paid by the Town and charged to the owner of such property. A statement of the cost incurred by the Town shall be mailed to the owner. Such statement shall be paid by the owner within 30 days of the date of the mailing thereof. In the event that the statement has not been paid within the 30-day period, the Town has the right to exhaust any and all remedies available under this Ordinance and state law.

SECTION 6 ADMINISTRATIVE FEE

In addition to collecting the costs and expenses incurred for correcting any violation(s) involving abatement by the Town, the Town shall charge the minimum of \$100.00 not to exceed a maximum of \$500.00 per occurrence, which sum is hereby found to be the cost to the Town of administering the terms of this ordinance.

SECTION 7 OFFENSES, PENALTIES, AND LIENS

- 7.1 After any required notice to the owner, the failure or refusal to comply with any demand for compliance within the applicable time period shall be deemed as maintaining a public nuisance and the Mayor, ~~Mayor Pro-Tem, Town Administrator/Town Secretary, or the Town Council designee~~ may issue a citation in municipal court and/or file a lien upon and against such real property to include all costs, Town administrative fees, filing fees, charges and expenses. Any owner, as defined herein, violating any of the provisions of this ordinance,

shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed \$2000.00 for each offense. Each day a violation of any provision of this ordinance shall continue, it shall constitute a separate offense.

7.2 The property owner’s failure to comply with this ordinance may result in the Town securing a lien against the property. In this event, the Town will file with the County Clerk a statement of the expenses incurred in correcting the condition of the property. The Town shall have a privileged lien on the property, second only to tax liens and liens for street improvements, together with ten percent (10%) on the delinquent amount from the date such payment was due.

End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
00-04A	June 05/2000	• Original Adoption
05-011		• Repealed for historical purposes (never officially took effect)
09-12	Sept. 24, 2009	• Clarified burning restrictions, Repealed
12-08	June 14, 2012	• Clarified areas required to be mowed, Repealed
16-10	Sept 8, 2016	• Introduced time frame for bulk trash to be placed for pick-up
19-XX	Aug 15, 2019	• Removed burning, removed property maintenance

ORDINANCE NO. 19-XX

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, DENTON COUNTY, TEXAS, REGULATING THE PARKING AND STORING OF RECREATIONAL VEHICLES, BOATS, BOAT TRAILERS, TRAILERS, PERSONAL WATER CRAFT, AND SIMILAR EQUIPMENT; REGULATING THE PARKING OF VEHICLES; PROVIDING FOR PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE, PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$500 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, parking and or storage of recreational vehicles, watercraft, and or trailers on the town streets is determined by the Town Council to be hazardous to the citizens of the Town of Lakewood Village, and the travelling public at large;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

SECTION 1: Definitions. For the purposes of this ordinance the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Recreational vehicle means

- (a) A vehicle primarily designated as a temporary living quarters for recreational camping or travel use, including a travel trailer, camping trailer, truck camper, and motor home.
- (b) A boat, boat trailer, personal watercraft, and similar equipment

Motor vehicle a self-propelled conveyance designed for use on a public street or highway; a trailer or semitrailer designed for use with a self-propelled vehicle.

Approved paved surface means a surface which is concrete. Approved surfaces do not include sidewalks, porches, or patios. All approved surfaces must be accessible from a driveway which meets the minimum width requirements set out in the zoning ordinance. "Islands" are prohibited. The driveway to any approved surfaces in the side or rear yard cannot encroach in the side set-backs.

SECTION 2: Restrictions on vehicles parked in the right-of-way of any town or county street or highway within the Town of Lakewood Village

- A. It shall be unlawful for the owner, occupant, or person in charge of property zoned for residential district uses to permit the parking, standing or storing of the following vehicles within the right-of-way of any town or county street or highway located within the municipal limits of the Town of Lakewood Village.
- (1) Box-truck, box-van, tow-truck, dump-truck, concrete-mixing truck, road tractor, truck tractor, tractor trailer, semi-tractor, truck equipped with a boom or platform or similar vehicles.
 - (2) Recreational vehicle
 - (3) Motor vehicle, truck, van, bus, or similar vehicle which is more than 23 feet in length, eight feet in width or ten feet in height.
- B. This section does not prohibit the parking of any of the vehicles listed in subsections A(1) and (2) above, for the purposes of expeditiously loading or unloading passengers, freight or merchandise, a recreational vehicle, as defined in Section 1, that is parked or stored in accordance with said section, or the storage of vehicles customary and incidental to the operation of a school or childcare center.

