

**GLADEWATER
ORDINANCE O-24-09**

AN ORDINANCE REPEALING §15.11.400 REQUIRED MOBILE HOME STANDARDS; AMENDING §5.05 WATER AND SEWERS; §5.09 WATER CONSERVATION; §15.07 FLOOD DAMAGE PREVENTION; AND §15.11 ZONING CODE, OF THE CODE OF ORDINANCES OF THE CITY OF GLADEWATER, TEXAS; PROVIDING FOR SEVERABILITY, A REPEALER CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gladewater, Texas desires to amend and repeal portions of the Code of Ordinance as follows:

NOW THEREFORE, be it ordained by the Council of the Gladewater, in the State of Texas, as follows:

SECTION 1: **REPEAL** “15.11.400 Required Mobile Home Standards” of the Gladewater Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.11.400 Required Mobile Home Standards (Repealed)~~

~~A. *Minimum foundation.*~~

- ~~1. Concrete blocks or pads of at least 16 inches by 16 inches by four inches, to be buried a minimum of 12 inches in the ground.~~
- ~~2. The pads must be a maximum distance of five feet apart down each side of the mobile home.~~
- ~~3. All blocks under the mobile home must be of concrete no smaller than eight inches.~~

~~B. *Anchoring requirements.*~~

- ~~1. All mobile homes must be anchored to the ground with approved anchors and installed by acceptable and recommended methods as approved by the Building Inspector.~~
- ~~2. All mobile homes must be underpinned with acceptable skirting material as approved by the Building Inspector.~~
- ~~3. Any wood framing for the underpinning or skirts must be at least 12 inches from the ground.~~

~~C. *Air conditioning.* Air conditioning must be installed by a bonded air conditioning or appliance dealer, and an air conditioning permit be obtained before any work has begun. The air conditioning installer shall install low voltage wires only. All necessary house current and wiring is to be installed by a licensed electrician according to the National Electric Code.~~

~~D. *Drainage.* Condensate drain shall be trapped and tied to house sewer lines unless the Building Inspector is convinced that water will not cause a nuisance.~~

E. *Plumbing and gas.*

1. Plumbing and gas is to be installed by a licensed plumber or home owner according to city and Southern Standard Plumbing Codes.
2. All gas piping in the mobile home must be pressure tested and inspected by the City Inspector.
3. All gas fired appliance vents must be exposed for visual inspection by the City Inspector.

F. *Utilities.*

1. All mobile homes must be tied on to their own water and sewer taps, and gas and electric meters.
2. No utilities are to be turned on, nor is the mobile home to be lived in until all these regulations are fully complied with.

G. *Compliance with single-family dwelling.* Each mobile home shall comply with the zoning requirements as to minimum lot area for a single-family dwelling except those placed in a mobile home park.

~~(Ord. 1104, passed 10-13-77; Am. Ord. 80-14, passed 11-13-80) Penalty, see GMC 15.11.700~~

SECTION 2: AMENDMENT “15.11.380 Definition” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11.380 Definition

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

SHIPPING CONTAINER is defined as an industrial container with a design strength suitable to withstand continuous shipment, storage, and handling for the movement of goods and products, in repetition, from one place to the next by ship, rail, or truck.

~~**MODULAR HOME** is defined as any residential unit, portions of which have been pre-constructed or assembled off-site and delivered to the site to be assembled into a package which upon completion resembles conventional construction.~~ a structure designed for the occupancy of one or more families that is constructed in modules or modular components built at a location other than the permanent site where the structure will be inhabited. It is designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. The home is regulated by the Texas Department of Licensing and Regulations. That agency provides a modular home with the decal signifying that the home has been built to the model code standards required.

(Ord. 1104, passed 10-13-77; Am. Ord. 86-11, passed 11-13-86) Penalty, see GMC 15.11.700

SECTION 3: AMENDMENT “15.07.050 Definitions” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.07.050 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

ALLUVIAL FAN FLOODING - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPURTENANT STRUCTURE - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF FUTURE CONDITIONS FLOOD HAZARD - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

AREA OF SHALLOW FLOODING - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

BASEMENT - means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD or FLOODING - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters.

B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD ELEVATION STUDY - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - see “Flood Elevation Study.”

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOODPLAIN MANAGEMENT - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY - see Regulatory Floodway

FUNCTIONALLY DEPENDENT USE - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or;
 2. Directly by the Secretary of the Interior in states without approved programs.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - ~~means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a recreational vehicle.~~ is defined as a structure constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet.

MANUFACTURED HOME PARK OR SUBDIVISION - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION - means, for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE - means a vehicle which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RIVERINE - means relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

SPECIAL FLOOD HAZARD AREA - see Area of Special Flood Hazard.

START OF CONSTRUCTION - for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building,

whether or not that alteration affects the external dimensions of the building.

STRUCTURE - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. O-14-12, passed 8-21-14)

SECTION 4: AMENDMENT “SC 15.11 MOBILE HOMES” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

SC 15.11 ~~MOBILE~~MODULAR/CONTAINER HOMES

SECTION 5: AMENDMENT “15.11.390 Use, Height, And Area Regulations For Mobile Homes” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11.390 ~~Use, Height, And Area Regulations For Mobile~~ Restriction On Placement Of Modular/Container Homes

