

MOTION WAS MADE BY Robert Moore, SECONDED BY LEONARD McDonald
THAT THE FOLLOWING ORDINANCE BE PASSED:

ORDINANCE NO. 60

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS, TO APPROVE A COPS FAST GRANT FROM THE U.S. DEPARTMENT OF JUSTICE TO FUND A POLICE OFFICER FOR THE TOWN, AND PROVIDING FOR AN EFFECTIVE DATE FOR PASSAGE.

WHEREAS, the Town Council for the Town of Cut and Shoot, Montgomery County, Texas, has determined that it is in the best interest of the citizens of the Town that adequate funding be provided for an additional peace officers for the Town; and

WHEREAS, it has come to the attention of the Town Council that funding is available for additional police officer through the U.S. Department of Justice's COPS FAST grant program; and

WHEREAS, the Town Marshall Dennis Ivey has requested the Town to approve this program with contributions by the Town, as reflected in the attached "Budget Information";

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS, that:

1. The Town shall apply for a federal grant from the U.S. Department of Justice for funding of an additional peace officer through the COPS FAST program, with the Town committing to sharing the cost for salaries and benefits of the officer over the next three years in accordance with the terms of the grant.

2. This ordinance shall become effective upon the date of this passage.

PASSED AND APPROVED this the 11th day of May, A.D.
1995.

Mark Patterson
Mayor

ATTEST:

Amy L Wade
Town Secretary

[Signature]
Town Attorney

(Acknowledgement)

STATE OF TEXAS §
COUNTY OF MONTGOMERY §

This instrument was acknowledge before me on the 11th day of MAY, 1995, by Mark Patterson, Mayor of the Town of Cut and Shoot, Texas, on behalf of the Town of Cut and Shoot, Texas.



Lang Thompson
Notary Public in and for the
State of Texas

ORDINANCE NO. 61 REGARDING THE CONSENT OF
TOWN OF CUT AND SHOOT, TEXAS

WHEREAS, the Town of Cut and Shoot, Texas (the "Town"), acting by and through its Town Council (the "Council"), passed and enacted that certain Ordinance No. 35, dated April 9, 1987, granting to DBJ Cable TV, Inc. ("DBJ") the authority to construct, operate and maintain a cable television system within the Town (the "Franchise"); and

WHEREAS, DBJ assigned the Franchise to Hillsboro Cable TV, Limited Partnership ("Hillsboro") on August 3, 1988, which assignment was approved by the Town as evidenced by the Town's Agreement to Assign Cable TV Franchise; and

WHEREAS, Hillsboro intends to sell substantially all of its assets, including all of its right, title and interest in the Franchise to Northland Cable Properties Four Limited Partnership, a Washington limited partnership, or its assigns ("Northland"); and

WHEREAS, it is in the best interests of the Town and its citizens to consent to the above-referenced assignment and transfer of the Franchise.

NOW, THEREFORE, be it ordained by the Council acting on behalf of the Town that:

1. The Town hereby approves and consents to the transfer and assignment of the Franchise from Hillsboro to Northland.

2. The Town hereby approves of (i) the encumbrance of the Franchise and the assets of the cable television system, and the assignment of same for security purposes, in connection with the acquisition and operation of the system and the financing and refinancing, from time to time, of the business operations of Northland, and (ii) the future assignment of the Franchise to Northland's managing general partner, Northland Communications Corporation ("NCC"), or to an affiliate of NCC.

3. Except as specifically set forth herein, the assignment and transfer of the Franchise shall not alter, affect or otherwise change any of the terms or conditions of the Franchise.

4. In connection with the assignment and transfer of the Franchise to Northland the Town certifies to Hillsboro and Northland that:

(a) The Franchise was duly and validly issued by the Town, and upon its assignment to Northland, the duly authorized franchisee will be Northland.

(b) The Franchise is in full force and effect as of the date hereof, is valid and enforceable in accordance with its terms and will not expire until May 9, 2002, and may be renewed on the terms stated therein.

(c) No event of default under the Franchise, and no event which could become an event of default with the passage of time or the giving of notice, or both, has occurred and is continuing as of the date hereof.

(d) The four percent (4%) franchise fee payable to the Town under the terms of the Franchise is calculated on the franchisee's receipts collected quarterly and is payable, in arrears, within sixty (60) days after the end of each calendar quarter.

(e) The Town acknowledges receipt of a completed FCC Form 394 from Hillsboro and Northland.

5. Ordinance No. 35 and this Ordinance were and are adopted in accordance with the notice and procedure requirements of the laws of the State of Texas governing towns, and with the notice and procedure requirements prescribed by the Town. Ordinance No. 35 and this Ordinance, including without limitation the grant of and the consent to the assignment of the Franchise, were and are adopted in accordance with and do not conflict with the laws, ordinances, resolutions and other regulations of the Town, as presently in effect or as the same were in effect at the time the particular action was taken.

6. This Ordinance shall take effect immediately upon passage by the Council; provided, however, the approval and consent of the Town set forth in paragraph 1 above is specifically conditioned on the Town's receipt of a check or wire transfer of immediately available funds in the amount of \$7,815.72 (which amount represents delinquent franchise fees owed to the Town by Hillsboro) on or before the date on which Hillsboro's sale of its assets to Northland is consummated (the "Closing"). In the event the Closing does not occur this Ordinance shall become null and void.

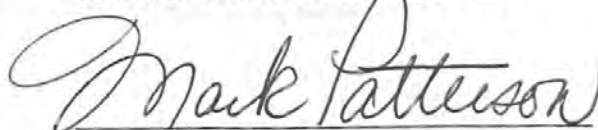
PASSED, ADOPTED AND HEREBY ORDAINED by the Town Council of the Town of Cut and Shoot, Texas this 12th day of OCTOBER, 1995.

ATTEST:



Clerk of the Town Council

TOWN COUNCIL
TOWN OF CUT AND SHOOT, TEXAS



Mark Patterson, Mayor
Town of Cut and Shoot, Texas

AH82

State of Texas

County of Montgomery

Motion was made by Robert Moore, seconded Bill Chappant, that
the following ordinance be passed:

ORDINANCE NO. 62-A

**AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS
ESTABLISHING A CURFEW FOR PERSONS UNDER THE AGE OF 17 YEARS,
BETWEEN 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR
THURSDAY AND 6:00 A.M. ON THE FOLLOWING DAY, BETWEEN THE HOURS OF
12:01 A.M. AND 6:00 A.M. ON ANY SATURDAY OR SUNDAY, AND 9:00 A.M. AND
2:30 P.M. MONDAY THROUGH FRIDAY FOR MINORS LAWFULLY ENROLLED IN
SCHOOL; PROVIDING IT UNLAWFUL FOR ANY PERSON SUBJECT TO A
CURFEW HEREUNDER TO REMAIN IN ANY PUBLIC PLACE OR ON THE
PREMISES OF ANY ESTABLISHMENT WITHIN THE TOWN DURING CURFEW
HOURS; PROVIDING IT UNLAWFUL FOR ANY PARENT OR GUARDIAN OF
PERSON SUBJECT TO A CURFEW HEREUNDER, OR ANY OWNER, OPERATOR
OR EMPLOYEE OF AN ESTABLISHMENT, TO KNOWINGLY PERMIT, OR BY
INSUFFICIENT CONTROL ALLOW, SUCH PERSON TO REMAIN IN ANY PUBLIC
PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE TOWN
DURING CURFEW HOURS; PROVIDING DEFENSES TO PROSECUTION FOR
VIOLATIONS HEREUNDER; PROVIDING A PENALTY OF AN AMOUNT NOT TO
EXCEED \$500.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF;
SUPERCEDING ORDINANCE 62 ; REPEALING ALL ORDINANCES OR PARTS OF
ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR
SEVERABILITY; AND PROVIDING EFFECTIVE DATE AFTER PUBLICATION.**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND
SHOOT, TEXAS THAT:**

I.

PURPOSE

It is the express purpose of this Ordinance to (a) deter criminal conduct involving juveniles, (b) reduce the number of juvenile crime victims, (c) reduce injury from accidents involving juveniles, (d) reduce the additional time police officers are required to be in the field due to juvenile crime, (e) provide additional and more effective means and options for dealing with gang-related violence and crime, (f) reduce juvenile peer pressure to stay out late (g) reduce juvenile peer pressure to participate in violent or criminal activities, and (h) assist parents in the control of their children.

II.

OFFENSES

(a) A minor commits an offense if the minor remains, walks, runs, or stands, or operates or rides about in any motor vehicle or bicycle, in any public place or on the premises of any establishment within the Town during curfew hours, except that a minor may be present on secondary or elementary school property if the minor is within the scope and course of his or her attendance at said institution.

(b) A parent or guardian of a minor commits an offense if the person knowingly or negligently permits, or by insufficient or negligent control allows, the minor to remain in any public place or on the premises of any establishment within the Town during curfew hours, after having been issued a warning on one or more occasions that the minor was in violation of this ordinance.

(c) It shall be unlawful for the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours, unless the owner, operator, or any employee of an establishment has promptly notified any law enforcement agency that a minor was present on the premises of the establishment during curfew hours and the minor refused to leave.

III.

(a) **DEFINITIONS IN THIS SECTION:**

(1) **CURFEW HOURS** means:

- (a) 11:00 p.m., on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. on the following day.
- (b) 12:01 a.m. until 6:00 a.m. any Saturday or Sunday.

- (c) 9:00 a.m. until 2:30 p.m. on any day that the secondary or elementary school in which the minor is lawfully enrolled is in session and the minor's attendance is required.
- (2) **CHIEF OF POLICE** means the chief-of-police of the Town OF Cut and Shoot or a designated representative.
- (3) **DIRECT ROUTE** means the shortest path of travel through a public place to reach a final destination without any detour or stopping along the way.
- (4) **EMERGENCY** means any unforeseen combination of circumstances or the resulting state that calls for immediate action. This term includes but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (5) **ESTABLISHMENT** means any privately owned place of business operated for a profit to which the public is invited, including any other business operated for amusement or entertainment within the Town.
- (6) **GUARDIAN** shall mean a person who, under court order, is the guardian of the person of a minor, or a public or private agency with which a minor has been placed by a court.
- (7) **JUVENILE CURFEW PROCESSING OFFICE** means a place designated by the chief of police to which a minor taken into custody for a violation of this Ordinance is delivered to await pickup by a parent, guardian, custodian, or juvenile authorities.
- (8) **MINOR** means any person under the age of seventeen (17) years.
- (9) **PARENT** means a person who is:
 - (a) a natural or adoptive parent, or step-parent, of another person;
 - (b) a court appointed parent of another person; or
 - (c) a person at least 21 years of age who has been authorized by a parent or court appointed guardian to have care and custody of another person.
- (10) **PUBLIC PLACE** means any place to which the public for a substantial group of public has access and shall include, but not be limited to, streets, highways, and the common areas of schools, hospitals,

apartment houses, office buildings, transport facilities, restaurants, theaters, game rooms, shops, shopping centers, or any other place that offers for sale services or merchandise.

- (11) **REMAIN** means to:
- (a) linger or stay unnecessarily; or
 - (b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
- (12) **SERIOUS BODILY INJURY** shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.
- (13) **WARNING** means a verbal or written warning that a minor was in violation of this Ordinance issued by a police officer or a town official.

IV.

- (1) It is a defense to prosecution under this Ordinance that a minor was:
- (a) accompanied by the minor's parent or guardian;
 - (b) on an errand at the direction of the minor's parent or guardian, and using a direct route;
 - (c) in a motor vehicle involved in interstate travel;
 - (d) engaged in employment activity, including but not limited to newspaper delivery, and was using a direct route to his employment activity or to the minor's residence from the employment activity;
 - (e) on the sidewalk or easement abutting the minor's residence, or the residence of a next door neighbor, if the neighbor did not complain to the police officer about the minor's presence;
 - (f) involved in an emergency;
 - (g) on an errand made necessary by an illness, injury, or emergency;

- (h) attending a school, government-sponsored, or religious activity, or returning home by a direct route from a school, government-sponsored, or religious activity;
 - (i) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
 - (j) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or
 - (k) for curfew hours between the hours of 9:00 a.m. and 2:30 p.m., has graduated from an accredited secondary school, or received a high school equivalency certificate, or is being home schooled and is in the presence of the minor's parent or guardian; or has been given permission from school officials to be absent, provided, however, the minor has not exceeded the limits of permission from school officials.
- (2) It is a defense to Prosecution under Section II of this Ordinance that the minor has been directed by his or her parent or guardian to engage in a specific activity or to carry out expressed instructions, during the time that the minor is actually engaged in fulfilling those directions or responsibilities.

V.

ENFORCEMENT

- (1) Before taking any enforcement action under this Ordinance, a police officer, upon finding a minor in violation of Section II (a) shall:
- (a) ascertain the name, address and date of birth of the minor;
 - (b) ask the minor the reason for being in a public place or establishment during curfew hours, and if there is no reasonable explanation;
 - (c) issue the minor a written warning that the minor is in violation of Section II (a); and
 - (d) order the minor to go promptly home by a direct route.
- (2) Notwithstanding Paragraph (1) of this section, a police officer, upon finding a minor in violation of (II) (a) may, take the minor into custody and deliver him to the Juvenile Curfew Processing Officer if:

- (a) the minor has received two previous written warnings for a violation of (II) (a); or
 - (b) reasonable grounds exist to believe the minor has engaged in delinquent conduct or conduct indicating a need for supervision as defined in Section 51.03 of the Texas Family Code, as amended.
- (3) When a minor is taken into custody under this section, the police department shall immediately notify a parent or guardian of the minor to pick the minor up at the Juvenile Curfew Processing Office. After a parent or guardian arrives at the office and provides the information required by the chief of police to fill out an incident report, the minor shall be released into the custody of the parent or guardian. At that time the police officer shall issue a written citation to the parent or guardian for violation of Section (II) (b) of this ordinance. If a parent or guardian cannot be located or fails to appear to take charge of the minor in a reasonable time, the minor shall be released to the juvenile authorities as provided under the guidelines of the Montgomery County Juvenile Board.
- (4) If a minor is not taken into custody for a violation of Section (II) (a), the police officer shall by mail or in person notify a parent or guardian of the minor that the minor has violated Section (II) (a) of this Ordinance and shall include a warning that any subsequent violation may result in the prosecution of the parent or guardian under this Ordinance.
- (5) A police officer who has found a minor in violation of this Ordinance shall within 48 hours file an incident report with the Montgomery County Juvenile Authorities to assist to the extent possible in identifying juveniles in violation of ordinances and laws within the country as directed in the guidelines provided by the Montgomery County Juvenile Board.

VI.

PENALTIES

- (1) Any minor who violates Section (II)(a) of this Ordinance, three (3) or more times within a twenty four (24) month period is subject to appropriate action by a juvenile court in accordance with Chapters 51 and 52 of the Texas Family Code. The municipal court shall waive original jurisdiction over a minor who violates Section (II)(a) of this Ordinance and shall refer the minor to juvenile court.