SECTION 3. Parking of Trailers

- A. *Definitions.* For the purposes of this section the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.
- Trailer* shall mean a vehicle without means of motivation and designed to be towed, hauled or pulled by a motor vehicle.
- B. It shall be unlawful for the owner, occupant or person in charge of property zoned for residential use to permit the parking, standing or storing of a trailer on public right(s)-of-way.
- C. This section does not prohibit the temporary parking of a trailer for the purpose of expeditiously loading or unloading freight or merchandise, or a recreational vehicle as defined in Section 1 that is parked or stored in accordance with that section, or the storage of trailers customary and incidental to the operation of a school.

SECTION 4. Parking of Motor Vehicles

A person commits an offense if:

- A. the person stores or parks a motor vehicle or watercraft not on an approved surface;
or

- B. the property owner allows a motor vehicle or watercraft to be parked or stored on the resident property's front, side, or back yard, or vacant lot (excluding Town right-of-ways and easements) not on an approved paved surface.

The first offence each calendar year shall result in a warning, which may be delivered either in writing or orally.

SECTION 5. SAVINGS CLAUSE

Any ordinances in conflict with this ordinance are hereby repealed to the extent that they are in conflict with the terms and conditions of this Ordinance. It is the intent of the Town Council that each paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be deemed severable, and should any paragraph, sentence, subdivision, clause, phrase, or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to effect the validity of those provisions of this ordinance left standing.

SECTION 6. PENALTY CLAUSE

Any person, firm or corporation (collectively referred to as "Person") violating any of the provisions of this ordinance shall be subject to the penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of five hundred (\$500.00) dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7: Effective Date.

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the ~~8th-15th~~ day of ~~September~~August, 20169.

Dr. Mark Vargus
Mayor

ATTEST:

Linda Asbell, TRMC, CMC
Town Secretary

TOWN OF LAKEWOOD VILLAGE

JUNKED VEHICLE & PARKING ORDINANCE ~~18-0619-XX~~

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS ESTABLISHING REGULATIONS RELATING TO JUNKED AND ABANDONED VEHICLES; PROVIDING DEFINITIONS; PROVIDING A PROCEDURE FOR THE REMOVAL OF ABANDONED MOTOR VEHICLES, NOTICE OF SUCH ABANDONMENT, AND THE SALE AT AUCTION OR USE OF SUCH MOTOR VEHICLES; DECLARING JUNKED VEHICLES AS A NUISANCE, PROVIDING FOR THE REMOVAL OF JUNKED VEHICLES, AND PROVIDING FOR A HEARING BY AN OWNER OR LIENHOLDER; ~~PROHIBITING STORING OF A MOTOR VEHICLE, WATERCRAFT OR TRAILER ON ANY SURFACE OTHER THAN AN APPROVED PAVED SURFACE~~; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING SEVERABILITY CLAUSE; PROVIDING A SAVINGS/REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas (the “Town”) is authorized and empowered pursuant to Chapter 683, Tex. Transportation Code, to establish rules and regulations regarding abandoned or junked motor vehicles; and

WHEREAS, the Town is further authorized and empowered under § 51.001, Tex. Loc. Gov. Code, and §122.005, Tex. Health & Safety Code, to do all acts and make all regulations which may be necessary or expedient for the public health; and

WHEREAS, Texas Local Government Code, §431.001, grants municipalities the authority to regulate the parking of motor vehicles on private property; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interests of the health, safety and welfare of the citizens and the owners of real property within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

Section 1: Findings

The findings attached hereto as Exhibit A is hereby adopted as the Junked / Abandoned Vehicles and Parking Ordinance for the Town.

Section 2: Repeal

Junked Vehicles and Parking Ordinance 13-01 is hereby repealed in its entirety.

Section 3: Penalty Clause

A. Violation

A person who violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 4: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 5: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 6: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 7: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas
this ~~the13-the15th~~ day of ~~September~~August, 2019~~8~~

Dr. Mark E. Vargus
MAYOR

ATTESTED:

Linda Asbell, TRMC, CMC
Town Secretary





JUNKED / ABANDONED VEHICLES ~~AND PARKING~~

Adopted: ~~September 13th, 2018~~ August 15, 2019

SECTION 1: DEFINITIONS

When used in this Ordinance, the following words and phrases shall mean as follows:

Abandoned motor vehicle means a motor vehicle that:

- A. is in operable and more than five (5) years old and has been left unattended on public property for more than 48 hours;
- B. has remained illegally on public property for more than 48 hours;
- C. has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours; or
- D. has been left unattended on the right-of-way of a designated county, state, or federal highway within the Town for more than 48 hours.
- E.