- A. ~~Area regulations.~~ Before a modular/container home is placed in the city, it must have a value equal to or greater than the median taxable value for each dwelling within 500 feet of the property line of the proposed installation site.
1. ~~Front yard.~~ There shall be a front yard along each street line of the lot, and the minimum depth of a front yard shall be 25 feet. If a building line has been established by ordinance or by two or more buildings for a distance of a block on the same side of a street, this line shall establish the minimum depth of the front yard.
 2. ~~Side yards.~~ There shall be a side yard on each side of the lot having a width of not less than 12 feet or 10% of the average width of the lot, whichever is smaller except that the side yard shall not be less than ten feet.
 3. ~~Rear yard.~~ There shall be a rear yard having a depth of a minimum of 15 feet.
 4. ~~Area of the lot.~~ The minimum area of the lot shall be 5,000 feet.
 5. ~~Width of the lot.~~ The minimum width of the lot shall be 50 feet.
 6. ~~Area of dwellings.~~ The minimum first floor area of a dwelling shall be 720 square feet.
 7. ~~Exemptions.~~ The regulations of this Part apply to single lots for mobile homes and do not apply to lots which may be the same or larger in other districts.
- B. ~~Parking regulations.~~ Parking space shall be provided on the lot to accommodate one motor car. Such space shall not be located on any part of the required front yard.
- C. The modular/container home must comply with all municipal standards for general residential construction, front, side, and rear building setbacks, deed restrictions, square footage requirements and all other requirements set forth in the city's building codes.
- D. The modular/container home must be securely attached to a concrete foundation or a full chain wall system and the home frame must be securely attached to the concrete. No tie down straps or blocks can be used to secure the home.
- E. The owner of the proposed modular home must furnish the building inspector a complete set of design plans and specifications bearing the stamp of the Texas Industrialized Building Council for each installation.
- F. The owner of the proposed container home must furnish the building inspector a

complete set of engineered plans.

G. The municipality will require and review for compliance with the mandatory building codes, a complete set of plans, specifications, and calculations marked with the stamp of the required design professional.

H. The municipality will require that all modules of the modular homes have an approved decal or insignia attached to certify compliance with the Texas IHB Law.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80) Penalty, see GMC 15.11.700

SECTION 6: AMENDMENT “15.11.120 Single-Family Districts (SF-1 Through SF-7)” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11.120 Single-Family Districts (SF-1 Through SF-7)

- A. In the Single-Family Districts (SF-1 through SF-7), no land shall be used and no building shall be erected for or converted to any use other than:
1. One-family dwellings
 2. Schools
 3. Churches
 4. Fire Stations
 5. Water reservoirs and towers; water and sewage pump stations
 6. Museums, libraries, parks, playgrounds, or neighborhood recreation centers owned and operated by the city.
 7. Golf courses, except miniature courses, driving tees and the like, operated for commercial purposes.
 8. Farm, truck garden, orchard or nursery for the growing of plants, shrubs and trees, provided that no retail or wholesale business sales office is maintained on the premises.
 9. Accessory buildings, including one private garage and servants quarters, when located not less than 60 feet from the front lot line nor less than 20% of the lot width from any other street line; provided, however, that servants quarters may be erected above private garages, and a private garage may be constructed as part of the main building or attached to it by a covered passage.
 10. Uses customarily incidental to any of the above uses when situated in the same building.
 11. Name plates not exceeding one square foot in area, containing the name and occupation of the occupant of the premises; and signs not exceeding eight square feet in area appertaining to the sale or rental of property on which they are located; provided however, that no name plate, nor advertising sign of any other character shall be permitted in any Single-Family District except bulletin boards and signs for churches and schools, not exceeding 18 square feet in area when attached to a building or erected in front yards behind the building

line.

12. The renting of rooms or lodgings, or the serving of meals for compensation to not more than four persons, where all utilities are under the control of the permitted family unit.

B. *Height regulations.* In the Single Family Districts, the height shall be limited to 2½ stories for a dwelling and 35 feet for any other building.

C. *Area regulations.* In the Single Family Districts, the area regulations shall be as follows:

1. *Front yard.*

- a. There shall be a front yard along each street line of the lot, and the minimum depth of a front yard shall be as stated below.

SF-1 = 40 ft.

SF-2 = 35 ft.

SF-3 = 35 ft.

SF-4 = 30 ft.

SF-5 = 25 ft.

SF-6 = 25 ft.

SF-7 = 25 ft.

- b. If a building line has been established by ordinance or by two or more buildings for a distance of a block on the same side of the street, this line shall establish the minimum depth of the front yard.

2. *Side yards.* There shall be a side yard on each side of the lot as stated below:

SF-1 = 15 ft. or 10% of the average width of the lot, whichever is smaller, except that the side yard shall be no less than 10 feet.

SF-2 = 10 ft.

SF-3 = 10 ft.

SF-4 = 10 ft.

SF-5 = 6 ft.

SF-6 = 5 ft.

SF-7 = 5 ft.

3. *Rear yards.* There shall be a rear yard having a depth of not less than 20% of the average depth of the lot.

4. *Area of the lot.*

- a. The minimum area of the lot shall be as stated below:

SF-1 = 20,000 sq. ft.

SF-2 = 14,000 sq. ft.

SF-3 = 12,000 sq. ft.

SF-4 = 10,000 sq. ft.

SF-5 = 7,500 sq. ft.

SF-6 = 6,000 sq. ft.

SF-7 = 5,000 sq. ft.

- b. However, a lot having an area of less than hereinafter required for the

Single Family Districts that was a record prior to October 14, 1976 may be used for any purpose permitted in this section, provided that the requirements for front, side, and rear yards are the same requirements as specified in this section.

5. *Width of lot.* The minimum width of the lot shall be as stated below:

SF-1 = 120 ft.

SF-2 = 80 ft.

SF-3 = 75 ft.

SF-4 = 70 ft.

SF-5 = 60 ft.

SF-6 = 50 ft.

SF-7 = 50 ft.

6. *Area of dwellings.*

a. The minimum first floor area of dwellings shall be as follows:

SF-1 = 1,600 sq. ft.