- (2) A parent or guardian of a minor who violates Section (II)(b) of this Ordinance or a person who violates II (c) of this Ordinance is, upon conviction, subject to a fine not to exceed \$500.00. Each day of violation shall constitute a separate offense.

VII.

CONSTITUTIONALITY

If any part or parts of this Ordinance shall be found to be unconstitutional such unconstitutionality shall not effect the remaining parts of this Ordinance. It is hereby declared that the remaining parts of this Ordinance would have been ordained and passed had it been known that such part or parts thereof would have been declared unconstitutional.

REPEALING CONFLICTING ORDINANCES

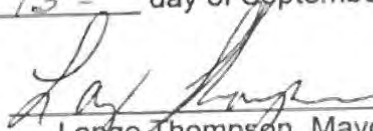
This Ordinance supercedes Town Ordinance No. 62. All other Ordinances or parts of Ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

IX.

EFFECTIVE DATE

This Ordinance shall become effective upon its passage by the Town Council and ten (10) days after the publication of the caption of said Ordinance, as the law provides.

PASSED AND APPROVED this the 13th day of September, 2001.


Larry Thompson, Mayor

ATTEST:


Amy Wade, Town Secretary

APPROVED:

State of Texas

County of Montgomery

Motion was made by J. D. Roberts, seconded by Robert Moore, that the following ordinance be passed:

ORDINANCE NO. 62-B

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS ESTABLISHING A CURFEW FOR PERSONS UNDER THE AGE OF 17 YEARS, BETWEEN 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY AND 6:00 A.M. ON THE FOLLOWING DAY, BETWEEN THE HOURS OF 12:01 A.M. AND 6:00 A.M. ON ANY SATURDAY OR SUNDAY, AND 9:00 A.M. AND 2:30 P.M. MONDAY THROUGH FRIDAY FOR MINORS LAWFULLY ENROLLED IN SCHOOL; PROVIDING IT UNLAWFUL FOR ANY PERSON SUBJECT TO A CURFEW HEREUNDER TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE TOWN DURING CURFEW HOURS; PROVIDING IT UNLAWFUL FOR ANY PARENT OR GUARDIAN OF PERSON SUBJECT TO A CURFEW HEREUNDER, OR ANY OWNER, OPERATOR OR EMPLOYEE OF AN ESTABLISHMENT, TO KNOWINGLY PERMIT, OR BY INSUFFICIENT CONTROL ALLOW, SUCH PERSON TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE TOWN DURING CURFEW HOURS; PROVIDING DEFENSES TO PROSECUTION FOR VIOLATIONS HEREUNDER; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; SUPERCEDING ORDINANCE 62 ; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATE AFTER PUBLICATION.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS THAT:

PURPOSE

I.

It is the express purpose of this Ordinance to (a) deter criminal conduct involving juveniles, (b) reduce the number of juvenile crime victims, (c) reduce injury from accidents involving juveniles, (d) reduce the additional time police officers are required to be in the field due to juvenile crime, (e) provide additional and more effective means and options for dealing with gang-related violence and crime, (f) reduce juvenile peer pressure to stay out late (g) reduce juvenile peer pressure to participate in violent or criminal activities, and (h) assist parents in the control of their children.

II.

OFFENSES

(a) A minor commits an offense if the minor remains, walks, runs, or stands, or operates or rides about in any motor vehicle or bicycle, in any public place or on the premises of any establishment within the Town during curfew hours, except that a minor may be present on secondary or elementary school property if the minor is within the scope and course of his or her attendance at said institution.

(b) A parent or guardian of a minor commits an offense if the person knowingly or negligently permits, or by insufficient or negligent control allows, the minor to remain in any public place or on the premises of any establishment within the Town during curfew hours, after having been issued a warning on one or more occasions that the minor was in violation of this ordinance.

(c) It shall be unlawful for the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours, unless the owner, operator, or any employee of an establishment has promptly notified any law enforcement agency that a minor was present on the premises of the establishment during curfew hours and the minor refused to leave.

III.

(a) DEFINITIONS IN THIS SECTION:

(1) **CURFEW HOURS** means:

- (a) 11:00 p.m., on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. on the following day.
- (b) 12:01 a.m. until 6:00 a.m. any Saturday or Sunday.

- (c) 9:00 a.m. until 2:30 p.m. on any day that the secondary or elementary school in which the minor is lawfully enrolled is in session and the minor's attendance is required.
- (2) **CHIEF OF POLICE** means the chief-of-police of the Town OF Cut and Shoot or a designated representative.
- (3) **DIRECT ROUTE** means the shortest path of travel through a public place to reach a final destination without any detour or stopping along the way.
- (4) **EMERGENCY** means any unforeseen combination of circumstances or the resulting state that calls for immediate action. This term includes but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (5) **ESTABLISHMENT** means any privately owned place of business operated for a profit to which the public is invited, including any other business operated for amusement or entertainment within the Town.
- (6) **GUARDIAN** shall mean a person who, under court order, is the guardian of the person of a minor, or a public or private agency with which a minor has been placed by a court.
- (7) **JUVENILE CURFEW PROCESSING OFFICE** means a place designated by the chief of police to which a minor taken into custody for a violation of this Ordinance is delivered to await pickup by a parent, guardian, custodian, or juvenile authorities.
- (8) **MINOR** means any person under the age of seventeen (17) years.
- (9) **PARENT** means a person who is:
- (a) a natural or adoptive parent, or step-parent, of another person;
 - (b) a court appointed parent of another person; or
 - (c) a person at least 21 years of age who has been authorized by a parent or court appointed guardian to have care and custody of another person.
- (10) **PUBLIC PLACE** means any place to which the public for a substantial group of public has access and shall include, but not be limited to, streets, highways, and the common areas of schools, hospitals,

apartment houses, office buildings, transport facilities, restaurants, theaters, game rooms, shops, shopping centers, or any other place that offers for sale services or merchandise.

- (11) **REMAIN** means to:
- (a) linger or stay unnecessarily; or
 - (b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
- (12) **SERIOUS BODILY INJURY** shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.
- (13) **WARNING** means a verbal or written warning that a minor was in violation of this Ordinance issued by a police officer or a town official.

IV.

- (1) It is a defense to prosecution under this Ordinance that a minor was:
- (a) accompanied by the minor's parent or guardian;
 - (b) on an errand at the direction of the minor's parent or guardian, and using a direct route;
 - (c) in a motor vehicle involved in interstate travel;
 - (d) engaged in employment activity, including but not limited to newspaper delivery, and was using a direct route to his employment activity or to the minor's residence from the employment activity;
 - (e) on the sidewalk or easement abutting the minor's residence, or the residence of a next door neighbor, if the neighbor did not complain to the police officer about the minor's presence;
 - (f) involved in an emergency;
 - (g) on an errand made necessary by an illness, injury, or emergency;

- (h) attending a school, government-sponsored, or religious activity, or returning home by a direct route from a school, government-sponsored, or religious activity;
 - (i) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
 - (j) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or
 - (k) for curfew hours between the hours of 9:00 a.m. and 2:30 p.m., has graduated from an accredited secondary school, or received a high school equivalency certificate, or is being home schooled and is in the presence of the minor's parent or guardian; or has been given permission from school officials to be absent, provided, however, the minor has not exceeded the limits of permission from school officials.
- (2) It is a defense to Prosecution under Section II of this Ordinance that the minor has been directed by his or her parent or guardian to engage in a specific activity or to carry out expressed instructions, during the time that the minor is actually engaged in fulfilling those directions or responsibilities.

V.

ENFORCEMENT

- (1) Before taking any enforcement action under this Ordinance, a police officer, upon finding a minor in violation of Section II (a) shall;
- (a) ascertain the name, address and date of birth of the minor;
 - (b) ask the minor the reason for being in a public place or establishment during curfew hours, and if there is no reasonable explanation;
 - (c) issue the minor a written warning that the minor is in violation of Section II (a); and
 - (d) order the minor to go promptly home by a direct route.
- (2) Notwithstanding Paragraph (1) of this section, a police officer, upon finding a minor in violation of (II) (a) may, take the minor into custody and deliver him to the Juvenile Curfew Processing Officer if:

- (a) the minor has received two previous written warnings for a violation of (II) (a); or
 - (b) reasonable grounds exist to believe the minor has engaged in delinquent conduct or conduct indicating a need for supervision as defined in Section 51.03 of the Texas Family Code, as amended.
- (3) When a minor is taken into custody under this section, the police department shall immediately notify a parent or guardian of the minor to pick the minor up at the Juvenile Curfew Processing Office. After a parent or guardian arrives at the office and provides the information required by the chief of police to fill out an incident report, the minor shall be released into the custody of the parent or guardian. At that time the police officer shall issue a written citation to the parent or guardian for violation of Section (II) (b) of this ordinance. If a parent or guardian cannot be located or fails to appear to take charge of the minor in a reasonable time, the minor shall be released to the juvenile authorities as provided under the guidelines of the Montgomery County Juvenile Board.
- (4) If a minor is not taken into custody for a violation of Section (II) (a), the police officer shall by mail or in person notify a parent or guardian of the minor that the minor has violated Section (II) (a) of this Ordinance and shall include a warning that any subsequent violation may result in the prosecution of the parent or guardian under this Ordinance.
- (5) A police officer who has found a minor in violation of this Ordinance shall within 48 hours file an incident report with the Montgomery County Juvenile Authorities to assist to the extent possible in identifying juveniles in violation of ordinances and laws within the country as directed in the guidelines provided by the Montgomery County Juvenile Board.

VI.

PENALTIES

- (1) Any minor who violates Section (II)(a) of this Ordinance, three (3) or more times within a twenty four (24) month period is subject to appropriate action by a juvenile court in accordance with Chapters 51 and 52 of the Texas Family Code. The municipal court shall waive original jurisdiction over a minor who violates Section (II)(a) of this Ordinance and shall refer the minor to juvenile court.

(2)

A parent or guardian of a minor who violates Section II(b) of this Ordinance or a person who violates II (c) of this Ordinance is, upon conviction, subject to a fine not to exceed \$500.00. Each day of violation shall constitute a separate offense.

VII.

CONSTITUTIONALITY

If any part or parts of this Ordinance shall be found to be unconstitutional such unconstitutionality shall not effect the remaining parts of this Ordinance. It is hereby declared that the remaining parts of this Ordinance would have been ordained and passed had it been known that such part or parts thereof would have been declared unconstitutional.

REPEALING CONFLICTING ORDINANCES

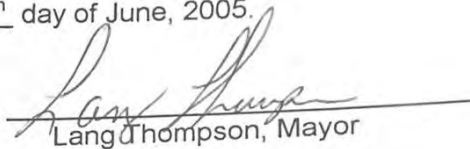
This Ordinance supercedes Town Ordinance No. 62. All other Ordinances or parts of Ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

IX.

EFFECTIVE DATE

This Ordinance shall become effective upon its passage by the Town Council and ten (10) days after the publication of the caption of said Ordinance, as the law provides.

PASSED AND APPROVED this the 09th day of June, 2005.


Lang Thompson, Mayor

ATTEST:


Amy Wade, Town Secretary

APPROVED:

State of Texas

County of Montgomery

Motion was made by John Winters seconded by Belinda Faulkner
that the following ordinance be passed

ORDINANCE NO. 62-C

AN ORDINANCE BY THE CITY OF CUT AND SHOOT, TEXAS ESTABLISHING A CURFEW FOR PERSONS UNDER THE AGE OF 17 YEARS, BETWEEN 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY AND 6:00 A.M. ON THE FOLLOWING DAY, BETWEEN THE HOURS OF 12:01 A.M. AND 6:00 A.M. ON ANY SATURDAY OR SUNDAY, AND 9:00 A.M. AND 2:30 P.M. MONDAY THROUGH FRIDAY FOR MINORS LAWFULLY ENROLLED IN SCHOOL; PROVIDING IT UNLAWFUL FOR ANY PERSON SUBJECT TO A CURFEW HEREUNDER TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS; PROVIDING IT UNLAWFUL FOR ANY PARENT OR GUARDIAN OF PERSON SUBJECT TO A CURFEW HEREUNDER, OR ANY OWNER, OPERATOR, OR EMPLOYEE OF AN ESTABLISHMENT, TO KNOWINGLY PERMIT, OR BY INSUFFICIENT CONTROL ALLOW, SUCH PERSON TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS; PROVIDING DEFENSES TO PROSECUTION FOR VIOLATIONS HEREUNDER; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; SUPERCEDING ORDINANCE 62; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATE AFTER PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT TEXAS THAT:

I

PURPOSE

It is the express purpose of this Ordinance to (a) deter criminal conduct involving juveniles, (b) reduce the number of juvenile crime victims, (c) reduce injury from accidents involving juveniles, (d) reduce the additional time police officers are required to be in the field due to juvenile crime, (e) provide additional and more effective means and options for dealing with gang-related violence and crime, (f) reduce juvenile peer pressure to stay out late (g) reduce juvenile peer pressure to participate in violent or criminal activities, and (h) assist parents in the control of their children.

II.

OFFENSES

- (a) A minor commits an offense if the minor remains, walks, runs, or stands, or operates or rides about in any motor vehicle or bicycle, in any public place or on the premises of any establishment within the City during curfew hours, except that a minor may be present on secondary or elementary school property if the minor is within the scope and course of his or her attendance at said institution.
- (b) A parent or guardian of a minor commits an offense if the person knowingly or negligently permits, or by insufficient or negligent control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours, after having been issued a warning on one or more occasions that the minor was in violation of this ordinance.
- (c) It shall be unlawful for the owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours, unless the owner, operator, or any employee of an establishment has promptly notified any law enforcement agency that a minor was present on the premises of the establishment during curfew hours and the minor refused to leave.

III.

(a) DEFINITIONS IN THIS SECTION:

- (1) **CURFEW HOURS** means:
 - (a) 11:00 P.M., ON ANY SUNDAY, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. on the following day.
 - (b) 12:01 a.m. until 6:00 a.m. any Saturday or Sunday.
 - (c) 9:00 a.m. until 2:30 p.m. on any day that the secondary or elementary school in which the minor is lawfully enrolled is in session and the minor's attendance is required.
- (2) **CHIEF OF POLICE** means the chief-of-police in the City of Cut and Shoot or a designated representative.
- (3) **DIRECT ROUTE** means the shortest path of travel through a public place to reach a final destination without any detour or stopping along the way.
- (4) **EMERGENCY** means any privately owned place of business operated for a profit to which the public is invited., including any other business operated for amusement or entertainment within the City.