Antique auto means a passenger car or truck that is at least 35 years old.

Approved paved surface means a surface which is concrete. Approved surfaces do not include sidewalks, porches, or patios. All approved surfaces must be accessible from a driveway which meets the minimum width requirements set out in the zoning ordinance. "Islands" are prohibited. The driveway to any approved surfaces in the side or rear yard cannot encroach in the side set-backs.

Garage keeper means an owner or operator of a storage facility.

Junked vehicle means a vehicle that is self-propelled and is:

- A. wrecked, dismantled or partially dismantled, or discarded; or
- B. inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days, if the vehicle is on private property.
 - (iii)

Motor vehicle shall be as defined under Chapter 501, Texas Transportation Code.

Motor vehicle collector means a person who:

- A. owns one or more antique or special interest vehicles; and
- B. acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Motor vehicle demolisher means a person in the business of:

- A. converting motor vehicles into processed scrap or scrap metal; or
- B. wrecking or dismantling motor vehicles.

Park or stand means to halt an occupied or unoccupied vehicle other than temporarily while loading or unloading merchandise or passengers.

Police department means the police department of the Town of Lakewood Village, Texas, or any law enforcement agency, including Denton County Sheriff's office, or the Town acting by and through its Mayor, utilized by the Town to enforce law within the Town.

Special interest vehicle means a motor vehicle of any age that has not been charged from original

manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Storage facility includes a garage, parking lot, or establishment for the servicing, repairing, or parking of motor vehicles.

Trailer means a vehicle that (i) is designated or used to carry a load wholly on its own structure, and (ii) is drawn or designed to be drawn by a motor vehicle.

Watercraft means a vessel subject to registration under Chapter 31, Texas Parks and Wildlife Code.

SECTION 2: ABANDONED MOTOR VEHICLES

- A. *Taking into custody.* The police department may take into custody an abandoned motor vehicle, watercraft, or outboard motor found on public or private property. The police department may use its own personnel equipment, and facilities or, when specifically authorized by the Town council, hire persons, equipment, and facilities to remove, preserve and store an abandoned motor vehicle, watercraft or outboard motor it takes into custody.
- B. *Notice.* The police department shall send notice of abandonment of a vehicle, watercraft, or outboard motor taken into custody to:
1. the last known registered owner of each motor vehicle, watercraft, or outboard motor (i) taken into custody, or (ii) for which a garage keeper's report is received pursuant to Section 683.031, Texas Transportation Code; and
 2. each lienholder recorded under Chapter 501, Texas Transportation Code for the motor vehicle or under Chapter 31, Texas Parks and Wildlife Code, for the watercraft or outboard motor.
- C. *Contents of notice. The notice under Section 2 B. must:*
1. be sent by certified mail not later than the 10th day after the date the police department:
 - i. Takes the abandoned motor vehicle, watercraft, or outboard motor into custody; or
 - ii. receives the garage keeper's report under Section 683.031;
 2. specify the year, make, model, and identification number of the abandoned motor vehicle, watercraft, or outboard motor;
 3. give the location of the facility where the abandoned motor vehicle, watercraft, or outboard motor is being held;
 4. inform the owner and lienholder of the right to claim the abandoned motor vehicle, watercraft, or outboard motor of the right to claim the item not later than the 20th day after the notice on payment of:
 - i. towing, preservation, and storage charges; or
 - ii. garage keeper's charges and fees under Section 683.032, Texas Transportation Code; and
 5. state that failure of the owner or lienholder to claim the abandoned motor vehicle, watercraft, or outboard motor during the period specified by Section 2, Subsection C, paragraph 4 is:
 - i. a waiver by that person of all right, title, and interest in the item; and
 - ii. consent to the sale of the item at a public auction.

- D. *Notice by publication.* Notice by publication in one newspaper of general circulation in the Town is sufficient notice under this Section 2 if:
1. the identity of the last registered owner cannot be determined;
 2. the registration has no address for the owner; or
 3. the determination with reasonable certainty of the identity and address of all lienholders is impossible.