SF-2 = 1,200 sq. ft.

SF-3 = 1,100 sq. ft.

SF-4 = 1,000 sq. ft.

SF-5 = 850 sq. ft.

SF-6 = 700 sq. ft.

SF-7 = 600 sq. ft.

b. The above area regulations apply to the SF-1, SF-2, SF-3, SF-4, SF-5, SF-6, and SF-7 Single Family Districts, and do not apply to lots which may be the same size or larger in other districts.

D. *Parking regulations.* For all Single Family Districts parking space shall be provided on the lot to accommodate one motor car. Such space shall not be located on any part of the required front yard.

E. *Mobile/manufactured homes prohibited.* Mobile/manufactured homes shall not be located within any Single-Family District, or any other district within the city limits. Exception, mobile/manufactured Homes shall be allowed only in Mobile/Manufactured Housing Districts (See GMC 15.11.130. This Part shall apply prospectively only. Mobile/manufactured homes located within the corporate limits of the city as of November 21, 1991 are exempt from the terms hereof as nonconforming uses and may continue to be so located unless and until the same are destroyed or removed, at which time their nonconforming status shall terminate.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-15, passed 11-13-80; Am. Ord. 91-13, passed 11-21-91; Am. Ord. 01-09, passed 6-18-01) Penalty, see GMC 15.11.700

SECTION 7: AMENDMENT “15.11 ZONING CODE” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11 ZONING CODE

SECTION 8: AMENDMENT “15.11.030 Definitions” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

15.11.030 Definitions

- A. Certain words in this chapter not herein defined are defined as follows: the word building includes the word structure, the word lot includes the words plot and tract.
- B. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY USE. A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

ALLEY. A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

APARTMENT. A room or suite of rooms in a multi-family dwelling or apartment house arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

APARTMENT HOUSE. Any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

AREA OF THE LOT. The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

BASEMENT. A building story which is partly underground, but having at least one-half of its height above the average level of the adjoining ground. A ***BASEMENT*** shall be counted as a story in computing building height.

BLOCK. An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said street.

BOARD. Zoning Board of Adjustment as provided for in GMC 15.11.530 through GMC 15.11.580.

BOARDING HOUSE. A building other than a hotel, where lodging and meals for five or more persons are served for compensation.

BREEZEWAY. A covered passage one story in height connecting a main structure and an accessory building.

BUILDING. Any structure built for the support, shelter, and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

BUILDING LINE. A line parallel or approximately parallel to the street line at a specified distance therefrom, making the minimum distance from the street line that a building may be erected.

BUILDING OFFICIAL. The Building Inspector or person charged with the enforcement of the zoning and building codes of the city.

BUILDING, HEIGHT OF. The vertical distance measured from the sidewalk level or from the natural ground level if higher (or if no street grades have been established) to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and a ridge for a gable, hip, or gambrel roof. The measured **HEIGHT OF THE BUILDING** shall exclude chimneys, cooling towers, elevated bulk-heads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls less than four feet high.

BUSINESS. Includes the neighborhood shopping, commercial, light industry and heavy industrial uses and districts as herein defined.

CELLAR. A building story with more than one-half of its height below the average level of the adjoining ground. A **CELLAR** shall not be counted as a story in computing building height.

CERTIFICATE OF OCCUPANCY AND COMPLIANCE. An official certificate issued by the city through the enforcing official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

CITY COUNCIL. The governing body of the City of Gladewater, Texas.

CITY MANAGER. Chief Administrative Officer of the City of Gladewater, Texas.

CITY PLANNING AND ZONING COMMISSION. The agency appointed by the

City Council as an advisory body to it and which is authorized to recommend changes in the zoning.

CLINIC. A group of offices for one or more physicians, surgeons, or dentists, to treat sick or injured out-patients who do not remain overnight.

CONVALESCENT HOME. Any structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age.

COURT. An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent space.

CURB LEVEL. The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the City Engineer shall authorize and approve the establishment of such curb or its equivalent for the purpose of this chapter.

DAY NURSERY. A place where children are left for care between the hours of 7:00 a.m. and 12:00 p.m.

DEPTH OF LOT. The mean horizontal distance between the front and rear lot lines.

DISTRICT. A section of the city for which the regulations governing the area, height, or use of the land and buildings are uniform.

DWELLING AREA. The total floor area of the dwelling proper, exclusive of accessory buildings, and shall be based on outside dimensions.

DWELLING, ONE-FAMILY. A detached building having accommodations for and occupied by not more than one family, or by one family and not more than four boarders and lodgers.

DWELLING, TWO-FAMILY. A detached building having separate accommodations for and occupied by not more than two families, or by two families and not more than four boarders and lodgers per family.

DWELLING, MULTIPLE FAMILY. Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

DWELLING UNIT. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters, and includes facilities for food preparation and sleeping.

EFFICIENCY APARTMENT. An apartment having a combination living room and bedroom (with no separate bedroom).

FAMILY. Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage, or adoption.

FARM. An area of six or more acres which is used for the growing of the usual farm products such as vegetables, fruits, grains, and trees, with the necessary accessory uses for treating and storing the produce on the area, as well as the raising thereon of the usual farm poultry and animals such as horses, cattle, sheep and swine, but specifically excluding dairy farms, and with the further provision that the operation of the accessory uses for treating and storing produce shall be secondary to that of the normal activities, and that the activities do not include the commercial feeding of offal or garbage to swine or other animals.

FLOOR AREA. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports, or garages.

FRONTAGE. All the property abutting on one side of the street between two intersecting streets, measured along the street lines.