- (5) **ESTABLISHMENT** means any privately-owned place of business operated for a profit to which the public is invited, including any other business operated for amusement or entertainment within the City.
- (6) **GUARDIAN** shall mean a person who, under court order, is the guardian of the person of a minor, or a public or private agency with which a minor has been placed by a court.
- (7) **JUVENILE CURFEW PROCESSING OFFICE** means a place designated by the chief of police to which a minor taken into custody for a violation of this Ordinance is delivered to await pickup by a parent, guardian, custodian, or juvenile authorities.
- (8) **MINOR** means any person under the age of seventeen (17) years.
- (9) **PARENT** means a person who is:
- (a) a natural or adoptive parent, or step-parent, of another person;
 - (b) a court appointed parent of another person; or
 - (c) a person at least 21 years of age who has been authorized by a parent or court appointed guardian to have care and custody of another person.
- (10) **PUBLIC PLACE** means any place to which the public for a substantial group of publics has access and shall include, but not be limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, restaurants, theaters, game rooms, shops, shopping centers, or any other place that offers for sale services or merchandise.
- (11) **REMAIN** means to:
- (a) linger or stay unnecessarily; or
 - (b) fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.
- (12) **SERIOUS BODILY INJURY** shall mean bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.
- (13) **WARNING** means a verbal or written warning that a minor was in violation of this Ordinance issued by a police officer or a city official.

IV.

It is a defense to prosecution under this Ordinance that a minor was:

- (a) Accompanied by the minor's parent or guardian;
- (b) On an errand at the direction of the minor's parent or guardian, and using a direct route;
- (c) in a motor vehicle involved in interstate travel;
- (d) engaged in employment activity, including but not limited to newspaper delivery, and was using a direct route to his employment activity or to the minor's residence from the employment activity;
- (e) on the sidewalk or easement abutting the minor's residence, or the residence of a next-door neighbor, if the neighbor did not complain to the police officer about the minor's presence;
- (f) involved in an emergency;
- (g) on an errand made necessary by an illness, injury, or emergency;
- (h) attending a school, government-sponsored, or religious activity, or returning home by a direct route from a school, government-sponsored, or religious activity;
- (i) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;
- (j) married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or
- (k) for curfew hours between the hours of 9:00 a.m. and 2:30 p.m. has graduated from an accredited secondary school, or received a high school equivalency certificate, or is being home schooled and is in the presence of the minor's parent or guardian; or has been given permission from school officials to be absent, provided, however, the minor has not exceeded the limits of permission from school officials.

(2) It is a defense to Prosecution under Section II of this Ordinance that the minor has been directed by his or her parent or guardian to engage in a specific activity or to carry out expressed instructions, during the time that the minor is actually engaged in fulfilling those directions or responsibilities.

V.

ENFORCEMENT

- (1) Before taking any enforcement action under this Ordinance, a police officer, upon finding a minor in violation of Section II (a) shall;
 - a. Ascertain the name, address and date of birth of the minor;
 - b. Ask the minor the reason for being in a public place or establishment during curfew hours, and if there is no reasonable explanation;
 - c. Issue the minor a written warning that the minor is in violation of Section II (a); and
 - d. Order the minor to go promptly home by a direct route.
- (2) Notwithstanding Paragraph (1) of this section, a police officer, upon finding a minor in violation of (II) (a) may, take the minor into custody and deliver him to the Juvenile Curfew Processing Officer if:
 - (a) the minor has received two previous written warnings for a violation of (II) (a); or
 - (b) reasonable grounds exist to believe the minor has engaged in delinquent conduct or conduct indicating a need for supervision as defined in Section 51.03 of the Texas Family Code, as amended.
- (3) When a minor is taken into custody under this section, the police department shall immediately notify a parent or guardian of the minor to pick the minor up at the Juvenile Curfew Processing Office. After a parent or guardian arrives at the office and provides the information required by the chief of police to fill out an incident report, the minor shall be released into the custody of the parent or guardian. At that time, the police officer shall issue a written citation to the parent or guardian for violation of Section (II) (b) of this ordinance. If a parent or guardian cannot be located or fails to appear to take charge of the minor in a reasonable time, the minor shall be released to the juvenile authorities as provided under the guidelines of the Montgomery County Juvenile Board.
- (4) If a minor is not taken into custody for a violation of Section (II) (a), the police officer shall by mail or in person notify a parent or guardian of the minor that the minor has violated Section (II) (a) of this Ordinance and shall include a warning that any subsequent violation may result in the prosecution of the parent or guardian under this Ordinance.
- (5) A police officer who has found a minor in violation of this Ordinance shall within 48 hours file an incident report with the Montgomery County Juvenile Authorities to assist to the extent possible in identifying juveniles in violation of ordinances and laws within the country as directed in the guidelines provided by the Montgomery County Juvenile Board.

PENALTIES

VI.

- (1) Any minor who violates Section (II) (a) of this Ordinance, three (3) or more times within a twenty-four (24) month period is subject to appropriate action by a juvenile court in accordance with Chapters 51 and 52 of the Texas Family Code. The municipal court shall waive original jurisdiction over a minor who violates Section (II) (a) of this Ordinance and shall refer the minor to juvenile court.
- (2) A parent or guardian of a minor who violates Section (II) (b) of this Ordinance or a person who violates II (c) of this Ordinance is, upon conviction, subject to a fine not to exceed \$500.00. Each day of violation shall constitute a separate offense.

VII

CONSTITUTIONALITY

If any part or parts of this Ordinance shall be found to be unconstitutional such unconstitutionality shall not affect the remaining parts of this Ordinance. It is hereby declared that the remaining parts of this Ordinance would have been ordained and passed had it been known that such part or parts thereof would have been declared unconstitutional.

VIII

REPEALING CONFLICTING ORDINANCES

This Ordinance supersedes Town Ordinance No. 62. All other Ordinances or parts of Ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

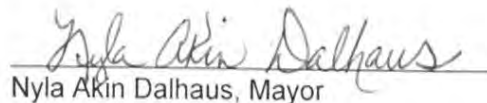
IX

EFFECTIVE DATE

This Ordinance shall become effective upon its passage by the City Council and ten (10) days after the publication of the caption of said Ordinance, as the law provides.

PASSED AND APPROVED this the 8th day of June, 2017.


Amy L. Wade, City Secretary


Nyla Akin Dalhaus, Mayor

Order Confirmation

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|--|---|
| <p>Ad Order Number 0000144579</p> <p>Sales Rep. HCC251</p> <p>Order Taker Vibe</p> <p>Order Source</p> | <p>Customer CITY OF CUT AND SHOOT</p> <p>Customer Account 10024393</p> <p>Customer Address P.O. BOX 7364 CONROE TX 77306 USA</p> <p>Customer Phone 9362643100</p> |
| <p>Payor Customer CITY OF CUT AND SHOOT</p> <p>Payor Account 10024393</p> <p>Payor Address P.O. BOX 7364 CONROE TX 77306 USA</p> <p>Payor Phone 9362643100</p> | <p>PO Number</p> <p>Ordered By Amy Wade</p> <p>Customer Fax</p> <p>Customer Email</p> <p>Special Pricing</p> |

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| Tear Sheets | Proofs | Artifacts | Blind Box |
| 2 | 9 | 1 | |

Invoice Text

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|-------------------|-------------------|---------------------|-------------------|
| Net Amount | Tax Amount | Total Amount | Amount Due |
| \$158.01 | \$0.00 | \$158.01 | \$158.01 |

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| <p>Ad Number 9000144579-01</p> <p>Ad Type CLS Letter</p> <p>External Ad Number</p> <p>Ad Size 2 X 12.5</p> | <p>Ad Attributes</p> <p>Ad Released No</p> <p>Color</p> |
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PUBLIC NOTICE

The City of Cut and Shoot, Texas updated its Texas Car-Free Ordinance No. 62-2 to remain enforceable. The ordinance was taken in a regularly scheduled council meeting held on June 8, 2017.

The express purpose of this Ordinance is to deter criminal conduct involving juveniles, reduce the number of juvenile crime victims, reduce injury from accidents involving juveniles and reduce additional crime. This Ordinance supersedes the previous Ordinance No. 62-2. Passed and approved the 8th day of June, 2017. CC 6/23 6/30/17

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| <p>Product CNCC-The Courier</p> <p>Placement Online</p> | <p>Position Legal Notices</p> <p>Production Method Pick Up</p> |
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| <p>First Run Date Friday, June 23, 2017</p> <p>Last Run Date Friday, June 30, 2017</p> | <p>Production Notes AdBooker</p> |
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AFFIDAVIT OF PUBLICATION

STATE OF TEXAS COUNTY OF MONTGOMERY

Personally appeared before the undersigned, a Notary Public within and for said County and State, Jennifer Breitenbach, Representative for Corey Turner, Director of The Conroe Courier a newspaper of general circulation in the County of Montgomery, State of Texas. Who being duly sworn, states under oath that the report of Legal Notices, a true copy of which is hereto annexed was published in said newspapers in its issue(s) of the

_____ 23 day of June, 2017
_____ 30 day of June, 2017
_____ day of _____, 2017
_____ day of _____, 2017

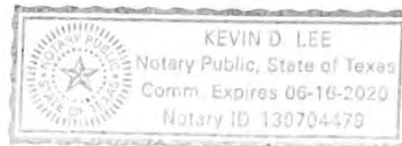


Publisher's Representative

Sworn to and subscribed before me this 30 day of June, 2017.



Notary Public



My commission expires on (stamp) _____

AN ORDINANCE BY THE CITY OF CUT AND HOOT, TEXAS ESTABLISHING A CURFEW FOR PERSONS UNDER THE AGE OF 17 YEARS, BETWEEN 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY AND 6:00 A.M. ON THE FOLLOWING DAY, BETWEEN THE HOURS OF 12:01 A.M. AND 6:00 P.M. ON ANY SATURDAY OR SUNDAY, AND 9:00 A.M. AND 2:30 P.M. MONDAY THROUGH FRIDAY FOR MINORS LAWFULLY ENROLLED IN SCHOOL.

This Ordinance supercedes Ordinance No. 62-B. All other Ordinances or parts of Ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

This Ordinance shall become effective ten (10) days after publication of the caption of said Ordinance, as the law provides.

37395 April 22, 23, 2008

AN ORDINANCE BY THE CITY OF CUT AND SHOOT, TEXAS ESTABLISHING A CURFEW FOR PERSONS UNDER THE AGE OF 17 YEARS, BETWEEN 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY AND 6:00 A.M. ON THE FOLLOWING DAY, BETWEEN THE HOURS OF 12:01 A.M. AND 6:00 P.M. ON ANY SATURDAY OR SUNDAY, AND 9:00 A.M. AND 2:30 P.M. MONDAY THROUGH FRIDAY FOR MINORS LAWFULLY ENROLLED IN SCHOOL.

This Ordinance supercedes Ordinance No. 62-B. All other Ordinances or parts of Ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

This Ordinance shall become effective ten (10) days after publication of the caption of said Ordinance, as the law provides.

37395 April 22, 23, 2008

MOTION WAS MADE BY Lang Thompson, SECONDED BY Leonard McDonald,
THAT THE FOLLOWING ORDINANCE BE PASSED:

ORDINANCE NO. 63

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, ESTABLISHING A FEE NOT TO EXCEED ONE-HALF THE STATE FEE FOR EACH PERMIT ISSUED FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE TOWN OF CUT AND SHOOT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED TWO HUNDRED AND NO/100 DOLLARS (\$200.00) FOR A VIOLATION OF THE ORDINANCE; PROVIDING FOR SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the Texas Alcoholic Beverage Code, Section 11.138 authorizes the governing body of a city or town to levy and collect a fee not to exceed one-half the state fee for each permit for the sale of alcoholic beverages by businesses located within a city or town;

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS THAT:

1. The Town of Cut and Shoot, Texas, is hereby authorized to collect a fee of one-half the state fee for each permit issued to a business located within the Town of Cut and Shoot for the sale of alcoholic beverages.

2. Any person, corporation, or legal entity who sells an alcoholic beverage under a permit issued by the Texas Alcoholic Beverage Commission, without first having paid the fee levied under this Ordinance, commits a misdemeanor punishable by a fine of not less than Ten and No/100 Dollars (\$10.00) nor more than Two Hundred and No/100 Dollars (\$200.00).

3. If any part or parts of this Ordinance shall be found to be unconstitutional, such unconstitutionality shall not effect the remaining parts of this Ordinance. It is hereby declared that the remaining parts of this Ordinance would have been ordained and passed had it been known that such part or parts thereof would not have been declared unconstitutional.

4. This Ordinance shall become effective upon its passage by the Town Council and ten (10) days after the publication of the caption of said Ordinance, as the law provides.

PASSED AND APPROVED this the 13th day of June,
A.D. 1996.


MARK PATTERSON, Mayor

ATTEST:


AMY WADE, Town Secretary

APPROVED:


LARRY L. FOERSTER, Town Attorney

Motion was made by Bill Oliphant, seconded by Leonard McDonald
that the following Ordinance be passed:

ORDINANCE NO. 64

AN ORDINANCE BY THE TOWN COUNCIL OF THE
TOWN OF CUT AND SHOOT, TEXAS,
TO AMEND TOWN ORDINANCE NO. 64; DATED OCTOBER 10, 1996, BY
INCREASING THE FINE FOR CHILD SEAT BELT AND PASSENGER SAFETY SEAT
BELT SYSTEMS VIOLATIONS TO \$150.00; AND
REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR
IN CONFLICT HEREWITH;
PROVIDING SEVERABILITY CLAUSE;
DECLARING COMPLIANCE WITH TEXAS OPEN MEETING ACT; AND
PROVIDING AN EFFECTIVE DATE UPON PUBLICATION AS PROVIDED BY LAW.

WHEREAS, House Bill 1739 amends Section 545.412 of the Texas
Transportation Code to increase the penalty for child seat belt and passenger
safety seat belt system offenses to a minimum penalty of \$100 and a maximum
penalty of \$200 with fifty percent of the fine collected going to the State
Comptroller, who in turn will deposit that fund money in the Tertiary Care Fund
for use by trauma centers.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CUT AND SHOOT, TEXAS THAT:

SECTION I.
AMENDMENT

Town Ordinance No. 64, dated October 10, 1996, is hereby amended to
increase the fine for violations for failure to use child passenger seat belt systems
to \$150.

SECTION II.
SEVERABILITY

If any part or parts of the Ordinance shall be held unconstitutional or
invalid, such unconstitutionality or invalidity shall not affect the validity of the
remaining parts of this ordinance. It is hereby declared that the remaining parts
of this Ordinance shall have been ordained and passed had it been known that
such parts hereof would be declared unconstitutional and invalid.

SECTION III.
REPEALING CONFLICTING ORDINANCES

This Ordinance amends Town Ordinance 64, dated October 10, 1996. All other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby repealed.

SECTION IV.
TEXAS OPEN MEETINGS ACT

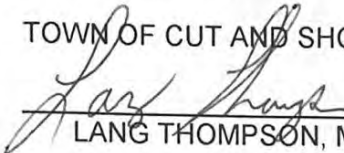
It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION V.
EFFECTIVE DATE OF PASSAGE

The Ordinance shall be effective immediately upon its passage by the Town Council and after the publication of said ordinance, as provided by law.