Notice by publication:

1. must be published in the same period that is required by Section 2, Subsection C, paragraph 4 for notice by certified mail and contain all of the information required by that subsection, and
 2. may contain a list of more than one abandoned motor vehicle, watercraft, or outboard motor.
- E. *Storage fees.* The police department or the agent of the police department that takes into custody an abandoned motor vehicle, watercraft, or outboard motor is entitled to reasonable storage fees:
1. for not more than 10 days, beginning on the day the item is taken into custody and ending on the day the required notice is mailed; and
 2. beginning on the day the police department mails notice and ending on the day accrued charges are paid and the vehicle, watercraft, or outboard motor is removed.
- F. *Auction or use of abandoned item; waiver of rights.*
1. If abandoned motor vehicle, watercraft, or outboard motor is not claimed before the 21st day after the date of notice provided in Section 2, Subsections B and C:
 - i. the owner or lienholder:
 - A. waives all rights and interests in the item; and
 - B. consents to the sale of the item by public auction; and
 - ii. the police department may sell the item at a public auction or used the item as provided by paragraph (h) of this Section 2.
 2. Proper notice of the auction shall be given. A garage keeper who has a garage keeper's lien shall be notified of the time and place of the auction.
 3. The purchase of an abandoned motor vehicle, watercraft, or outboard motor:
 - i. takes title free and clear of all liens and claims of ownership;
 - ii. shall receive a sales receipt from the police department; and
 - iii. is entitled to register the motor vehicle, watercraft, or outboard motor and receive a certificate of title.

G. *Auction proceeds.*

1. The police department is entitled to reimbursement from the proceeds of sale of an abandoned motor vehicle, watercraft, or outboard motor for:
 - i. the cost of the auction;
 - ii. towing, preservation, and storage fees, resulting from the taking into custody; and
 - iii. the cost notice or publication as required by subsection (B), (C) and (D) of this Section 2.
2. After deducting the reimbursement allowed under paragraph (1) of this subsection (G) of Section 2, the proceeds of sale shall be held for 90 days for the owner or lienholder of

the item.

3. After the 90-day period provided in paragraph (2) of this subsection (G), proceeds unclaimed by the owner or lienholder shall be deposited in an account that may be used for the payment of auction, towing, preservation, storage, and notice and publication fees resulting from taking abandoned motor vehicles, watercraft, or outboard motors into custody if the proceeds from the sale of other items are insufficient to meet those fees.
 4. The Town may transfer funds in excess of \$1,000 from the account described in paragraph (3) of this subsection (G) to the Town's general revenue account to be used by the police department.
- H. *Police department use of certain abandoned motor vehicles.*
1. The police department may use an abandoned motor vehicle, watercraft, or outboard motor for department purposes if the item is not claimed as provided for in this Section 2.
 2. If the police department discontinues the use of such abandoned motor vehicle, watercraft, or outboard motor, the department shall auction the item.
 3. This subsection (h) does not apply to a vehicle on which there is a garage keeper's lien.
- I. *Disposal of vehicle abandoned in storage n facility.*
1. The police department shall take into custody and abandoned vehicle, watercraft, or outboard motor left in a storage facility that has not been claimed in the period provided by the notice required under subsection (b) of this Section 2.
 2. The police department may use such a vehicle as authorized by subsection (h) or sell the vehicle at auction as provided by subsection (f). If the vehicle is sold, the proceeds of the sale shall first be applied to a garage keeper's charges for service, storage, and repair of the vehicle.
 3. As compensation for expenses incurred in taking the vehicle into custody and selling it, the police department shall retain:
 - i. itwo percent (2%) of the gross proceeds of the sale of the vehicle; or
 - ii. all proceeds if the gross proceeds of the sale are less than \$10.
 4. Surplus proceeds from the sale shall be distributed as provided by subsection (g).
- J. *Demolition of abandoned motor vehicles.* The procedures for handling the demolition of an abandoned motor vehicle shall be in accordance with Subchapter D of Chapter 683, Texas Transportation Code.

SECTION 3. JUNKED VEHICLES

- A. *Applicability* "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This ordinance applies only to:
1. a motor vehicle that does not have lawfully attached to it:
 - i. an unexpired license plate; and
 - ii. a valid motor vehicle inspection certificate;
 2. an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or
 3. a watercraft that:
 - i. does not have lawfully on board an unexpired certificate of number; and
 - ii. is not a watercraft described by Section 31.055, Parks and Wildlife Code.