GARAGE, PUBLIC. A building other than a private garage used for the care, repair, or equipment of self-propelled vehicles or where such vehicles are kept for remuneration, hire or sale.

GRADE.

1. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street;
2. For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street;
3. For buildings having no wall adjoining the street it is the average level of the finished surface of the ground adjacent to the exterior walls of the buildings.
4. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the City Engineer shall establish such a sidewalk level or its equivalent for the purpose of these regulations.

GROSS FLOOR AREA. The ***GROSS FLOOR AREA*** of an apartment house shall be measured by taking the outside dimensions of the apartment at each floor level excluding however, the floor area of basements or attics not used for residential purposes.

HEIGHT. See ***BUILDING, HEIGHT OF.***

HOBBY SHOP. An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no

revenue may be derived, in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith.

HOME OCCUPATION. Any occupation that is customarily performed at home by a member of the occupant's family that does not involve a structural change in the building, nor the employment of help, nor the installation of equipment other than that customary to household occupations, nor the display of a sign to advertise the occupation; and it shall not include beauty culture schools, beauty parlors, doctors' offices for treatment of patients, and which is not the cause of generating additional traffic in the street.

HOTEL AND MOTEL. A building or arrangement of buildings designed and occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which there are more than 12 sleeping rooms and no provisions made for cooking in any individual room or apartment.

HOSPITAL. An institution or place where sick or injured in-patients are given medical or surgical care either at public expense (charity) or private.

HOUSING PROJECT. An area of three or more acres arranged according to a site plan to be submitted to and to approved by the Planning and Zoning Commission and the City Council on which is indicated the amount of land to be devoted to housing facilities, their arrangement thereon, together with the arrangement of access streets and alleys, and the entire area is to be zoned as apartment MF-2, upon the recommendation of the City Planning and Zoning Commission and the action of the City Council, and in which it shall not be necessary to subdivide the area into lots and blocks. The site plan shall indicate that all access streets, alleys, sidewalks, storm sewers and storm sewer inlets, shall be provided as required by the city and built in accordance with city specifications.

INSTITUTIONAL TRANSITIONAL HOUSING. Transitional housing provided to more than six residents, by more than two supervisory personnel, or in a structure designed to accommodate more than six residents or more than two supervisory personnel.

KINDERGARTEN. A school for children of pre-public school age in which constructive endeavors, object lessons, and helpful games are prominent features of the curriculum.

LIVING UNIT. The room or rooms occupied by a family and must include cooking facilities.

LODGING HOUSE. Same as **BOARDING HOUSE**.

LOT. Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this chapter and having its principal

frontage upon a public street or officially approved place.

LOT, CORNER. A lot situated at the junction of two or more streets.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The lines bounding a lot as defined herein.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH. The mean horizontal distance between lot side lines.

MAIN BUILDING. The building or buildings on a lot which are occupied by the primary use.

MANUFACTURED HOUSING. A structure constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet~~A transportable structure built on a permanent chassis:~~

- ~~1. That is, when in traveling mode, at least eight feet wide or at least 40 feet long or, when erected on site, at least 320 square feet;~~
- ~~2. That is designed for use as a dwelling when the structure is connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems of the home; but~~
- ~~3. Does not include a recreational vehicle.~~

MOBILE HOME. A structure that was constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on side, at least 320 square feet.

NONCONFORMING USE. A building, structure, or use of land lawfully occupied at the time of the effective date of this chapter or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

OCCUPANCY. The use or intended use of the land or buildings by proprietors or tenants.

OPEN SPACE. Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary

projections of cornices, eaves, porches and plant material.

PARKING AREA, PUBLIC. An open area other than a street, alley, or place, used for the temporary parking of more than four self-propelled vehicles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

PARKING AREA, SEMI-PRIVATE. An open area other than a street, alley, or place, used for temporary parking of more than four self-propelled vehicles as an accessory use to semi-public institutions, schools, churches, hospitals, and noncommercial clubs.

PLACE. An unoccupied space other than a street or alley permanently reserved for purposes of access to abutting property.

PRIVATE GARAGE. An accessory building housing vehicles owned and used by occupants of the main building; if occupied by vehicles of others, it is a storage space.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, is self-propelled or permanently towable by a light duty truck; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RESIDENCE. Same as dwelling, also when used with district, an area of residential regulations.

SIGN. An outdoor advertising device that is a structure or that is attached to or painted on a building or that is leaned against a structure or display on premises.

STABLE. An animal storage facility with a capacity for more than four horses or mules, kept for remuneration, hire, or sale.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there is no floor next above it, then the space between such floor and the ceiling above it.

STREET. A public thoroughfare which affords principal means of access to abutting property, and which has been dedicated for public use.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.

TRANSITIONAL HOUSING. A residential facility providing temporary shelter for

persons who are receiving therapy or counseling from support staff who are present at all times the residents are present, for one or more of the following purposes:

1. To help residents recuperate from the effects of drugs or alcohol addiction;
2. To help residents suffering from mental health or behavioral issues;
3. To help homeless persons or families achieve independence and obtain permanent housing; or
4. To provide temporary shelter for persons who are victims of domestic abuse.

VARIANCE. An adjustment in the applications of the specific regulations of the Zoning Code to a particular parcel of property, which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

YARD. An open space other than a court on the same lot with a building, unoccupied, and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT. A yard on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.

YARD, REAR. A yard extending across the rear of a lot from one side lot line to the other side lot line and having a depth between the building and the rear lot line as specified in the district in which the lot is situated.

YARD, SIDE. A yard situated between the building and a side lot line and extending through from the front yard to the rear yard. Any lot line that is not the rear line or the front line shall be deemed a side line.

ZONING DISTRICT MAP. The official certified map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Code.