PASSED AND APPROVED this the 8th day of November 2001.

TOWN OF CUT AND SHOOT, TEXAS



LANG THOMPSON, MAYOR

ATTEST:



AMY WADE, Town Secretary

ORDINANCE NO. 64

MOTION WAS MADE BY Clif Dalhaus,
SECONDED BY Lang Thompson, THAT THE FOLLOWING
ORDINANCE BE PASSED,

AN ORDINANCE FOR THE TOWN OF CUT AND SHOOT ESTABLISHING COSTS TO BE PAID UPON CONVICTION OR PLEA OF GUILTY; PROVIDING FOR DISPOSITION OF CASES BEFORE DOCKETING; NAMING CERTAIN PARKING AND TRAFFIC VIOLATIONS AND AMOUNT TO BE PAID FOR EACH, WITHOUT COST; PROVIDING FOR RULES TO ENFORCE COLLECTIONS OF FINES AND RULES OF PLEADING, PRACTICE AND PROCEDURE IN SAID MUNICIPAL COURT; PROVIDING FOR MONTHLY REPORTS OF JUDGE; PROVIDING FOR CUSTODY OF PRISONERS IN MONTGOMERY COUNTY JAIL; PROVIDING SEPARABILITY CLAUSE; REPEALING ALL ORDINANCE IN CONFLICT; AND ESTABLISHING DATE FOR PASSAGE OF ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS:

ARTICLE I

**UNDOCKETED CASES; FINES PRESCRIBED
AND SPECIAL EXPENSE FEES**

Section 1. In all cases filed with the town clerk of the municipal court of the Town of Cut and Shoot not having been entered on the court docket, the defendant may pay the minimum fine prescribed for the violation hereinafter set out, the amount opposite each.

| A. Traffic Violations | Minimum Fine |
|------------------------------|---------------------|
| 1-14 MPH over | \$ 70.00 |
| 15-20 MPH over | \$ 75.00 |
| 21-25 MPH over | \$ 90.00 |
| 26-30 MPH over | \$110.00 |
| 31-35 MPH over | \$140.00 |
| 36-40 MPH over | \$190.00 |
| 41-45 MPH over | \$225.00 |

School Zone- Additional \$20.00

| | |
|---|----------|
| Any case involving accident | \$ 90.00 |
| *No valid Driver's License or expired license | \$ 95.00 |
| No Driver's License on demand | \$ 95.00 |
| Improper Driver's License for type vehicle | \$125.00 |
| Violating Driver's License restriction | \$ 65.00 |
| Fictitious Driver's License | \$ 95.00 |
| Fail to change address on Driver's License | \$ 50.00 |
| Displayed expired license plate | \$ 70.00 |
| No license plates | \$ 50.00 |
| Fictitious license plates | \$238.00 |
| Display license plate issued for another vehicle | \$238.00 |
| One license plate | \$ 50.00 |
| Operate Unregistered Vehicle | \$ 65.00 |
| *No valid MVI certificate | \$ 45.00 |
| *Expired Registration | \$ 70.00 |
| Display MVI certificate issued for another vehicle | \$138.00 |
| Fictitious MVI | \$138.00 |
| Failure to produce financial responsibility | \$285.00 |
| Transfer motor vehicle with incomplete papers | \$ 75.00 |
| Permit unauthorized person to operate vehicle | \$ 70.00 |
| No trailer registration | \$ 70.00 |
| Defective head or no tail lights | \$ 55.00 |
| None or defective exhaust | \$ 70.00 |
| Defective equipment - other | \$ 70.00 |
| Operate wrecker without Texas tow tags while towing | \$200.00 |
| Ran stop sign | \$ 65.00 |
| Ran red light | \$ 65.00 |
| Fail to drive safe and prudent speed | \$ 90.00 |
| Fail to yield right of way | \$ 90.00 |
| Fail to signal lane change | \$ 60.00 |
| Failed to signal right or left turn | \$ 60.00 |
| Fail to maintain single marked lane | \$ 60.00 |
| Fail to yield to emergency vehicle | \$100.00 |
| Failure to report accident | \$ 75.00 |
| Fail to dim lights | \$ 65.00 |
| Fail to control speed | \$ 90.00 |
| Exhibition of acceleration of speed | \$ 90.00 |
| Passing in a no passing zone | \$ 85.00 |
| Driving on wrong side of road | \$ 85.00 |
| Illegal pass on right | \$ 95.00 |
| Wrong side of road-not passing | \$ 85.00 |
| Illegal Turn | \$ 75.00 |
| Following too closely | \$ 85.00 |
| Cut through parking lot to avoid intersection | \$ 65.00 |
| Illegal U-Turn | \$ 75.00 |

| | |
|--|----------|
| Unrestrained Child | \$ 65.00 |
| Driving without lights when required | \$ 65.00 |
| No Motorcycle helmet | \$ 75.00 |
| Disregard traffic control device | \$ 65.00 |
| Wrong way on one way | \$ 65.00 |
| Disorderly conduct with motor vehicle | \$100.00 |
| No seat belt | \$ 65.00 |
| Illegally passing school bus | \$500.00 |
| Parking in no parking zone | \$ 50.00 |
| Parking in fire zone | \$ 50.00 |
| Double parking | \$ 50.00 |
| Parking by fireplug | \$ 50.00 |
| Illegally parked - blocking intersection, driveway | \$ 60.00 |
| Parking in a tow-away zone | \$ 50.00 |
| Not parked wholly within parking space | \$ 50.00 |

B. Public Violations

Minimum Fine

| | |
|---|----------|
| Public Intoxication | \$138.00 |
| Disorderly conduct (any type) | \$238.00 |
| Littering | \$ 85.00 |
| Failure to obey a police officer | \$200.00 |
| Failure to appear (plus \$35.00 warrant fee) | \$ 85.00 |
| Misdemeanor - Theft | \$238.00 |
| Issuance of bad check (plus \$35.00 warrant fee) | \$ 80.00 |
| Soliciting without permit | \$ 75.00 |
| Assault - simple | \$238.00 |
| Gambling | \$100.00 |
| Criminal mischief | \$200.00 |
| Possession of drug paraphernalia | \$238.00 |
| Open container | \$ 90.00 |
| Discharge fireworks | \$100.00 |
| Discharge firearms | \$100.00 |
| Furnishing alcohol to a minor | \$238.00 |
| Minor in Possession (Alcohol course required plus fine) | \$238.00 |
| Cons of Alc. Bev/Lic Prem/Off Premise | \$100.00 |
| Consuming alcoholic beverage after hours | \$100.00 |
| Glue Sniffing | \$100.00 |
| Other Town ordinances as set therein | |

*Charges may be dismissed upon presentation of a valid drivers license, to the Court, providing the license was valid at the time citation was issued and is presented to the Court within 10 working days from date of citation. Expired registration and No Valid MVI Certificate may be dismissed, if proof of compliance is provided to the Court within 10 working days from the date of citation.

Section 2. There is enacted a special expense fee as set out in state law for the issuance and service of a warrant of arrest for an offense under V.T.C.A., Penal Code Section 38.11 relating to the offense of failing to appear or for an offense under Vernon's Ann. Civ. St. Art. 6701d, Section 149 relating to traffic violations or for an offense in connection with Vernon's Ann. C.C.P. Ar. 17.04 relating to the requisite of a personal bond.

Section 3. Fees for a citation dismissal for completion of a driver safety course shall be as follows:

- (A) There is enacted a special expense fee as set out in state law to cover the cost of administration of a request to complete a driving safety course in order to have a citation dismissed in the municipal court under Vernon's Ann. Civ. St. art. 6701d, Section 143.
- (B) Fees shall be collected by the municipal court at the time of the request and thereafter shall be deposited by the Clerk in the town treasury.
- (C) If a person requesting a driving safety course does not take the course, the person is not entitled to a refund of the fee.

Section 4. Fees for a citation dismissal for various other violations as set out in the state law to cover the cost of administration.

- (A) Fees shall be collected by the municipal court at the time of the request and thereafter shall be deposited by the Clerk in the town treasury.

ARTICLE II

CASH AND BAIL BONDS

(A) The minimum amount to be deposited for a cash bond for each offense shall be twenty-five dollars (\$25.00).

(B) The minimum principal amount of bail bond for each offense shall be two hundred dollars (200.00).

ARTICLE III

COLLECTIONS OF FINES, RULES PRESCRIBED

The rules to enforce the collection of all fines and costs imposed by the municipal court, by execution against the property of the defendant, or the imprisonment of the defendant, shall be the same as prescribed by law for judgments and their enforcement in criminal cases in justice of the peace court, as far as applicable.

ARTICLE IV

RULES OF PROCEDURE

Unless otherwise provided by law or ordinance, the rules of pleading, practice and procedure prescribed by law for justice of the peace courts shall apply to the municipal court so far as applicable.

ARTICLE V

REPORTS

The Court Clerk of the municipal court shall make a monthly report to the town council of the cases disposed of before the judge and shall, likewise, remit all fines and costs collected by the court.

ARTICLE VI

CUSTODY OF PRISONERS

Any prisoner in the custody of the chief of police or any other peace officer of the town shall be confined in the county jail at Conroe when deemed necessary.

ARTICLE VII

MISCELLANEOUS

Section 1. If any section or provision or part thereof, in this ordinance shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance as a whole, or any section or provision thereof not adjudged invalid or unconstitutional.

Section 2. All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. The importance of the Ordinance and its intent and purpose being declared to be the benefit of the citizens and property owners in the Town of Cut and Shoot, Texas, constitutes an emergency, and an imperative public necessity that it be declared to be an emergency measure and that this Ordinance shall take effect immediately from and after its passage and it is so enacted.

PASSED AND APPROVED this the 10th day of October,
A.D. 1996.


MARK PATTERSON, MAYOR

ATTEST:


AMY L. WADE, SECRETARY

APPROVED:

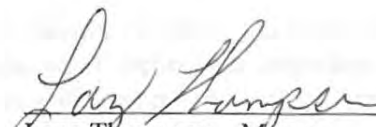
LARRY L. FOERSTER, TOWN ATTORNEY

AMENDMENT TO TOWN ORDINANCE NO. 64


Motion was made by Bill Olliphant, Seconded by LEONARD McDONALD, that the following amendment be made to Town Ordinance No. 64.

WHEREAS, THE 75th LEGISLATURE PASSED LAWS AFFECTING COURT COSTS AND FEES IN CRIMINAL CASES FOR MUNICIPAL COURTS. HOUSE BILL 2272 AMENDS VERNON'S ANN. C.C.P. CREATING THREE UNIFORM COURT COSTS TO REPLACE TEN EXISTING ONES AND ADDING TWO NEW COURT COSTS. THIS ACTION CAUSED AN INCREASE IN THE AMOUNT OF EXISTING COURT COSTS AND FEES. AS A RESULT, ALL JUSTICE OF THE PEACE COURTS IN MONTGOMERY COUNTY INCREASED THEIR FINES BY TEN DOLLARS (\$10.00) ON ALL VIOLATIONS. THIS ACTION BY THE JUSTICE COURTS BECAME EFFECTIVE SEPTEMBER 1ST. **THEREFORE**, TOWN ORDINANCE 64 IS HEREBY AMENDED TO INCREASE ALL FINES BY TEN DOLLARS (\$10.00) AND APPLIES TO CONVICTIONS OF OFFENSES COMMITTED ON OR AFTER NOVEMBER 1, 1997.

PASSED AND APPROVED this the 9th day of October, A.D. 1997.


Lang Thompson, Mayor

ATTEST:


Amy L. Wade, City Secretary

ORDINANCE NO. 64

MOTION WAS MADE BY Lang Thompson , SECONDED BY Clif Dalhaus , THAT THE FOLLOWING ORDINANCE BE PASSED.

AN ORDINANCE FOR THE TOWN OF CUT AND SHOOT ESTABLISHING COSTS TO BE PAID UPON CONVICTION OR PLEA OF GUILTY; PROVIDING FOR DISPOSITION OF CASES BEFORE DOCKETING; NAMING CERTAIN PARKING AND TRAFFIC VIOLATIONS AND AMOUNT TO BE PAID FOR EACH, WITHOUT COST; PROVIDING FOR RULES TO ENFORCE COLLECTIONS OF FINES AND RULES OF PLEADING, PRACTICE AND PROCEDURE IN SAID MUNICIPAL COURT; PROVIDING FOR MONTHLY REPORTS OF JUDGE; PROVIDING FOR CUSTODY OF PRISONERS IN MONTGOMERY COUNTY JAIL; PROVIDING SEPARABILITY CLAUSE; REPEALING ALL ORDINANCE IN CONFLICT; AND ESTABLISHING DATE FOR PASSAGE OF ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS:

ARTICLE I

**UNDOCKETED CASES; FINES PRESCRIBED
AND SPECIAL EXPENSE FEES**

Section 1. In all cases filed with the town clerk of the municipal court of the Town of Cut and Shoot not having been entered on the court docket, the defendant may pay the minimum fine prescribed for the violation hereinafter set out, the amount opposite each.

| A. Traffic Violations | Minimum Fine |
|------------------------------|---------------------|
| 1-14 MPH over | \$ 70.00 |
| 15-20 MPH over | \$ 75.00 |
| 21-25 MPH over | \$ 90.00 |
| 26-30 MPH over | \$110.00 |
| 31-35 MPH over | \$140.00 |
| 36-40 MPH over | \$190.00 |
| 41-45 MPH over | \$225.00 |