B. *Public nuisance.*

1. A junked vehicle, including a part of a junked vehicle, that is visible from a public place or public right-of-way:
 - i. is detrimental to the safety and welfare of the public;
 - ii. tends to reduce the value of private property;
 - iii. invites vandalism;
 - iv. creates a fire hazard;
 - v. is an attractive nuisance creating a hazard to the health and safety of minors;
 - vi. produces urban blight adverse to the maintenance and continuing development of the Town; and
 - vii. is a public nuisance.
2. This Section shall not apply to a vehicle or vehicle part:
 - i. that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
 - ii. that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector on the collector's property, if the vehicle or vehicle part and the outdoor storage area, if any, are:
 1. maintained in an orderly manner;
 2. not a health hazard; and
 3. screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

C. *Offense*

1. A person commits an offense if the person maintains a public nuisance described by subsection (1) of this Section 3.
2. An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.
3. The court shall order abatement and removal of the nuisance on conviction.

D. *Abatement and removal of nuisance; administration.* Abatement and removal of a junked vehicle or vehicle part shall be administered by regular salaried, full time employees of the Town; provided, however, that any person authorized by the Town may remove the public nuisance. A junked vehicle or part thereof constituting a public nuisance may be abated and removed by the Town in accordance with the following:

1. *Notice of removal.*
 - i. At least 10 days prior to the abatement and removal of the junked vehicle or part of a junked vehicle, the Town shall provide notice of the public nuisance. The notice must be sent certified mail with a five (5) day return requested to:
 1. the last known registered owner of the public nuisance;
 2. each lienholder of record of the public nuisance; and
 3. the owner or occupant of:
 - a. the property on which the public nuisance is located; or
 - b. if the public nuisance is located on a right-of-way, the property adjacent to the right-of-way.
 - ii. If the post office address of the last known registered owner of the public nuisance is unknown, notice may be placed on the public nuisance or, if the owner is located, hand delivered.

- iii. If the notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.
 - iv. The notice must state that:
 1. the public nuisance must be abated and removed not later than the 10th day after the date on which the notice was mailed; and
 2. any request for a hearing must be made before that 10 day period expires.
2. *Hearing.*
- i. If a hearing is requested by a person for whom notice is required, the hearing shall be held before Town Council not earlier than the 11th day after the date of the service of the notice.
 - ii. At the hearing, the junked vehicle is presumed, unless demonstrated otherwise by the owner or other person to whom notice of hearing was provided, to be in operable.
 - iii. If, after such public hearing, the Town Council determines that the vehicle or part thereof is a public nuisance as defined herein, the Town Council shall enter an order requiring the removal of the junked vehicle or part thereof and in such order shall include, if the information is available at the location of the public nuisance, the junked vehicle's:
 1. description;
 2. vehicle identification number; and
 3. license plate number.
3. *Removal; authority of administrator; disposal.*
- i. In the event that the notice provided pursuant to Section 3(a) (3) (I) or an order issued by the Town Council pursuant to Section 3(a)(3)(ii) above is not complied with, the Town may remove or cause the removal of the junked vehicle or part thereof. A person authorized to administer the terms of this Section 3 may enter private property in accordance with law to examine a public nuisance, or to remove or direct the removal of the nuisance.
 - ii. A junked vehicle that has been removed from either public or private property shall not be reconstructed or made operable. The Town may finally dispose of a junked vehicle or part thereof or may transfer the junked vehicle or part to another disposal site if the disposal is scrap or salvage only.

SECTION 4. ~~PARKING ON APPROVED PAVED SURFACE~~

~~A person commits an offense if:~~

- ~~A. the person stores or parks a motor vehicle or watercraft not on an approved surface; or~~
- ~~B. the property owner allows a motor vehicle or watercraft to be parked or stored on the resident property's front, side, or back yard, or vacant lot (excluding Town right-of-ways and easements) not on an approved paved surface.~~

~~The first offence each calendar year shall result in a warning, which may be delivered either in writing or orally.~~

End of Exhibit A

Adoption and Summary of Amendments

Ordinance Number	Date	Summary
18-06	September 13, 2018	<ul style="list-style-type: none">• Revised definition of Approved Paved Service
19-XX	August 15, 2019	<ul style="list-style-type: none">• Parking Regulations moved to Parking Ordinance

MDD
Profit & Loss Budget Overview
October 2019 through September 2020

	<u>Oct '19 - Sep 20</u>
Ordinary Income/Expense	
Income	
4000 · Interest Received	150.00
4005 · Sales Tax	17,000.00
	<hr/>
Total Income	17,150.00
Expense	
5100 · Projects	20,000.00
	<hr/>
Total Expense	20,000.00
	<hr/>
Net Ordinary Income	-2,850.00
	<hr/>
Net Income	-2,850.00
	<hr/> <hr/>