~~⓪~~(Ord. 1104, passed 10-13-77; Am. Ord. O-11-06, passed 2-17-11; Am. Ord. O-14-19, passed 12-11-14; Am. Ord. O-15-23, passed 11-19-15)

SECTION 9: **AMENDMENT** “5.05.530 Drought Response Stages” of the Gladewater Municipal Code is hereby *amended* as follows:

AMENDMENT

5.05.530 Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this Plan, shall determine that a mild, moderate, severe or emergency water shortage or water allocation condition exists and shall implement the following notification procedures and responses:

A. Notification.

1. Notification of the public. The City Manager, or his/ her designee, shall notify the public by means of publication in a newspaper of general circulation, public service announcements and/or signs posted in public places.
2. Additional notification. The City Manager, or his/ her designee, shall notify directly, or cause to be notified directly, the following individuals and entities:
 - a. Mayor and members of the City Council;
 - b. Fire Chief;
 - c. City and/or County Emergency Management Coordinator(s) TCEQ;
 - d. Major water users (including all wholesale water users);
 - e. Critical water users, i.e. hospitals; and
 - f. Parks / street superintendents and public facilities managers.

B. Stage 1 Response -- MILD Water Shortage Conditions. Target: Achieve a voluntary 5% reduction in total water use.

1. Best management practices for supply management. Reduced flushing of water mains.
2. Voluntary water use restrictions for reducing demand.
 - a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.
 - b. All operations of the City of Gladewater shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
 - c. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
 - d. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).
 - e. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

C. Stage 2 Response -- MODERATE Water Shortage Conditions. Target: Achieve a 10%

reduction in total water use.

1. Best management practices for supply management. Reduced irrigation of public landscaped areas.
2. Water use restrictions for demand reduction. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
 - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Gladewater.
 - f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Gladewater, the facility shall not be subject to these regulations.

- g. All restaurants are prohibited from serving water to patrons except upon request of the patron.
- h. The following uses of water are defined as non-essential and are prohibited:
 - (1) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (2) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (3) Use of water for dust control;
 - (4) Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (5) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
- i. The City Manager, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
- j. The City Manager, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).
- k. The City Manager, or his/her designee(s), will initiate preparations for the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in this Plan.
- l. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

D. Stage 3 Response -- SEVERE Water Shortage Conditions. Target: Achieve a 15% reduction in total water use.

- 1. Best management practices for supply management. Discontinued irrigation of public landscaped areas.
- 2. Water use restrictions for demand reduction. All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
 - b. The watering of golf course tees is prohibited unless the golf course

utilizes a water source other than that provided by the City of Gladewater.

- c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
 - d. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 3 of the customer's drought contingency plan).
 - e. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

 - f. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
 - g. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.
- E. Stage 4 Response -- EMERGENCY Water Shortage Conditions. Target: Achieve a 20% reduction in total water use.
- 1. Whenever emergency water shortage conditions exist, as defined in GMC 5.05.510, the City Manager shall:
 - a. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
 - b. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
 - c. If appropriate, notify city, county, and/or state emergency response officials for assistance.
 - d. Undertake necessary actions, including repairs and/or clean-up as needed.
 - e. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
 - 2. Best management practices for supply management. Discontinued flushing of water mains.
 - 3. Water use restrictions for reducing demand. All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:
 - a. Irrigation of landscaped areas is absolutely prohibited.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

- c. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 4 of the customer's drought contingency plan).
 - d. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
- F. Stage 5 Response -- WATER ALLOCATION. In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water to retail and wholesale customers according to the following water allocation plan:
 - 1. Single Family Residential Customers.
 - a. The allocation to residential water customers residing in a single family dwelling shall be 8,000 gallons per month.
 - b. Residential water customers shall pay the following surcharges:
 - (1) \$10.00 for the first 1,000 gallons over allocation.
 - (2) \$15.00 for the second 1,000 gallons over allocation.
 - (3) \$20.00 for the third 1,000 gallons over allocation.
 - (4) \$25.00 for each additional 1,000 gallons over allocation.
 - c. Surcharges shall be cumulative.
 - 2. Master-Metered Multi-Family Residential Customers.
 - a. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile/modular homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Gladewater of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Gladewater offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Gladewater in writing within two days. In prescribing the method for claiming more than two dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Gladewater of a

reduction in the number of persons in a household shall be fined not less than \$100. Customers billed from a master meter under this provision shall pay the following monthly surcharges:

- (1) \$10.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.
- (2) \$15.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.
- (3) \$20.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.
- (4) \$25.00, thereafter for each additional 1,000 gallons over allocation.

b. Surcharges shall be cumulative.

3. Commercial Customers.

a. A monthly water allocation shall be established by the City Manager,

or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be 75% of the customer's average usage for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer whose allocation would be less than 6,000 gallons shall be allocated 6,000 gallons. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council. Nonresidential commercial customers shall pay the following surcharges:

- (1) 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.
- (2) 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.
- (3) 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the

monthly allocation.

- (4) 200% of the normal water charge for water usage more than 15% above the monthly allocation.

b. Surcharges shall be cumulative.

4. Industrial Customers.

- a. A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for

which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council.

Industrial customers shall pay the following surcharges:

- (1) 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.
- (2) 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.
- (3) 175% of the normal water charge for water usage in excess of

the monthly allocation from 10% through 15% above the monthly allocation.

(4) 200% of the normal water charge for water usage more than 15% above the monthly allocation.

b. Surcharges shall be cumulative.