****School Zone- Additional \$20.00****

| | |
|---|----------|
| Any case involving accident | \$ 90.00 |
| *No valid Driver's License or expired license | \$ 95.00 |
| No Driver's License on demand | \$ 95.00 |
| Improper Driver's License for type vehicle | \$125.00 |
| Violating Driver's License restriction | \$ 65.00 |
| Fictitious Driver's License | \$ 95.00 |
| Fail to change address on Driver's License | \$ 50.00 |
| Displayed expired license plate | \$ 70.00 |
| No license plates | \$ 50.00 |
| Fictitious license plates | \$238.00 |
| Display license plate issued for another vehicle | \$238.00 |
| One license plate | \$ 50.00 |
| Operate Unregistered Vehicle | \$ 65.00 |
| *No valid MVI certificate | \$ 45.00 |
| *Expired Registration | \$ 70.00 |
| Display MVI certificate issued for another vehicle | \$138.00 |
| Fictitious MVI | \$138.00 |
| Failure to produce financial responsibility | \$285.00 |
| Transfer motor vehicle with incomplete papers | \$ 75.00 |
| Permit unauthorized person to operate vehicle | \$ 70.00 |
| No trailer registration | \$ 70.00 |
| Defective head or no tail lights | \$ 55.00 |
| None or defective exhaust | \$ 70.00 |
| Defective equipment - other | \$ 70.00 |
| Operate wrecker without Texas tow tags while towing | \$200.00 |
| Ran stop sign | \$ 65.00 |
| Ran red light | \$ 65.00 |
| Fail to drive safe and prudent speed | \$ 90.00 |
| Fail to yield right of way | \$ 90.00 |
| Fail to signal lane change | \$ 60.00 |
| Failed to signal right or left turn | \$ 60.00 |
| Fail to maintain single marked lane | \$ 60.00 |
| Fail to yield to emergency vehicle | \$100.00 |
| Failure to report accident | \$ 75.00 |
| Fail to dim lights | \$ 65.00 |
| Fail to control speed | \$ 90.00 |
| Exhibition of acceleration of speed | \$ 90.00 |
| Passing in a no passing zone | \$ 85.00 |
| Driving on wrong side of road | \$ 85.00 |
| Illegal pass on right | \$ 95.00 |
| Wrong side of road-not passing | \$ 85.00 |
| Illegal Turn | \$ 75.00 |
| Following too closely | \$ 85.00 |
| Cut through parking lot to avoid intersection | \$ 65.00 |
| Illegal U-Turn | \$ 75.00 |

| | |
|--|----------|
| Unrestrained Child | \$ 65.00 |
| Driving without lights when required | \$ 65.00 |
| No Motorcycle helmet | \$ 75.00 |
| Disregard traffic control device | \$ 65.00 |
| Wrong way on one way | \$ 65.00 |
| Disorderly conduct with motor vehicle | \$100.00 |
| No seat belt | \$ 65.00 |
| Illegally passing school bus | \$500.00 |
| Parking in no parking zone | \$ 50.00 |
| Parking in fire zone | \$ 50.00 |
| Double parking | \$ 50.00 |
| Parking by fireplug | \$ 50.00 |
| Illegally parked - blocking intersection, driveway | \$ 60.00 |
| Parking in a tow-away zone | \$ 50.00 |
| Not parked wholly within parking space | \$ 50.00 |

B. Public Violations

Minimum Fine

| | |
|---|----------|
| Public Intoxication | \$138.00 |
| Disorderly conduct (any type) | \$238.00 |
| Littering | \$ 85.00 |
| Failure to obey a police officer | \$200.00 |
| Failure to appear (plus \$35.00 warrant fee) | \$ 85.00 |
| Misdemeanor - Theft | \$238.00 |
| Issuance of bad check (plus \$35.00 warrant fee) | \$ 80.00 |
| Soliciting without permit | \$ 75.00 |
| Assault - simple | \$238.00 |
| Gambling | \$100.00 |
| Criminal mischief | \$200.00 |
| Possession of drug paraphernalia | \$238.00 |
| Open container | \$ 90.00 |
| Discharge fireworks | \$100.00 |
| Discharge firearms | \$100.00 |
| Furnishing alcohol to a minor | \$238.00 |
| Minor in Possession (Alcohol course required plus fine) | \$238.00 |
| Cons of Alc. Bev/Lic Prem/Off Premise | \$100.00 |
| Consuming alcoholic beverage after hours | \$100.00 |
| Glue Sniffing | \$100.00 |
| Other Town ordinances as set therein | |

*Charges may be dismissed upon presentation of a valid drivers license, to the Court, providing the license was valid at the time citation was issued and is presented to the Court within 10 working days from date of citation. Expired registration and No Valid MVI Certificate may be dismissed, if proof of compliance is provided to the Court within 10 working days from the date of citation.

Section 2. There is enacted a special expense fee as set out in state law for the issuance and service of a warrant of arrest for an offense under V.T.C.A., Penal Code Section 38.11 relating to the offense of failing to appear or for an offense under Vernon's Ann. Civ. St. Art. 6701d, Section 149 relating to traffic violations or for an offense in connection with Vernon's Ann. C.C.P. Ar. 17.04 relating to the requisite of a personal bond.

Section 3. Fees for a citation dismissal for completion of a driver safety course shall be as follows:

- (A) There is enacted a special expense fee as set out in state law to cover the cost of administration of a request to complete a driving safety course in order to have a citation dismissed in the municipal court under Vernon's Ann. Civ. St. art. 6701d, Section 143.
- (B) Fees shall be collected by the municipal court at the time of the request and thereafter shall be deposited by the Clerk in the town treasury.
- (C) If a person requesting a driving safety course does not take the course, the person is not entitled to a refund of the fee.

Section 4. Fees for a citation dismissal for various other violations as set out in the state law to cover the cost of administration.

- (A) Fees shall be collected by the municipal court at the time of the request and thereafter shall be deposited by the Clerk in the town treasury.

ARTICLE II

CASH AND BAIL BONDS

(A) The minimum amount to be deposited for a cash bond for each offense shall be twenty-five dollars (\$25.00).

(B) The minimum principal amount of bail bond for each offense shall be two hundred dollars (200.00).

ARTICLE III

COLLECTIONS OF FINES, RULES PRESCRIBED

The rules to enforce the collection of all fines and costs imposed by the municipal court, by execution against the property of the defendant, or the imprisonment of the defendant, shall be the same as prescribed by law for judgments and their enforcement in criminal cases in justice of the peace court, as far as applicable.

ARTICLE IV

RULES OF PROCEDURE

Unless otherwise provided by law or ordinance, the rules of pleading, practice and procedure prescribed by law for justice of the peace courts shall apply to the municipal court so far as applicable.

ARTICLE V

REPORTS

The Court Clerk of the municipal court shall make a monthly report to the town council of the cases disposed of before the judge and shall, likewise, remit all fines and costs collected by the court.

ARTICLE VI

CUSTODY OF PRISONERS

Any prisoner in the custody of the chief of police or any other peace officer of the town shall be confined in the county jail at Conroe when deemed necessary.

ARTICLE VII
MISCELLANEOUS

Section 1. If any section or provision or part thereof, in this ordinance shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, such adjudication shall not affect the validity of this ordinance as a whole, or any section or provision thereof not adjudged invalid or unconstitutional.

Section 2. All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. The importance of the Ordinance and its intent and purpose being declared to be the benefit of the citizens and property owners in the Town of Cut and Shoot, Texas, constitutes an emergency, and an imperative public necessity that it be declared to be an emergency measure and that this Ordinance shall take effect immediately from and after its passage and it is so enacted.

PASSED AND APPROVED this the 10th day of October, A.D. 1996.

MARK PATTERSON, MAYOR

ATTEST:

AMY L. WADE, SECRETARY

APPROVED:

LARRY L. FOERSTER, TOWN ATTORNEY

42
OCT 18 1993

Order Accepting Roads into the Montgomery County
Road Maintenance System upon Finding of Prescriptive
Right Based on Public Use

STATE OF TEXAS *

COUNTY OF MONTGOMERY *

On the 18 day of Oct., 1993, at a duly posted and called meeting of the Commissioners Court of Montgomery County, Texas, on motion of ^{Judge} Commissioner Sadler, seconded by Commissioner Meador, duly put and carried,

WHEREAS, there is located in Montgomery County Commissioner's Precinct No. 4, a street or road known as Jensen Trail, and

WHEREAS, the Court makes the following findings with respect to such streets or roads:

- a) That such street or road has been openly used by the general travelling public for a continuous and uninterrupted period commencing at least ten years prior to the date of this Order,
- b) That such use by the general travelling public during such time has been under a claim of right which is adverse to the owner and not by mere permission, and the owner has acquiesced or failed to limit such use,
- c) That such use by the general travelling public has established a defined way which has not been substantially changed during the ten previous years, which defined way is considered a public street or road by the general travelling public, and
- d) That such street or road connects and is adjacent to a street or road currently incorporated within the Montgomery County Road Maintenance System.

AND WHEREAS THE COURT FURTHER FINDS that such street or road has become a public way by virtue of such use:

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MONTGOMERY COUNTY, TEXAS,

That the hereinabove described street or road be occupied, used and hereafter maintained by Montgomery County, Texas, as a public street or road,

That the established road line as heretofore defined by public use be and it is hereby adopted as the legal road line, and

That the County Engineer of Montgomery County, Texas, be and he is hereby directed to place the street or road or portion thereof of such streets or roads hereinabove described upon the Official Road Log of Montgomery County, Texas, which Official Road Log is hereby amended to include such thoroughfare.

PASSED and approved this 18 day of October, 1993.

MONTGOMERY COUNTY, TEXAS

BY:

Alan B. Sadler
ALAN B. SADLER
COUNTY JUDGE

Mike Meador
MIKE MEADOR
COMMISSIONER, PCT. 1

Malcolm Purvis
MALCOLM PURVIS
COMMISSIONER, PCT. 2

Ed Chance
ED CHANCE
COMMISSIONER, PCT. 3

absent
CHARLES HAYDEN
COMMISSIONER, PCT. 4



ATTEST:

Roy Harris
ROY HARRIS
COUNTY CLERK

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF Cut and Shoot, TEXAS
DENYING THE APPLICATION OF ENTERGY GULF STATES, INC.,
FOR APPROVAL OF ITS TRANSITION TO COMPETITION PLAN AND
THE TARIFFS IMPLEMENTING THE PLAN

The City Council of the City of Cut and Shoot ("City") makes the following findings of fact:

1. On November 27, 1996, Entergy Gulf States, Inc. ("Entergy Texas" or "the Company"), filed its *Application for Approval of Its Transition to Competition Plan and the Tariffs Implementing the Plan* ("application") with the City. The application seeks approval for a proposed transition to competition plan and for new base rate tariffs implementing the plan.
2. On December 12, 1996, the City held a hearing in which Entergy Texas addressed the City Council regarding the application. In addition, the Cut & Shoot City Council has reviewed the application.
3. The transition to competition plan is a proposal to bring, in an orderly fashion, the benefits of competition in the electric utility industry to Texas retail customers. As such, the plan affects all customers throughout the Texas service territory. Thus, the plan should be considered on a Texas service territory basis.
4. The proposed base rate tariffs depend on the transition to competition plan. Therefore, the proposed tariffs should be considered on a Texas service territory wide basis.

Consequently, based on these findings of fact,


NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Cut and Shoot, that the application is denied in order to allow for an appeal that will result in a decision applicable throughout the Company's Texas service territory.

Dated: December 12, 1996



Mayor

ATTEST:



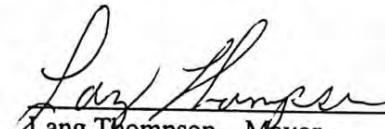
City Secretary

AMENDMENT TO TOWN ORDINANCE NO. 64

Motion was made by Bill Oliphant, Seconded by LEONARD McDONALD, that the following amendment be made to Town Ordinance No. 64.

WHEREAS, THE 75th LEGISLATURE PASSED LAWS AFFECTING COURT COSTS AND FEES IN CRIMINAL CASES FOR MUNICIPAL COURTS. HOUSE BILL 2272 AMENDS VERNON'S ANN. C.C.P. CREATING THREE UNIFORM COURT COSTS TO REPLACE TEN EXISTING ONES AND ADDING TWO NEW COURT COSTS. THIS ACTION CAUSED AN INCREASE IN THE AMOUNT OF EXISTING COURT COSTS AND FEES. AS A RESULT, ALL JUSTICE OF THE PEACE COURTS IN MONTGOMERY COUNTY INCREASED THEIR FINES BY TEN DOLLARS (\$10.00) ON ALL VIOLATIONS. THIS ACTION BY THE JUSTICE COURTS BECAME EFFECTIVE SEPTEMBER 1ST. THEREFORE, TOWN ORDINANCE 64 IS HEREBY AMENDED TO INCREASE ALL FINES BY TEN DOLLARS (\$10.00) AND APPLIES TO CONVICTIONS OF OFFENSES COMMITTED ON OR AFTER NOVEMBER 1, 1997.

PASSED AND APPROVED this the 9th day of October, A.D. 1997.


Lang Thompson, Mayor

ATTEST:


Amy L. Wade, City Secretary

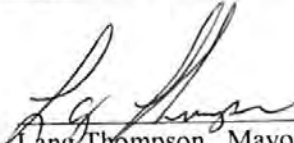
AMENDMENT TO TOWN ORDINANCE NO. 64

Motion was made by J. D. Roberts, Seconded by
Robert Moore, that the following amendment be made to Town
Ordinance No. 64

WHEREAS, THE 79TH LEGISLATURE OF THE STATE OF TEXAS ENACTED LAWS AFFECTING COURT COSTS AND FEES IN CRIMINAL CASES FOR MUNICIPAL COURTS. SENATE BILL 1704 CHANGES SECTION 5. SUBCHAPTER A, CHAPTER 102, CODE OF CRIMINAL PROCEDURE BY ADDING ARTICLE 102.0045 TO READ AS FOLLOWS: ARTICLE 102.0045. FEE FOR JURY REIMBURSEMENT TO COUNTIES. (a) A PERSON CONVICTED OF ANY OFFENSE, OTHER THAN AN OFFENSE RELATING TO A PEDESTRIAN OR THE PARKING OF A MOTOR VEHICLE, SHALL PAY AS A COURT COST, IN ADDITION TO ALL OTHER COSTS, A FEE OF \$4 TO BE USED TO REIMBURSE COUNTIES FOR THE COST OF JUROR SERVICES AS PROVIDED BY SECTION 61.0015, GOVERNMENT CODE.

THEREFORE, TOWN ORDINANCE 64 IS HEREBY AMENDED TO INCREASE ALL FINES BY FOUR DOLLARS (\$4.00) AND APPLIES TO CONVICTIONS OF OFFENSES COMMITTED ON OR AFTER SEPTEMBER 1, 2005.

PASSED AND APPROVED this the 11th day of August, A.D. 2005.


Lang Thompson, Mayor

ATTEST:


Amy L. Wade, City Secretary

MOTION WAS MADE BY CLIF DALHAUS, SECONDED BY ROBERT MOORE, THAT THE FOLLOWING ORDINANCE BE PASSED.

ORDINANCE NO. 65

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT TO ABOLISH THE ELECTED OFFICE OF TOWN MARSHAL UPON THE EXPIRATION OF THE CURRENT TERM AND TO CREATE THE APPOINTED POSITION OF TOWN MARSHAL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Cut and Shoot, Texas, believes that it is in the best interest of the health and safety of the citizens of the Town of Cut and Shoot that the Town Council appoint the position of Town Marshal in accordance with its authority under Section 22.071 and Section 22.072 of the Texas Local Government Code; and

WHEREAS, the position of Town Marshal is currently an elected position, with the current term of office expiring in May, 1997, after the annual Town election for Mayor, Marshal, and Aldermen; and

WHEREAS, the Town Council has the authority by Ordinance to abolish the office of Town Marshal and simultaneously confer the duties of a municipal peace officer upon an individual appointed by the Town Council, as provided in Section 22.076 of the Texas Local Government Code;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS THAT:

I.

The elected office of Town Marshall shall be abolished at the expiration of the current term of that office in May, 1997, on the date of the first Town Council meeting, held immediately following the Town election, at which the Council canvasses the votes of that election.

II.