Rocky Point Water System
Profit & Loss Budget Overview
October 2019 through September 2020

	<u>Oct '19 - Sep 20</u>
Ordinary Income/Expense	
Income	
4000 · Interest Received	100.00
4010 · Water Revenue	18,000.00
4013 · Late Fees	400.00
4100 · Camp Cherokee Water System	3,600.00
	<hr/>
Total Income	22,100.00
Expense	
5000 · Administrative Expenses	
5008 · Fee for Svcs (Admin)	4,400.00
	<hr/>
Total 5000 · Administrative Expenses	4,400.00
5010 · Professional Svcs & Contracts	
5011 · Water Operator	2,400.00
	<hr/>
Total 5010 · Professional Svcs & Contracts	2,400.00
	<hr/>
Total Expense	6,800.00
	<hr/>
Net Ordinary Income	15,300.00
	<hr/>
Net Income	15,300.00
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TOWN OF LAKEWOOD VILLAGE

ORDINANCE NO. 19-XX

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS FIXING AND LEVYING TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 AT A RATE OF \$.415 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE TOWN AS OF JANUARY 1, 2019; DIRECTING THE ASSESSMENT THEREOF TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT OPERATIONS AND MAINTENANCE EXPENSES; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; ADOPTING AN EXEMPTION FROM THE TAX HEREIN LEVIED FOR PERSONS 65 YEARS OF AGE OR OLDER IN THE AMOUNT OF \$25,000.00 OF THE APPRAISED VALUE OF THEIR RESIDENCE HOMESTEAD; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE AND SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas (the “Town”) hereby finds that the tax for the fiscal year beginning on October 1, 2019 and ending September 30, 2020 hereinafter levied for current expenses of the Town and the general improvements of the Town and its property, must be levied to provide the revenue requirements of the budget for the ensuing year; and

WHEREAS, the Town Council has approved, by a separate ordinance, adopted on the 11th of July, 2019 the budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020; and

WHEREAS, all statutory and constitutional requirements concerning the levying and assessments of ad valorem taxes have been approved and completed in due and correct time.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

Section 1. That there be and is hereby levied and ordered to be assessed and collected for the fiscal year beginning October 1, 2019 and ending September 30, 2020, on all taxable property, real, personal, and mixed, situated within the corporate limits of the Town of Lakewood Village, Texas, and not exempted by the Constitution of the State, valid State laws or this ordinance, a total tax of \$0.30 on each One Hundred Dollars (\$100.00) assessed value of taxable property, which shall be apportioned and distributed as follows : For the purpose of the payment of defraying the maintenance and operation expenses of the Town, a tax of \$0.25 on each One Hundred Dollars (\$100.00) assessed value of all taxable property, and for the purpose of the payment of defraying debt servicing expenses of the Town, a tax of \$0.115 on each One Hundred Dollars (\$100.00) assessed value of all taxable property.

Section 2. That all ad valorem taxes shall become due and payable on October 1, 2019, and all ad valorem taxes shall be delinquent after January 31, 2020. There shall be no discount for payment of taxes on or prior to January 31, 2020. A delinquent tax shall incur all penalty and interest authorized by law.

Section 3. Taxes shall be payable in Denton County, Texas at the office of the Denton County Tax Collector. The Town shall have available all rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

Section 4. All delinquent taxes shall bear interest as provided by Law, in addition to penalties.

Section 5. There is hereby adopted and established an exemption from the tax levied by this ordinance for persons who are 65 years of age or older in the amount of \$25,000.00 of the appraised value of their residence homestead.

Section 6. That any and all ordinances, resolutions, rules, regulations, policies or provisions in conflict with the provisions of this ordinance are hereby repealed and rescinded to the extent of the conflict herewith.

Section 7. If any section, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof by any person or circumstances, is held invalid by any Court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions and shall remain in full force and effect.

Section 8. The fact that it is necessary that this ordinance be enacted in order to authorize the collection of ad valorem taxes for the fiscal year beginning October 1, 2019, and ending September 30, 2020, this ordinance shall take effect from and after its passage as the law in such cases provides.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this 8th day of August 2019.