5. Wholesale Customers.

a. In the event that the triggering criteria specified in this Plan for Stage 5 – Water Allocation have been met, the City Manager is hereby authorized to initiate allocation of water supplies to wholesale customers on a pro rata basis in accordance with Texas Water Code Section 11.039. A monthly water allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for wholesale customers, the wholesale customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The wholesale customer's water use

baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the wholesale water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each wholesale customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use, (2) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (3) the customer agrees to transfer part of its allocation to another wholesale customer, or (4) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council.

b. During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:

(1) 125% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation up through 5% above the monthly allocation.

(2) 150% of the normal water charge for water diversions and/or

- deliveries in excess of the monthly allocation from 5% through 10% above the monthly allocation.
- (3) 175% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 10% through 15% above the monthly allocation.
- (4) 200% of the normal water charge for water diversions and/or deliveries more than 15% above the monthly allocation.
- c. The above surcharges shall be cumulative.

(Ord. 06-01, passed 2-16-06; Am. Ord. O-09-03, passed 4-30-09)

SECTION 10: AMENDMENT “5.09.230 Drought Response Stages” of the Gladewater Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.09.230 Drought Response Stages

The City Manager, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in this Plan, shall determine that a mild, moderate, severe or emergency water shortage or water allocation condition exists and shall implement the following notification procedures and responses:

A. Notification.

1. Notification of the public. The City Manager, or his/her designee, shall notify the public by means of publication in a newspaper of general circulation, public service announcements and/or signs posted in public places.
2. Additional notification. The City Manager, or his/her designee, shall notify directly, or cause to be notified directly, the following individuals and entities:
 - a. Mayor and members of the City Council;
 - b. Fire Chief;
 - c. City and/or County Emergency Management Coordinator(s);
 - d. TCEQ;
 - e. Major water users (including all wholesale water users);
 - f. Critical water users, i.e. hospitals;
 - g. Parks/street superintendents and public facilities managers.

B. Stage 1 response - mild water shortage conditions.

1. Target: achieve a voluntary 5% (27,000 GPD) reduction in total water use.
2.
 - a. Best management practices for supply management:
 - b. Reduced flushing of water mains.
3. Voluntary water use restrictions for reducing demand.
 - a. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a

street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 10:00 a.m. and 8:00 p.m. to midnight on designated watering days.

- b. All operations of the City of Gladewater shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
- c. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- d. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate voluntary measures to reduce water use (e.g., implement Stage 1 of the customer's drought contingency plan).
- e. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

C. Stage 2 response - moderate water shortage conditions.

- 1. Target: achieve a 10% (54,000 GPD) reduction in total water use.
- 2.
 - a. Best management practices for supply management:
 - b. Reduced irrigation of public landscaped areas.
- 3. Water use restrictions for demand reduction: under threat of penalty for violation, the following water use restrictions shall apply to all persons:
 - a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of

- the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m and between 8:00 p.m. and 12:00 midnight.
 - d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
 - e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Gladewater.
 - f. Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the City of Gladewater, the facility shall not be subject to these regulations.
 - g. All restaurants are prohibited from serving water to patrons except upon request of the patron.
 - h. The following uses of water are defined as non-essential and are prohibited:
 - (1) Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - (2) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (3) Use of water for dust control;
 - (4) Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 - (5) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
 - i. The City Manager, or his/her designee(s), will initiate weekly contact with wholesale water customers to discuss water supply and/or demand conditions and the possibility of pro rata curtailment of water diversions and/or deliveries.
 - j. The City Manager, or his/her designee(s), will request wholesale water customers to initiate mandatory measures to reduce non-essential water use (e.g., implement Stage 2 of the customer's drought contingency plan).
 - k. The City Manager, or his/her designee(s), will initiate preparations for

the implementation of pro rata curtailment of water diversions and/or deliveries by preparing a monthly water usage allocation baseline for each wholesale customer according to the procedures specified in this Plan.

1. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.

D. Stage 3 response - severe water shortage conditions.

1. Target: achieve a 15% (81,000 GPD) reduction in total water use.
2.
 - a. Best management practices for supply management:
 - b. Discontinued irrigation of public landscaped areas.
3. Water use restrictions for demand reduction: all requirements of Stage 2 shall remain in effect during Stage 3 except:
 - a. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.
 - b. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City of Gladewater.
 - c. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.
 - d. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 3 of the customer's drought contingency plan).
 - e. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
 - f. The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.
 - g. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

E. Stage 4 response - emergency water shortage conditions.

1. Target: achieve a 20% (108,000 GPD) reduction in total water use.
 2. Whenever emergency water shortage conditions exist, as defined in the definitions section of this Plan, the City Manager shall:
 - a. Assess the severity of the problem and identify the actions needed and time required to solve the problem.
 - b. Inform the utility director or other responsible official of each wholesale water customer by telephone or in person and suggest actions, as appropriate, to alleviate problems (e.g., notification of the public to reduce water use until service is restored).
 - c. If appropriate, notify city, county, and/or state emergency response officials for assistance.
 - d. Undertake necessary actions, including repairs and/or clean-up as needed.
 - e. Prepare a post-event assessment report on the incident and critique of emergency response procedures and actions.
 3.
 - a. Best management practices for supply management:
 - b. Discontinued flushing of water mains
 4. Water use restrictions for reducing demand. All requirements of Stages 2 and 3 shall remain in effect during Stage 4 except:
 - a. Irrigation of landscaped areas is absolutely prohibited.
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
 - c. The City Manager, or his/her designee(s), will contact wholesale water customers to discuss water supply and/or demand conditions and will request that wholesale water customers initiate additional mandatory measures to reduce non-essential water use (e.g., implement Stage 4 of the customer's drought contingency plan).
 - d. The City Manager, or his/her designee(s), will provide a weekly report to news media with information regarding current water supply and/or demand conditions, projected water supply and demand conditions if drought conditions persist, and consumer information on water conservation measures and practices.
- F. Stage 5 response - water allocation. In the event that water shortage conditions threaten public health, safety, and welfare, the City Manager is hereby authorized to allocate water to retail and wholesale customers according to the following water allocation plan:
1. Single family residential customers.
 - a. The allocation to residential water customers residing in a single family dwelling shall be 8,000 gallons per month.
 - b. Residential water customers shall pay the following surcharges:
 - (1) \$10.00 for the first 1,000 gallons over allocation.
 - (2) \$15.00 for the second 1,000 gallons over allocation.
 - (3) \$20.00 for the third 1,000 gallons over allocation.