At the same meeting the Town Council shall be authorized to appoint a qualified individual to the position of Town Marshal to serve at the will and direction of the Town Council pursuant to Section 341.021 of the Texas Local Government Code. The Town Council shall be authorized to pay the appointed Town Marshal and any one or more appointed deputies compensation for said service.

III.

Provisions of this Ordinance are declared to be severable. If any portion or provision hereof, or the application thereof to any person or situation, should be declared invalid or unconstitutional by a Court of competent jurisdiction, such validity or constitutionality shall not affect the remaining portions or provisions of this Ordinance.

IV.

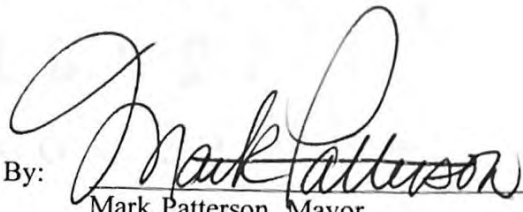
All Ordinances, or parts of Ordinances and Motions, in conflict with the provisions of this Ordinance are hereby expressly repealed.

V.


This Ordinance shall take effect in May, 1997, on the date of the first meeting of the Town Council immediately after the Town election held on the first Saturday in May, 1997.

PASSED AND APPROVED this the 9th day of January, 1997.

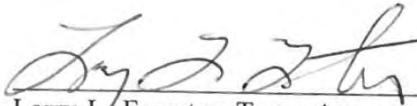
TOWN OF CUT AND SHOOT

By: 
Mark Patterson, Mayor

ATTEST:


Amy Wade, Town Secretary

APPROVED AS TO FORM:


Larry L. Foerster, Town Attorney

Motion made by ROBERT MOORE, seconded by Bill OLiphant.

that the following Ordinance be passed:

NO. 666

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS REGULATING NOISE WITHIN THE TOWN BY PROVIDING DEFINITIONS; PROHIBITING SOUND NUISANCES; ESTABLISHING PRIMA FACIE EVIDENCE OF SOUND NUISANCES BY DECIBEL [dB(A)] LEVELS; PROHIBITING NOISY VEHICLES; PROHIBITING LOUD NOISE FROM MOTOR VEHICLE RADIO OR TAPE PLAYER; PROHIBITING NOISY ANIMALS AND BIRDS; ESTABLISHING DEFENSES; REQUIRING PERMITS FOR OUTDOOR AMPLIFICATION SYSTEMS AND DEVICES; MAKING ANY VIOLATION OF THE ORDINANCE A MISDEMEANOR; ESTABLISHING A CRIMINAL PENALTY OF NOT MORE THAN \$500 FINE FOR EACH DAY THE VIOLATION CONTINUES; PROVIDING A SAVINGS CLAUSE, A REPEALING CLAUSE; AND AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the Town Council of the Town of Cut and Shoot, Texas finds that it is in the best interest of the residents of the Town for their peace and tranquility to regulate loud noises within the Town.

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS:

**SECTION I
DEFINITIONS**

1. **Commercial property** means real property which is not within the definition of residential property as defined by this section.
2. **dB(A)** means the intensity of a sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighing scale and the slow meter response, as specified by the American National Standards Institute.

3. **Residential property** means real property which is dedicated or restricted to use for single family or multifamily residential purposes and which is not actually used for another purpose, or real property upon which there exists a single family residence or multifamily residential purposes and which is not actually used for another purpose, or real property upon which there exists a single family residence or multifamily residence. In the case of an apartment building or other multifamily residential structure, each unit of occupancy may be considered a separate residential property. The term residential property does not include a hotel, motel or other similar accommodations not intended or generally utilized for long term occupancy.

4. **Sound nuisance** means any sound which unreasonably annoys, disturbs, injures or endangers the peace, comfort, repose, health or safety of a reasonable person of ordinary tastes and sensitivities.

SECTION II GENERAL PROHIBITION

1. It shall be unlawful for any person to make, cause, allow, or permit a sound nuisance.

2. The acts enumerated in the following sections of this chapter, among others, are declared to be sound nuisances in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

SECTION III PRIMA FACIE EVIDENCE OF SOUND NUISANCE

1. Nothing herein shall be deemed to require the use of noise decibel [dB(A)] levels when measured upon a receiving property shall be prima facie evidence of a sound nuisance:

a. Upon a receiving residential property:

- (1) 65 dB(A) between 7:00 a.m. and 10:00 p.m. of the same day; and
- (2) 58 dB(A) between 10:00 p.m. of one (1) day and 7:00 a.m. of the next.

b. 68 dB(A) upon a receiving commercial property.

2. Unless a differing point of reception is specified, all measurements shall be taken at or near the nearest property line of the property where the sound is being received.

SECTION IV NOISY VEHICLES

The use of any automobile, motorcycle, or other vehicle so out of repair or loaded in such a manner so as to create loud and unreasonable grating, grinding, rattling noise, or any other loud and unreasonable sound is hereby prohibited and declared to be unlawful.

SECTION V NOISE FROM MOTOR VEHICLE RADIO OR TAPE PLAYER

1. It shall be unlawful for any person to make, cause, allow or permit a sound nuisance through operation of any radio, tape player or other device for producing, reproducing, amplifying or broadcasting sound, which is mounted or contained in or on motor vehicle.

2. Evidence that a motor vehicle sound source produces a sound that exceeds the dB(A) levels established by Section III when measured at or near fifteen (15) feet from the nearest external point on the vehicle shall be prima facie evidence of a sound nuisance.

SECTION VI NOISY ANIMALS AND BIRDS

The keeping of any animal or bird which causes or makes frequent or long and continued sound which unreasonably annoys, disturbs, injures or endangers the peace comfort, repose, health or safety of a reasonable person of ordinary tastes and sensitivities is hereby prohibited and declared to be unlawful.

SECTION VII DEFENSES

1. The emission of any sound was for the purposes of alerting persons to the existence of an emergency, danger or attempted crime.
2. The sound was produced by an authorized emergency vehicle.

3. The sound was produced by emergency work necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger, arising out of fire, accident or natural disaster.
4. The sound was produced by a street sweeper or other equipment used for public street maintenance.
5. The sound was generated:
 - a. At a lawfully scheduled stadium event;
 - b. By a parade and spectators and participants on the parade route during a permitted parade;
 - c. By spectators and participants of any outdoor event, fun run, race, festival, fiesta, or concert permitted by the town; or
 - d. Any other lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution.
6. The sound was produced between 7:00 a.m. and 9:00 p.m. of the same day by the erection, excavation, construction, demolition, alteration or repair of a building or other structure, or the operation of tools and equipment used in any such activity.
7. The sound was produced between 7:00 a.m. and 9:00 p.m. of the same day by the operation of any mechanically powered saw, drill, sander, router, grinder, lawn or garden tool, lawnmower, or any other similar device used for the maintenance or upkeep of the property on which it was used.
8. The sound was produced by aircraft in flight or in operation at an airport, or railroad equipment in operation on railroad rights-of-way.
9. The sound was generated as authorized under the terms of a permit issued under this chapter for operation of an outdoor sound amplification system.
10. The sound was produced by operation of an air conditioning unit.
11. The sound was produced by church bells or church chimes when used as part of a religious observances or service.

SECTION VIII
OUTDOOR SOUND AMPLIFICATION PERMIT

1. No person shall use or cause to be used any loudspeaker, loudspeaker system, sound amplifier or other machine or device which produces, reproduces, or amplifies sound outside a building or other enclosed structures without first obtaining a permit to do so. Such permit.

- a. May be obtained by making application to the town secretary.
- b. Requires payment of a ten dollar (\$10.00) fee for the administrative costs of issuing the permit.
- c. Is valid for one (1) fourteen-hour period between the hours of 8:00 a.m. and 10:00 p.m.
- d. Shall not be issued for the same location more than three (3) times during any thirty-day period.

2. The use of any loudspeaker, loudspeaker system, sound amplifier or any other similar machine or device which is permitted pursuant to this section is subject to the following regulations:

- a. The only sound permitted shall be either music or human speech or both.
- b. No equipment permitted pursuant to this section shall be operated during the hours between 10:00 p.m. and 8:00 a.m.

3. The application for the permit required to be filed pursuant to this section shall contain the following information:

- a. The date of the application and the date and hours for which the permit is requested.
- b. The name and address of the applicant.
- c. The name and address of the person who will have charge of the sound amplifying equipment.
- d. The purpose for which the sound equipment will be used.

- e. The address and a description of the location where the sound equipment will be used.
 - f. A description of the type of sound amplifying equipment which will be used.
4. It is an exception to the application of the provisions of this section that the outdoor sound amplification system:
- a. Is installed or operated upon premises under the ownership or control of the owner or operator of the system;
 - b. Is intended primarily for the purpose of making the sound of music or human speech audible to persons upon the premises on which the system is located; and
 - c. Does not produce a sound that exceeds the dB(A) levels established in this chapter as prima facie evidence of a sound nuisance.

SECTION IX PENALTY

Any person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than five hundred dollars (\$500.00). Each day that any violation continues shall constitute a separate offense.

SECTION X SAVINGS CLAUSE

If any section, or any part of any section of this Ordinance shall be held unconstitutional or invalid for any reason, such invalidity of any section hereof, or any part of any section hereof, shall not affect the validity of the remaining sections or portions of sections of this Ordinance.

SECTION XI REPEALING CLAUSE

Ordinances and motions in conflict with the provisions of this Ordinance are hereby expressly repealed.

SECTION XII
PUBLICATION AND PASSAGE


The importance of this Ordinance and its intent and purpose is declared to be for the benefit of the citizens and property owners in the Town of Cut and Shoot, Texas, and shall take effect immediately from and after its passage and notice by publication is given as provided by law.

PASSED AND APPROVED this the 10th day of July, 1997.



LANG THOMPSON, Mayor

ATTEST:


AMY WADE, Secretary


LARRY L. FOERSTER, Town Attorney

NOTICE

Motion made by Robert Moore, seconded by Bill Oliphant,
that the following Ordinance be passed:

NO. 66

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS REGULATING NOISE WITHIN THE TOWN BY PROVIDING DEFINITIONS; PROHIBITING SOUND NUISANCES; ESTABLISHING PRIMA FACIE EVIDENCE OF SOUND NUISANCES BY DECIBEL (dB(A)) LEVELS; PROHIBITING NOISY VEHICLES; PROHIBITING LOUD NOISE FROM MOTOR VEHICLE RADIO OR TAPE PLAYER; PROHIBITING NOISY ANIMALS AND BIRDS; ESTABLISHING DEFENSES; REQUIRING PERMITS FOR OUTDOOR AMPLIFICATION SYSTEMS AND DEVICES; MAKING ANY VIOLATION OF THE ORDINANCE A MISDEMEANOR; ESTABLISHING A CRIMINAL PENALTY OF NOT MORE THAN \$500 FINE FOR EACH DAY THE VIOLATION CONTINUES; PROVIDING A SAVINGS CLAUSE, A REPEALING CLAUSE; AND AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the Town Council of the Town of Cut and Shoot, Texas finds that it is in the best interest of the residents of the Town for their peace and tranquility to regulate loud noises within the Town.

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS:

SECTION XII

PUBLICATION AND PASSAGE

The importance of this Ordinance and its intent and purpose is declared to be for the benefit of the citizens and property owners in the Town of Cut and Shoot, Texas, and shall take effect immediately from and after its passage and notice by publication is given as provided by law.

PASSED AND APPROVED this the 10th day of July, 1997.

/s/ Lang Thompson
LANG THOMPSON, Mayor

ATTEST:

/s/ Amy L. Wade
AMY WADE, Secretary
/s/ Larry L. Foerster
LARRY L. FOERSTER, Town Attorney
#18968, July 20 & 23, 1997

AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared Rita Crosby, Legal Clerk, who on her oath stated:

I am the Legal Clerk for the CONROE COURIER, a daily newspaper published in Montgomery County, Texas, and know the facts stated in this affidavit. The attached material is a true and correct copy of the publication of the citation of which it purports to be a copy, as the same appeared in such newspaper in the respective issues of:

July 20 19 97
July 23, 19 97
_____, 19 ____
_____, 19 ____

Rita Crosby
RITA CROSBY Legal Clerk

SUBSCRIBED AND SWORN to this 28th day of July, 19 97.

Debbie Garling
Notary Public in and for
THE STATE OF TEXAS

My Commission Expires: 5-29-2001
DEBBIE GARLING
Notary Public, State of Texas
My Commission Expires
MAY 29, 2001

Additionally, the rate charged was \$10.00 per column inch, and is equal to or lower than the lowest published classified line ad rate.

MOTION was made by Robert Moore, seconded by Bill Ophelt that the following Ordinance be passed:

Ordinance No. 68

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS TO ABOLISH THE OFFICE OF TOWN MARSHALL AND CREATE A TOWN POLICE DEPARTMENT; PROVIDING FOR SEVERABILITY CLAUSE AND REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Cut and Shoot, Texas believes that it is in the best interest of the health and safety of the citizens of the Town of Cut and Shoot that a police department be created that would provide extensive law enforcement services to the community; and

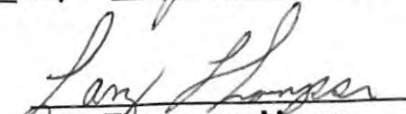
WHEREAS, Section 23.029 of the TEXAS LOCAL GOVERNMENT CODE authorizes the Town Council to abolish by ordinance the office of Town Marshall and, by the same ordinance, confer the duties of that office on a municipal police officer appointed as the governing body directs;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS THAT:

1. The position of Town Marshall is hereby abolished on this date and the Town Council hereby confers the duties of the office of Town Marshall on a municipal police department, under the supervision and control of an appointed police chief.
2. The current appointed Town Marshall, Larry D. Gallion is hereby appointed to serve as the municipal police chief, with those duties and rights conferred upon a municipal police chief by law.
3. The provisions of the Ordinance are declared to be severable. If any portion or provision hereof, or the application thereof to any person or situation, should be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the remaining portions or provisions of this Ordinance.
4. All Ordinances or parts of Ordinances, or their amendments, that are inconsistent with the provisions of this Ordinance are hereby repealed.

5. This Ordinance shall become effective immediately upon its passage.

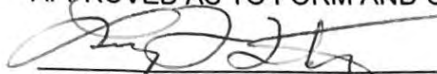
PASSED AND APPROVED this 10th day of September, 1998.


Lang Thompson, Mayor

ATTEST:


Amy Wade, Town Secretary

APPROVED AS TO FORM AND CONTENT:


Larry L. Foerster, City Attorney

MOTION WAS MADE BY Robert Moore, SECONDED BY
Bill Oliphant, THAT THE FOLLOWING ORDINANCE BE
PASSED.