Dr. Mark E. Vargus
Mayor

ATTESTED:

Linda Asbell, TRMC, CMC
Town Secretary

TOWN OF LAKEWOOD VILLAGE

ORDINANCE NO. 19-07

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019 AND TERMINATING ON SEPTEMBER 30, 2020, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT PROJECT AND ACCOUNT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas (the “Town”) has caused to be filed with the Town Secretary a budget to cover all proposed expenditures of the government of the Town for the fiscal year beginning October 1, 2019 and terminating September 30, 2020, and

WHEREAS, the said budget shows as definitely as possible each of the various projects for which appropriations are set in the budget, and the estimated amount of money carried in the budget for each of such projects, and

WHEREAS, said budget has been filed with the Town Secretary and available for inspection by any taxpayer, and

WHEREAS, public notice of a public hearing on the proposed annual budget, stating the date, time, place, and subject matter of said hearing, was given as required by laws of the State of Texas, and

WHEREAS, such public hearing was held on July 11, 2019 prior to the approval and ratification by the Town Council, and all those wishing to speak on the budget were heard, and

WHEREAS, the Town Council has studied said budget and listened to the comments of the taxpayers at the public hearing held therefore and has determined that the budget attached hereto is in the best interest of the Town of Lakewood Village.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

1. That the budget attached hereto as Exhibit “A” and incorporated herein for all purposes is adopted for the fiscal year beginning October 1, 2019 and ending September 30, 2020; and such purposes, respectively such sums of money for such projects, operations, activities, purchases and other expenditures as proposed in the attached budget.
2. That no expenditures of the funds of the Town shall hereafter be made except in compliance with such budget, except in case of grave necessity, emergency expenditures to meet unusual or unforeseen conditions, which could not, by reasonable, diligent thought and attention, have included in the original budget, may from time to time be

authorized by the Town Council as amendments to the original budget.

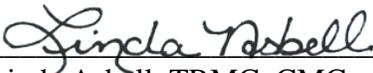
3. That the Mayor shall file or cause to be filed a true and correct copy of said budget, along with this ordinance with the Town Secretary.
4. The necessity of adopting and approving a proposed budget for the next fiscal year as required by the laws of the State of Texas, require that this ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this 11th day of July 2019.



Dr. Mark E. Vargus
Mayor

ATTESTED:



Linda Asbell, TRMC, CMC
Town Secretary





**LAKWOOD
VILLAGE**
TOWN OF LAKEWOOD VILLAGE, TEXAS
FISCAL YEAR 2019-2020
ANNUAL BUDGET

This budget will raise more total property taxes than last year's budget by \$18,378 or 7.2%, and of that amount \$4,213 is tax revenue to be raised from new property added to the tax roll this year.

Debt obligations were reduced by \$158,000 in the prior year and now total \$866,000. Scheduled Interest and Principle payments on debt in 2020 will be \$178,612. Of this amount, Debt Servicing revenue will pay \$178,612 and maintenance and operation funds of \$0.00 will be used to pay the remainder. The amount of maintenance and operation funds used in debt payments is 0.00% of the maintenance and operations total revenue.

RECORD OF VOTE ON PROPOSAL TO CONSIDER ADOPTION OF BUDGET

POSITION	NAME	FOR	AGAINST	PRESENT and not voting	ABSENT
Mayor	Dr. Mark E. Vargus				
Mayor Pro-Tem	Darrell West				
Council Member #1	Eric Farage				
Council Member #3	Matt Bissonnette				
Council Member #4	Serena Lepley				
Council Member #5	Clint Bushong				

PROPERTY TAX RATE COMPARISON (Rates expressed per \$100 of value)

TAX RATE	TAX YEAR 2019	TAX YEAR 2020
Property Tax Rate	\$0.300000/\$100	\$0.415000/\$100
Effective Tax Rate	\$0.288338/\$100	\$0.401700/\$100
Effective Maintenance and Operations Tax Rate	\$0.240282/\$100	\$0.236700/\$100
Interest & Sinking Fund Rate (Actual)	\$0.175119/\$100	\$0.165000/\$100
Interest & Sinking Fund Rate (Adopted)	\$0.050000/\$100	\$0.165000/\$100
Rollback Tax Rate	\$0.434623/\$100	\$0.420700/\$100

PROPERTY TAX RATE COMPARISON (Rates expressed per \$100 of value)

DEBT ISSUE	PRINCIPAL	INTEREST	TOTAL
2014 Certificates of Obligation	0.1505	0.0145	0.165