(4) \$25.00 for each additional 1,000 gallons over allocation.

c. Surcharges shall be cumulative.

2. Master-metered/multi-family residential customers. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (example: apartments, mobile/modular homes) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customer's meter serves two dwelling units unless the customer notifies the City of Gladewater of a greater number on a form prescribed by the City Manager. The City Manager shall give his/her best effort to see that such forms are mailed, otherwise provided, or made available to every such customer, if, however, a customer does not receive such a form, it shall be the customer's responsibility to go to the City of Gladewater offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more dwelling units at the time of applying for water service on the form prescribed by the City Manager. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Gladewater in writing within two days. In prescribing the method for claiming more than two dwelling units, the City Manager shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Gladewater of a reduction in the number of person in a household shall be fined not less than one hundred dollars (\$100.00). Customers billed from a master meter under this provision shall pay the following monthly surcharges:

a. \$10.00 for 1,000 gallons over allocation up through 1,000 gallons for each dwelling unit.

b. \$15.00, thereafter, for each additional 1,000 gallons over allocation up through a second 1,000 gallons for each dwelling unit.

c. \$20.00, thereafter, for each additional 1,000 gallons over allocation up through a third 1,000 gallons for each dwelling unit.

d. \$25.00, thereafter for each additional 1,000 gallons over allocation.

e. Surcharges shall be cumulative.

3. Commercial customers. A monthly water allocation shall be established by the City Manager, or his/her designee, for each nonresidential commercial customer other than an industrial customer who uses water for processing purposes. The nonresidential customer's allocation shall be 75% of the customer's average usage for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. However, a customer whose allocation would be less than 6,000 gallons shall be allocated 6,000 gallons. The City Manager shall give his/her best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation. Upon request of the customer or at the

initiative of the City Manager, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one nonresidential customer agrees to transfer part of its allocation to another nonresidential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council, nonresidential commercial customers shall pay the following surcharges:

- a. 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.
- b. 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.
- c. 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.
- d. 200% of the normal water charge for water usage more than 15% above the monthly allocation.
- e. Surcharges shall be cumulative.

4. Industrial customers. A monthly water allocation shall be established by the City Manager, or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days

after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The industrial customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use because the customer had shutdown a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (5) the customer agrees to transfer part of its allocation to another

industrial customer, or (6) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Gladewater City Council.

Industrial customers shall pay the following surcharges:

- a. 125% of the normal water charge for water usage in excess of the monthly allocation up through 5% above the monthly allocation.
- b. 150% of the normal water charge for water usage in excess of the monthly allocation from 5% through 10% above the monthly allocation.
- c. 175% of the normal water charge for water usage in excess of the monthly allocation from 10% through 15% above the monthly allocation.
- d. 200% of the normal water charge for water usage more than 15% above the monthly allocation.
- e. Surcharges shall be cumulative.

5. Wholesale customers.

- a. In the event that the triggering criteria specified in this Plan for Stage 5 - water allocation have been met, the City Manager is hereby authorized to initiate allocation of water supplies to wholesale customers on a pro rata basis in accordance with Tex. Water Code Section 11.039. A monthly water allocation shall be established by the City Manager, or his/her designee, for each wholesale customer. The wholesale customer's allocation shall be approximately 90% of the customer's water usage baseline. Ninety (90) days after the initial imposition of the allocation for wholesale customers, the wholesale customer's allocation shall be further reduced to 85% of the customer's water usage baseline. The wholesale customer's water use baseline will be computed on the average water use for the 12 month period ending prior to the date of implementation of Stage 2 of the Plan. If the wholesale water customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The City Manager shall give his/her best effort to see that notice of each wholesale customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Gladewater to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the City Manager, the allocation may be reduced or increased if (1) the designated period does not accurately reflect the customer's normal water use, (2) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, (3) the customer agrees to transfer part of its allocation to another wholesale customer, or (4) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A

customer may appeal an allocation established hereunder to the Gladewater City Council.

- b. During any period when pro rata allocation of available water supplies is in effect, wholesale customers shall pay the following surcharges on excess water diversions and/or deliveries:
- (1) 125% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation up through 5% above the monthly allocation.
 - (2) 150% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 5% through 10% above the monthly allocation.
 - (3) 175% of the normal water charge for water diversions and/or deliveries in excess of the monthly allocation from 10% through 15% above the monthly allocation.
 - (4) 200% of the normal water charge for water diversions and/or deliveries more than 15% above the monthly allocation.
 - (5) The above surcharges shall be cumulative.

(Ord. O-14-05, passed 5-22-14)

SECTION 11: **AMENDMENT** “15.11.130 Manufactured Housing District (MH)” of the Gladewater Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.11.130 Mobile/Manufactured Housing District (MH)

- A. *Use regulations.* In the Mobile/Manufactured Housing district (MH) no land shall be used and no building shall be erected or converted to any use other than manufactured housing.
- B. *Site selection.* Site selection is to be governed by the following considerations:
1. *Location.*
 - a. The site should be bounded on at least one side by a public street or highway.
 - b. The site must not be:
 - (1) Close to swamps or other potential breeding places for insects or rodents.
 - (2) Subject to flooding, fire, or safety hazards.