ORDINANCE NO. 69

AN ORDINANCE BY THE TOWN COUNCIL FOR
THE TOWN OF CUT AND SHOOT, TEXAS,
REGULATING FIREWORKS;
PROVIDING A DEFINITION AND GENERAL EXCEPTIONS;
PROHIBITING ANY PERSON TO MANUFACTURE, ASSEMBLE, STORE,
TRANSPORT, RECEIVE, KEEP, SELL OR POSSESS FIREWORKS;
PROVIDING A CRIMINAL PENALTY OF UP TO FIVE HUNDRED DOLLARS
(\$500.00) FOR EACH VIOLATION OF THE ORDINANCE;
PROVIDING PERMITS TO DISPLAY;
PROVIDING PROCEDURES FOR GRANTING PERMITS;
REPEALING ALL CONFLICTING ORDINANCES;
PROVIDING SEVERABILITY; AND
PROVIDING EFFECTIVE DATE OF PASSAGE AFTER PUBLICATION.

WHEREAS, Section 342.003 of the TEXAS LOCAL GOVERNMENT CODE
authorizes Type A general law cities to prohibit or otherwise regulate fireworks;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CUT AND SHOOT, TEXAS, THAT:

Article I.
General Provisions

1. Purpose.

The purpose of this Ordinance is to regulate the manufacturer, distribution, sale,
transport, and use of fireworks in the town in the interest of protecting and preserving lives
and property.

2. Definition.

For the purpose of this Ordinance, fireworks shall mean any combustible or explosive
composition or any substance or combination of substances or any article prepared for the
purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or
detonation, including blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in
which the explosives are used; the type of balloons which require fire underneath to propel
the same; firecrackers, torpedoes, sky rockets, Roman candles, sparklers or other devices of
like construction; and any devices containing any explosive substances. The term fireworks

shall not include paper caps containing not in excess of an average Twenty Five Hundredths (0.25) of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission regulations for packing and shipping as provided therein and such toy pistols, toy canes, toy guns or other devices which use such caps, the sale and use of which shall be permitted at all times.

3. Exceptions.

Nothing in this Ordinance shall be construed to prohibit any wholesaler, dealer, or jobber to transport fireworks in accordance with the Interstate Commerce Commission and Texas Department of Transportation regulations regarding the transportation of explosives and other dangerous articles by motor, rail, and water, provided that the fireworks are to be shipped directly out of the corporate limits of the town, or to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or elimination, nor to prohibit the possession or use of flares or rockets for the military, police, or emergency purposes of others.

4. Prohibitions.

It shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, or have in such person's possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire or otherwise set in action any fireworks of any description within the town except as provided in this Ordinance.

5. Criminal Penalties for Violations.

- (a) Any person violating any provision of this Ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00).
- (b) Every violation of the Ordinance shall be considered a separate offense, and each day that any person is in violation of this Ordinance shall constitute a separate offense.

6. Removal of Fireworks in Violation.

The county fire marshal, or town police officer shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, possessed or held in violation of this Ordinance.

Article II. **Permits**

7. Permit for Displays

Nothing in this Ordinance shall be construed to prohibit the application for a permit to

be issued by the town secretary for the use of fireworks for public or private display when all the provisions of Article 5.43 — 4, Texas Insurance Code, are met and after such necessary permits have been issued by the town secretary. Every such use or display shall be handled by a competent state-licensed operator approved by the volunteer fire chief and town secretary, and shall be of such character and so located, discharged or fired so as not be hazardous to property or endanger any person.

8. Appeal from Denial

Denial of a permit by the town secretary for a fireworks display may be appealed to the next regularly scheduled meeting of the Town Council after such denial. Failure to appeal at the next regular meeting waives further appeal and the decision of the town secretary is final. But on hearing such appeal, the decision of the Town Council shall, in all things be final, and the decision shall be remanded to the town secretary for such officer's final action in either issuing or denying such fireworks display permit as directed by the Town Council.

9. Record of Display Permits

The town secretary shall keep a record of all fireworks display permits issued. Such records shall include the name of the person to whom such permit is issued, the address and telephone number of such person, the day of the fireworks display, the type and quantity of fireworks to be used in such display, and the location where such display is to be made.

10. Permit Fee

A fee of Ten Dollars (\$10.00) shall be required for the issuance of a fireworks display permit.

11. Bond Required

The request for the issuance of a fireworks display permit shall be accompanied by a bond in the sum of not less than One Thousand Dollars (\$1,000), executed by the person requesting such permit as principal with sufficient sureties satisfactory to the town secretary, which bond shall be payable to the mayor of the town and the mayor's successors in office for the use and benefit of any person entitled thereto, and conditioned that the principal sureties will pay all damages to persons caused by or arising from or growing out of the display of fireworks.

Article III. **Miscellaneous**

12. Repealing Conflicting Ordinances.

All ordinances, resolutions, and orders, or any parts thereof, that are inconsistent with this Ordinance, are hereby repealed to the extent of any such inconsistency.

13. Severability Clause.

If any part or parts of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. It is hereby declared that the remaining parts of this Ordinance would have been ordained and passed had it been known that such part or parts hereof would be declared unconstitutional.

14. Effective Date.

This Ordinance shall be effective as of the date 10 days after publication by the town secretary as required by law.

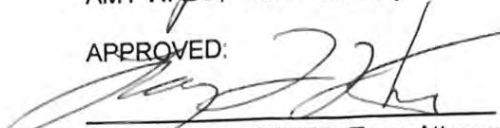
PASSED AND APPROVED this 10th day of June, A.D. 1999.


LANG THOMPSON, Mayor

ATTEST:


AMY WADE, Town Secretary

APPROVED:


LARRY L. FOERSTER, Town Attorney

Ad #: 00332714 Printed by: CCR on: 7/08/99 at: 09:20

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|-----------|-----------------------|----------------|---------------|-------|----------------|----------|
| Phone #: | (409) 264-3100 | | Lines....: | 54 | Net Cost..: | 72.00 |
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| Contact: | | | Size 3 x | 0.00 | Charges...: | 0.00 |
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[CW24][3]NOTICE)=
On the 10th day of June, 1999, the Town Council of the Town of Cut-and-Shoot vot
and approved passage of Ordinance NO. 69.<
(ORDINANCE NO. 69=
AN ORDINANCE BY THE TOWN COUNCIL FOR THE TOWN OF CUT AND SHOOT, TEXAS,
REGULATING FIREWORKS; PROVIDING A DEFINITION AND GENERAL EXCEPTIONS; PROHIBIT"
ING ANY PERSON TO MANUFACTURE, ASSEMBLE, STORE, TRANSPORT, RECEIVE, KEEP, SELL
OR POSSESS FIREWORKS; PROVIDING A CRIMINAL PENALTY OF UP TO FIVE HUNDRED
DOLLARS (\$500.00) FOR EACH VIOLATION OF THE ORDINANCE; PROVIDING PROCEDURES
FOR GRANTING PERMITS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING SEVER"
ABILITY; AND PROVIDING EFFECTIVE DATE OF PASSAGE AFTER PUBLICATION.)=
This (Ordinance) shall be effective as of the date of 10 days after publication
secretary as required by law.<
PASSED AND APPROVED this 10th day of June, A.D. 1999.<
//s//Lang Thompson>
Lang Thompson, Mayor>
22113 July 11, 1999<
[ru.6]<

NOTICE

On the 10th day of June, 1999, the Town Council of the Town of Cut-and-Shoot voted and approved passage of Ordinance NO. 69.

ORDINANCE NO. 69

AN ORDINANCE BY THE TOWN COUNCIL FOR THE TOWN OF CUT AND SHOOT, TEXAS, REGULATING FIREWORKS; PROVIDING A DEFINITION AND GENERAL EXCEPTIONS; PROHIBITING ANY PERSON TO MANUFACTURE, ASSEMBLE, STORE, TRANSPORT, RECEIVE, KEEP, SELL OR POSSESS FIREWORKS; PROVIDING A CRIMINAL PENALTY OF UP TO FIVE HUNDRED DOLLARS (\$500.00) FOR EACH VIOLATION OF THE ORDINANCE; PROVIDING PROCEDURES FOR GRANTING PERMITS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING SEVERABILITY; AND PROVIDING EFFECTIVE DATE OF PASSAGE AFTER PUBLICATION.

This Ordinance shall be effective as of the date of 10 days after publication by the town secretary as required by law.

PASSED AND APPROVED this 10th day of June, A.D. 1999.

/s/Lang Thompson
Lang Thompson, Mayor

22113 July 11, 1999

AFFIDAVIT OF PUBLICATION

STATE OF TEXAS
COUNTY / COUNTIES OF: Montgomery

BEFORE ME, the undersigned authority, on this day personally appeared Chyrl Richardson, Legal Clerk, who on her oath stated:

I am the Legal Clerk for The Courier, a daily weekly newspaper published in Montgomery County / Counties, Texas, and know the facts stated in this affidavit. The attached material is a true and correct copy of the publication of the citation of which it purports to be a copy, as the same appeared in such newspaper in the respective issues of:

_____, 7/11, 1999
_____, 19____
_____, 19____

Chyrl Richardson
Chyrl Richardson, Legal Clerk

Subscribe and sworn to before me this the 13th day of

July, 19 99, to certify which witness my hand and seal of office.



[Signature]
Notary Public in and for the State of Texas

My Commission Expires 5/29/2001

Motion was made by MARVIN MUSGRAVE seconded by Bill
Oliphant, that the following Ordinance be passed:

ORDINANCE NO. 70-A

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS, TO AMEND CITY ORDINANCE NO. 70, WHICH CREATED A MUNICIPAL COURT TECHNOLOGY FUND AND REQUIRED ALL DEFENDANTS CONVICTED OF A MISDEMEANOR OFFENSE IN THE MUNICIPAL COURT IN THE CITY OF CUT AND SHOOT TO PAY A TECHNOLOGY FEE OF \$4.00 AS A COURT COST; REPEALING THE EXPIRATION DATE OF SAID ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.

WHEREAS, the City Council of the City of Cut and Shoot, Texas authorized a municipal court technology fund, thereby requiring all defendants convicted of a misdemeanor offense in the municipal court of the City of Cut and Shoot to pay a technology fee of Four Dollars (\$4.00) as a court cost, by Ordinance No. 70, dated August 26, 1999; and

WHEREAS, Article 102.0172 of the Texas Code of Criminal Procedure has been amended to repeal the expiration date and make the technology fund fee mandatory for defendants convicted of misdemeanors; and;

WHEREAS, the City Council desires to continue the assessment of the \$4.00 municipal court technology fee as court costs, with no expiration date as provided by law;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS THAT:

SECTION I.

City Ordinance No.70, dated, August 26, 1999, is hereby amended to repeal the expiration date.

SECTION II.
REPEALING ALL ORDINANCES IN CONFLICT

All other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby repealed.

SECTION III.
SAVINGS CLAUSE

This City Council of the City of Cut and Shoot, Texas does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION IV.
COMPLIANCE WITH OPEN MEETINGS ACT

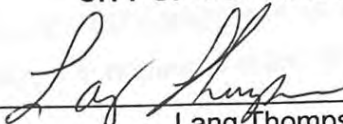
It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION V.
EFFECTIVE DATE

This Ordinance shall become effective upon its passage by the City Council.

PASSED AND APPROVED this 12th day of February 2009.

CITY OF CUT AND SHOOT, TEXAS



Lang Thompson, Mayor

ATTEST:



Amy Wade, City Secretary

Motion was made by Bill Oliphant, seconded by Clif Dalhaus
_____ that the following Ordinance by passed:

ORDINANCE NO. 70

**AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS,
PROVIDING FOR THE ESTABLISHMENT OF A
MUNICIPAL COURT TECHNOLOGY FUND AND
FOR THE COLLECTION OF A FEE AS A COST OF COURT
FOR THE PURPOSE OF PROVIDING A MUNICIPAL COURT TECHNOLOGY FUND;
PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE;
PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES,
RESOLUTIONS, AND/OR INFORMAL POLICES TO THE EXTENT THE SAME
ARE INCONSISTENT WITH OR IN CONFLICT WITH THIS ORDINANCE;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Texas Legislature has amended Chapter 102 of the Code of Criminal Procedure of the State of Texas by adding Article 103.0172, effective as of September 1, 1999, authorizing any municipality to adopt an Ordinance authorizing the collection of up to a four dollar (\$4.00) technology fees as a cost of court for a Defendant convicted for a misdemeanor offense in municipal court committed on or after September 1, 1999; and

WHEREAS, the Town Council of the Town of Cut and Shoot has determined that it is in the best interest of the Town to establish a Municipal Court Technology Fund and collect a technology fee as a cost of court for the purpose of providing a Municipal Court Technology Fund.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS THAT:

Section 1.

MUNICIPAL COURT TECHNOLOGY FUND

Any defendant convicted for a misdemeanor offense committed on or after September 1, 1999 shall pay a \$4.00 technology fee as a cost of court, to be placed into

a special fund designated as "Municipal Court Technology Fund" to be used only for the purchase of those commodities permitted by applicable law.

Section II.

It is hereby declared to be the intention of the Town Council that the several provisions of this Ordinance are severable and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

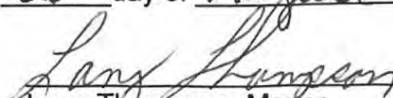
Section III.

Any and all ordinances, resolutions, and/or policies of the Town of Cut and Shoot, Texas, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

Section IV.

This Ordinance shall become effective and applicable on September 1, 1999 and shall continue until September 1, 2005 unless extended by applicable law.

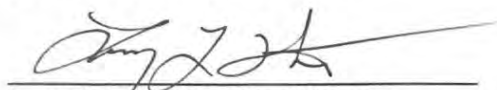
PASSED AND APPROVED this 26 day of August, 1999.


Lang Thompson, Mayor

ATTEST:


Amy Wade, City Secretary

APPROVED AS TO FORM:


Larry L. Foerster, City Attorney

CONSTRUCTION SPEED ZONE ORDINANCE

ORDINANCE NO. 71

AN ORDINANCE ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ON AND/OR ALONG A PORTION OF SH 105 WITHIN THE CORPORATE LIMITS OF THE TOWN OF CUT AND SHOOT AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

WHEREAS, the Texas Department of Transportation has made it known to the Town of Cut and Shoot that operations will begin in the near future to upgrade SH 105; and

WHEREAS, in the interest of safety, it is desirable to maintain a construction speed zone during the construction period; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF CUT AND SHOOT that a construction speed zone be established along the named highways or parts thereof described as follows:

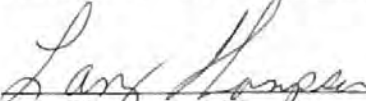
Along SH 105 from the western town limits of Cut and Shoot to the eastern town limits of Cut and Shoot, a distance of approximately 4.343 miles, 55 MPH.

Necessary signs for posting the speed zones will be furnished, installed, and maintained by the direction of the Texas Department of Transportation engineer in charge of the project.

Any person violating the provisions of this ordinance shall, upon conviction, be fined in any sum not to exceed Four Hundred Dollars (\$400).

This ordinance shall be in effect only during the period of construction, and completion of this project shall automatically cancel the speed zones.

PASSED AND APPROVED THIS 14 day of October, 1999.