Exhibit A

2019-2020 Budget						
<i>General Fund</i>						
		2020	2019	2019 YTD	2018	2018
REVENUES		Budget	Budget	01-Jul-19	Budget	Actual
Property Taxes		\$271,000	\$255,000	\$250,317	\$240,000	\$238,784
Franchise Fees		\$34,000	\$30,000	\$34,748	\$30,000	\$28,476
Sales Taxes		\$30,000	\$30,000	\$24,458	\$34,000	\$28,945
Fines & Forfeitures		\$3,000	\$3,000	\$1,010	\$3,000	\$10,567
Licenses & Permits		\$40,100	\$51,600	\$38,592	\$41,400	\$42,435
Fees & Service Charges		\$2,400	\$2,400	\$1,200	\$3,000	\$4,120
Interest		\$6,000	\$5,000	\$4,878	\$700	\$2,253
Miscellaneous		\$3,000	\$3,000	\$2,256	\$4,000	\$15,759
TOTAL		\$389,500	\$380,000	\$357,459	\$356,100	\$371,339
EXPENDITURES		2020	2019	2019	2018	2018
		Budget	Budget	YTD	Budget	Actual
General Government		\$158,200	\$175,900	\$120,093	\$202,250	\$166,445
Public Safety		\$30,000	\$31,500	\$23,625	\$27,100	\$27,100
Public Works		\$26,000	\$30,500	\$16,640	\$27,500	\$30,688
Capital Outlay		\$74,000	\$41,000	\$30,175	\$11,000	\$7,861
TOTAL		\$288,200	\$278,900	\$190,533	\$267,850	\$232,094
OPERATING SURPLUS		\$101,300	\$101,100	\$166,926	\$88,250	\$139,245
TRANSFERS						
In: Admin Fee		\$49,400	\$40,200	\$39,150	\$42,200	\$40,200
Out: Debt Servicing		\$0	(\$125,806)	(\$126,500)	(\$127,900)	(\$126,900)
TOTAL TRANSFERS		\$49,400	(\$85,606)	(\$87,350)	(\$85,700)	(\$86,700)
NET CHANGE		\$150,700	\$15,494	\$79,576	\$2,550	\$52,545
DEBT SERVICING FUND						
I&S Property Taxes		\$178,200	\$51,000	\$49,425	\$48,000	\$49,004
General Fund Transfer		\$0	\$125,806	\$126,500	\$127,900	\$126,900
Debt Service (Principle)		(\$163,000)	(\$158,000)	(\$158,000)	(\$154,000)	(\$154,000)
Debt Service (Interest)		(\$15,612)	(\$18,806)	(\$18,805)	(\$21,900)	(\$21,910)
TOTAL		(\$412)	\$0	(\$880)	\$0	(\$6)

2019-2020 Budget

Utility Fund

REVENUES	2020 Budget	2019 Budget	2019 YTD	2018 Budget	2018 Actual
Water	\$165,000	\$150,000	\$106,242	\$160,000	\$155,684
Sewer	\$108,000	\$106,000	\$86,243	\$106,000	\$107,790
Sanitation	\$50,000	\$50,000	\$37,684	\$50,000	\$47,213
Fees and Services	\$16,960	\$17,510	\$25,343	\$16,460	\$17,248
Other Income	\$1,000	\$20,000	\$23,072	\$2,000	\$17,759
Interest Revenue	\$2,000	\$1,000	\$1,627	\$540	\$801
TOTAL	\$342,960	\$344,510	\$280,211	\$335,000	\$346,495
EXPENDITURES	2020 Budget	2019 Budget	2019 YTD	2018 Budget	2018 Actual
Contract Services	\$40,800	\$40,800	\$30,600	\$52,200	\$45,300
Administrative	\$98,138	\$85,550	\$49,597	\$87,400	\$84,116
Repairs and Maintenance	\$35,200	\$34,300	\$26,264	\$28,900	\$49,807
Miscellaneous	\$2,000	\$2,000	\$413	\$1,000	\$5,968
Garbage Collections	\$48,000	\$46,000	\$27,853	\$43,000	\$41,240
Capital Improvements	\$45,000	\$75,000	\$64,835	\$65,000	\$66,952
TOTAL	\$269,138	\$283,650	\$199,562	\$277,500	\$293,383
OPERATING SURPLUS	\$73,822	\$60,860	\$80,649	\$57,500	\$53,112
TRANSFERS					
Out: Admin Fee	(\$45,000)	(\$36,000)	(\$36,000)	(\$36,000)	(\$36,000)
TOTAL TRANSFERS	(\$45,000)	(\$36,000)	(\$36,000)	(\$36,000)	(\$36,000)
NET CHANGE	\$28,822	\$24,860	\$44,649	\$21,500	\$17,112