- (3) Exposed to chronic nuisances, such as noise, smoke, fumes, or odors.
 2. *Topography*. The topography must be favorable to good site drainage, minimum grading, trailer placement, and ease of maintenance.
 3. *Availability of utilities*. The site must be readily accessible to public utilities including water, sewerage, and electricity.
 4. *Necessary land area*. The area of the mobile/manufactured home court must be sufficient in size to accommodate:
 - a. The number of mobile/manufactured home spaces desired;
 - b. Roads and parking areas for motor vehicles; and
 - c. On-site utilities where public utilities are not available.
- C. *Site improvements*. The physical improvements of the site must be arranged to provide:
 1. A convenient means of pedestrian and vehicular access to each mobile/manufactured home space, parking areas, and accessory buildings.
 2. An adequate supply of potable water.
 3. A safe method of sewage disposal.
 4. Electrical service for lighting and power.
 5. A diversion of surface water away from buildings, mobile/manufactured home spaces, and its disposal from the site.
- D. *Site planning*. A plan of the proposed mobile/manufactured home court must be developed for approval by the City Engineer indicating the layout of the mobile/manufactured home spaces, roads, walks, utilities, and necessary grading. Determination must be made in the initial planning stage on the number of mobile/manufactured homes to be accommodated, which shall not be less than 20 mobile/manufactured homes.
- E. *Mobile/Manufactured home space sizes*. Each mobile/manufactured home space shall be no less than ~~2,175~~2,500 square feet in area and at least ~~7275~~ feet in length.
- F. *Spacing of mobile/manufactured homes*. The minimum spacing between mobile/manufactured homes must be:
 1. Twenty feet side-to-side spacing and 15 feet end-to-end spacing.
 2. At least 25 feet from the right-of-way line of a highway, and at least ten feet from the mobile/manufactured home space property line.
- G. *Roads, walks, and parking areas*.
 1. *General circulation*. Safety and convenience must be a major consideration in the layout of roads, walks, and parking areas within the mobile/manufactured home court. All roads must be continuous.
 2. *Servicing*. Suitable vehicular access for fire-fighting equipment, delivery of fuel, removal of garbage and refuse, and for other necessary services must be provided.
 3. *Width of road area*. Main access roads, excluding parking, must be at least two lanes and 20 feet wide.
 4. *Number of parking spaces*. Two motor vehicle parking spaces must be provided at the site of each mobile/manufactured home space. Additional parking may be provided in designated areas.
 5. *Walks*. The trailer park walk system must include a walk from the entrance of

each mobile/manufactured home to service facilities with the following minimum widths:

- a. Public walks - four feet.
 - b. Entrance walks from public walk to mobile/manufactured home door - two feet.
- H. ~~Plumbing. All plumbing installations shall conform to the requirements of the Plumbing Code (See GMC 15.03).~~ All mobile/manufactured homes shall be installed in accordance with all adopted codes (See GMC 15.03, 15.05, 15.07).
- I. ~~Electrical. All electrical installations shall conform to the requirements of the Electrical Code (See GMC 15.05).~~
- J. *Refuse collection.* Refuse must be stored in fly-tight and rodent-proof containers. Six gallons of refuse storage capacity per day per mobile/manufactured home must be provided. If refuse container stations are used, a station should be located within 150 feet from every mobile/manufactured home space unless it is infeasible to do so; in no event shall a mobile/manufactured home space be more than 200 feet from a refuse container station.
- K. *Site engineering.* Grading and drainage must be performed so that water will drain away from the mobile/manufactured home spaces, buildings, and off the site in a manner in which will provide reasonable freedom from erosion. Walks, driveways, and retaining walls must be so constructed as not to interfere with drainage.
- L. *Drainage requirements.*
1. Mobile/Manufactured home spaces must be graded toward an abutting roadway to prevent surface water draining across adjacent home spaces. Grading under mobile/manufactured homes must be provided to prevent the puddling of water.
 2. Where swales for the carriage of storm water are needed between the mobile/manufactured home space and the roadway, they must be of a shallow type (generally no more than eight inches deep) to permit the parking of the mobile/manufactured home without damage to the undercarriage.

(Ord. 1104, passed 10-13-77; Am. Ord. 80-14, passed 11-13-80; Am. Ord. O-15-23, passed 11-19-15) Penalty, see GMC 15.11.700

SECTION 12: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 13: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

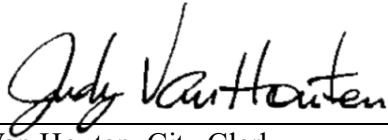
SECTION 14: EFFECTIVE DATE This Ordinance shall be in full force and effect from June 20, 2024 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE GLADEWATER COUNCIL JUNE 20, 2024.

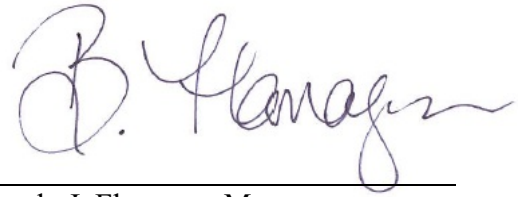
	AYE	NAY	ABSENT	ABSTAIN
Mayor Brandy J. Flanagan	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mayor Pro-tem Elijah Anderson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Michael Webber	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Councilmember Stoney Stone	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Teddy Sorrells	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Rocky Hawkins	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Kevin Clark	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Judy Van Houten, City Clerk,
Gladewater



Brandy J. Flanagan, Mayor,
Gladewater