Lang Thompson, Mayor

ATTEST:


Amy L. Wade, City Secretary

Motion was made by ROBERT MOORE III., seconded by J. DAVID ROBERTS, that the following Ordinance be passed:

ORDINANCE NO. 72

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR THE GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town of Cut and Shoot, Texas recognizes that the amount of water available to the Town and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the Town recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 12.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Cut and Shoot, Texas, the Town Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL FOR THE TOWN OF CUT AND SHOOT, TEXAS:

SECTION 1.

That the Town of Cut and Shoot, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the Town.

SECTION 2.

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE TOWN OF CUT AND SHOOT, TEXAS, on the 13th day of July, 2000.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

**DROUGHT CONTINGENCY PLAN
FOR THE
TOWN OF CUT AND SHOOT**

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, and sanitation, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Town of Cut and Shoot, Texas (The Town) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by The Town by means of posted public notice of the regular Town Council meeting.

Section III: Public Education

The Town will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. Methods used to provide this information may include, but is not limited to, the following:

- newspaper and radio press releases,
- utility bill inserts,
- Website postings.

Section IV: Coordination with Regional Water Planning Groups

The service area of The Town is located within the Region H Regional Water Planning Group and has provided a copy of this Plan to that planning group.

Section V: Authorization

The Mayor, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

DROUGHT CONTINGENCY PLAN
FOR THE
TOWN OF CUT AND SHOOT

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by The Town. The terms "person" and "customer" as used in this Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by The Town.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public health, safety, and welfare, including:

**DROUGHT CONTINGENCY PLAN
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- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The Mayor, or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on known system capacity limits.

Stage 1 Triggers -- MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when usage exceeds 80 percent of the available pumping capacity for 3 consecutive days.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

DROUGHT CONTINGENCY PLAN
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Stage 2 Triggers -- MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when usage exceeds 85 percent of the available pumping capacity for 3 consecutive days.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers -- SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when usage exceeds 90 percent of the available pumping capacity for 2 consecutive days.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers -- CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when usage exceeds 95 percent of the available pumping capacity for 2 consecutive days.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers -- EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Mayor, or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or

DROUGHT CONTINGENCY PLAN
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2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Stage 6 Triggers -- WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when usage exceeds 95 percent of the available pumping capacity for 4 consecutive days.

Requirements for termination - Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 4 consecutive days.

Section IX: Drought Response Stages

The Mayor, 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 Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage condition exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The Mayor, or his/ here designee shall notify the public. The methods used to inform the public may include, but is not limited to, the following:

- publication in a newspaper of general circulation,
- direct mail to each customer,
- public service announcements,
- signs posted in public places,
- take-home fliers at schools,
- posting on the Town's web site.

Additional Notification:

The Mayor or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Members of the City Council,
- Fire Chief,
- City and County Emergency Management Coordinators,

DROUGHT CONTINGENCY PLAN
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TNRCC (required when mandatory restrictions are imposed),
Major water users,
Critical water users, i.e. school

Stage 1 Response -- MILD Water Shortage Conditions

Goal: Achieve a voluntary 5 percent reduction in the daily water demand.

Supply Management Measures:

Include reduced or discontinued flushing of water mains.

Voluntary Water Use Restrictions:

- (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 Town 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.

Stage 2 Response -- MODERATE Water Shortage Conditions

Goal: Achieve a 5 percent reduction in daily water demand.

Supply Management Measures:

Include reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions. 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

DROUGHT CONTINGENCY PLAN
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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 (5) 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 rises. 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 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 Town.
- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by The Town, 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.

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- (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).

Stage 3 Response -- SEVERE Water Shortage Conditions

Goal: Achieve a 10 percent reduction in the daily water demand.

Supply Management Measures:

Include: discontinued flushing of water mains, discontinued irrigation of public landscaped areas

Water Use Restrictions. 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 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 Town.

- (c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- CRITICAL Water Shortage Conditions

DROUGHT CONTINGENCY PLAN
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Goal: Achieve a 15 percent reduction in the daily water demand.

Supply Management Measures:

Include: discontinued flushing of water mains and discontinued irrigation of public landscaped areas.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

- (a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. 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, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10 p.m.
- (c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
- (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) 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.

Stage 5 Response -- EMERGENCY Water Shortage Conditions

Goal: Achieve a 20 percent reduction in the daily water demand.

DROUGHT CONTINGENCY PLAN
FOR THE
TOWN OF CUT AND SHOOT

Supply Management Measures:

Include: discontinued flushing of water mains and discontinued irrigation of public landscaped areas.

Water Use Restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 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.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from The Town for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Mayor, or his/her designee, in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine not to exceed Five Hundred dollars (\$500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$ 50.00, and any other costs incurred by The Town in discontinuing service. In addition, suitable assurance must be given to the Mayor that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (b) Any person, including a person classified as a water customer of The Town, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the

DROUGHT CONTINGENCY PLAN
FOR THE
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child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

- (c) Any employee of The Town, police officer, or other Utility Operator employee designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Cut and Shoot Municipal Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The Mayor, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with The Town within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (c) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

DROUGHT CONTINGENCY PLAN
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- (d) Description of the relief requested.
- (e) Period of time for which the variance is sought.
- (f) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (g) Other pertinent information.

Variations granted by The Town shall be subject to the following conditions, unless waived or modified by the Mayor, or his/her designee:

- (a) Variations granted shall include a timetable for compliance.
- (d) Variations granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Ad #: 00423218 Printed by: JEC on: 7/20/00 at: 14:51

HOLD: General

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|--------------------------------|-------------------------|----------------------------------|-----|---|-------|------|
| Phone #: (409) 264-3100 () | Lines....: 54 | Net Cost...: 77.04 | | | | |
| Name...: Town of Cut and Shoot | Depth...: 6.00 | Tot Paid...: 0.00 | | | | |
| Contact: Amy Wade | Size 3 x 2.00 | Charges...: 0.00 | | | | |
| PO #...: Acct #: | Rep: mdl Adj? | Credits...: 0.00 | | | | |
| Address: P.O. Box 7364 | Tears? Y CC#? | Ordered: 2 Ran: 0 | | | | |
| Address: | Box #: | I JEC 07/20/00 14:42 | | | | |
| City/St: Cut and Shoot | TX # of Edits.: 00 | E JEC 07/20/00 14:49 | | | | |
| Zip....: 77306- | Type: p Status...: n | Sub'r: TF.? K / / : | | | | |
| Class...: 920 | How Sold: v Memos: (01) | 23726 Notice of Ordinance No. 72 | | | | |
| Start...: 07/23/00 | Stop: 07/23/00 | LPub: / / Sort | | | | |
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| 2 IN 1 f 7/23 | 07/23/00 | 07/23/00 | 0 | n | 0.00 | |

[cw21][3]Motion was made by ROBERT MOORE III, seconded by J. DAVID ROBERTS, that following Ordinance by passed:<
ORDINANCE NO. 72=

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR THE GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.<

<
##This ordinance shall take effect immediately from and after its passage and th publication of the caption, as the law in such cases provides.<

<
##DULY PASSED BY THE TOWN OF CUT AND SHOOT, TEXAS, ON THE 13th DAY OF JULY, 2000.<

<
23726 July 23, 2000<
[ru.6]<

Motion was made by ROBERT MOORE III, seconded by J. DAVID ROBERTS, that the following Ordinance be passed:

ORDINANCE NO. 72

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR THE GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE TOWN OF CUT AND SHOOT, TEXAS, ON THE 13th DAY OF JULY, 2000.

23726 July 23, 2000

AFFIDAVIT OF PUBLICATION

STATE OF Texas
COUNTY OF Montgomery

Personally appeared before the undersigned a notary public within and for said county and State Arlena McLaughlin Publisher of the Conroe Courier A newspaper, of general circulation in the County of Montgomery State of Texas who, being duly sworn states on oath that the report of Legal Notices A true copy of which is hereto annexed, was published in said newspapers in its issue(s) of the 23rd Day of July, 2000 and the _____ Day of _____, 2000

Michelle Lopez

Publisher's Representative

Sworn and subscribed before me this 24th Day of July, 2000

Notary Public

My commission expires May 29, 2001.



Motion was made by John Winters seconded by Cliff Todd Hunter that the following Ordinance be passed with an addendum to bring the City into compliance with the SJRA:

ORDINANCE NO. 72-A

AN ORDINANCE BY THE CITY OF CUT AND SHOOT, TEXAS, ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR THE GRANTING VARIANCES; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Cut and Shoot, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 12.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Cut and Shoot, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during drought and other water supply emergencies;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CUT AND SHOOT, TEXAS:

SECTION 1.

That the City of Cut and Shoot, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made part hereof for all purposes be, and the same is hereby, adopted as the official policy of the City.

SECTION 2.

That all ordinances that are in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

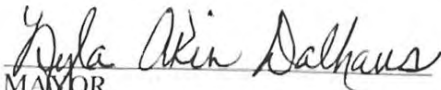
SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 4.

This amended ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED BY THE CITY OF CUT AND SHOOT, TEXAS, on the 11th day of June, 2015.


MAYOR

ATTEST:


CITY SECRETARY

DROUGHT CONTINGENCY PLAN
FOR THE
CITY OF CUT AND SHOOT

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, and sanitation, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Cut and Shoot, Texas (The City) hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by The City by means of posted public notice of the regular City Council meeting.

Section III: Public Education

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. Methods used to provide this information may include, but is not limited to, the following:

- Newspaper and radio press releases,
- Utility bill inserts,
- Website postings.

Section IV: Coordination with Regional Water Planning Groups

The service area of The City is located within the Region H Regional Water Planning Group and has provided a copy of this Plan to that planning group.

Section V: Authorization

The Mayor, or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor, or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

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Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by The City. The terms "person" and "customer" as used in this Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by The City.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

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- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts; or other hard-surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The Mayor, or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on known system capacity limits.

Stage 1 Triggers – MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section VII – Definitions, when usage exceeds 80 percent of the available pumping capacity for 3 consecutive days.

Requirements for termination

Stage 1 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

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Stage 2 Triggers – MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when usage exceeds 15 percent of the available pumping capacity for 3 consecutive days.

Requirements for termination

Stage 2 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Triggers – SEVERE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when usage exceeds 90 percent of the available pumping capacity for 2 consecutive days.

Requirements for termination

Stage 3 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Triggers – CRITICAL Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when usage exceeds 95 percent of the available pumping capacity for 2 consecutive days.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Stage 5 Triggers – EMERGENCY Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when the Mayor, or his/her designee, determines that a water supply emergency exists based on:

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1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s).

Requirements for termination

Stage 5 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

Stage 6 Triggers – WATER ALLOCATION

Requirements for initiation

Customers shall be required to comply with the water allocation plan prescribed in Section IX of this Plan and comply with the requirements and restrictions for Stage 5 of this Plan when usage exceeds 95 percent of the available pumping capacity for 4 consecutive days.

Requirements for termination – Water allocation may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of 4 consecutive days.

ADDITIONAL TRIGGERING EVENTS

Requirements for initiation

To the extent that a stage of this plan is not otherwise triggered, then the appropriate stage, as determined by the District's Operator, shall be triggered upon the District having received notice from San Jacinto River Authority's (the "Authority") GRP division that restrictions under its drought contingency plan have been triggered. The District's Operator shall invoke conservation conditions consistent with the conservation conditions implemented by the Authority until such time as the Authority discontinues the implementation of such conservation conditions.

Requirements for termination

The appropriate stage enacted by an additional triggering event shall rescind when the District having received notice from the Authority's GRP Division that restrictions under its drought contingency plan have been lifted.

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Section IX: Drought Response Stages

The Mayor, 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 Section VIII of this Plan, shall determine that a mild, moderate, severe, critical, emergency or water shortage exists and shall implement the following notification procedures:

Notification

Notification of the Public:

The Mayor, or his/her designee shall notify the public. The methods used to inform the public may include, but is not limited to, the following:

- publication in a newspaper of general circulation,
- direct mail to each customer,
- public service announcements,
- signs posted in public places,
- take-home fliers at schools,
- posting on the City's web site.

Additional Notification:

The Mayor or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

- Members of the City Council,
- Fire Chief,
- City and County Emergency Management Coordinators,
- TNRCC (required when mandatory restrictions are imposed),
- Major water users,
- Critical water users, i.e. school

Stage 1 Response – MILD Water Shortage Conditions

Goal: Achieve a voluntary 5 percent reduction in the daily water demand.

Supply Management Measures:

- Include reduced or discontinued flushing of water mains.

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Voluntary Water Use Restrictions:

- (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 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.

Stage 2 Response – MODERATE Water Shortage Conditions

Goal: Achieve a 5 percent reduction in daily water demand.

Supply Management Measures:

Include reduced or discontinued flushing of water mains, reduced or discontinued irrigation of public landscaped areas.

Water Use Restrictions: 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

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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 (5) 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 rises. 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 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.

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- (f) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by The City, 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).

Stage 3 Response – SEVERE Water Shortage Conditions

Goal: Achieve a 10 percent reduction in the daily water demand.

Supply Management Measures:

Include: discontinued flushing of water mains, discontinued irrigation of public landscaped areas.

Water Use Restrictions: 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 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or

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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.

(c) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Stage 4 Response -- CRITICAL Water Shortage Conditions

Goal: Achieve a 15 percent reduction in the daily water demand.

Supply Management Measures:

Include: discontinued flushing of water mains and discontinued irrigation of public landscaped areas.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

(a) Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. 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, or drip-irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.

(b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.

(c) The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.

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(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) 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.

Stage 5 Response — EMERGENCY Water Shortage Conditions

Goal: Achieve a 20 percent reduction in the daily water demand.

Supply Management Measures:

Include: discontinued flushing of water mains and discontinued irrigation of public landscaped areas.

Water Use Restrictions. All requirements of Stage 2, 3, and 4 shall remain in effect during Stage 5 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.

Section X: Enforcement

- (a) No person shall knowingly or intentionally allow the use of water from The City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Mayor, or his/her designee, in accordance with provisions of this Plan.

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- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine not to exceed Five Hundred dollars (\$500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Mayor shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$50.00, and any other costs incurred by The City in discontinuing service. In addition, suitable assurance must be given to the mayor that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of The City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.
- (d) Any employee of The City, police officer, or other Utility Operator employee designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Cut and Shoot Municipal Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued.

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A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The Mayor, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection of the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with The City within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Mayor, or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with the Ordinance.
- (e) Description of the relief requested.
- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variances granted by The City shall be subject to the following conditions, unless waived or modified by the Mayor, or his/her designee:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

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No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Motion was made by Robert Moore, seconded by J. D. Roberts, that the following Ordinance be passed:

ORDINANCE NO. 73

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS PROVIDING FOR THE COLLECTION OF A SECURITY FEE AS A COST OF COURT FOR THE PURPOSE OF PROVIDING A MUNICIPAL COURT BUILDING SECURITY FUND; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR THE REPEAL OF ANY AND ALL ORDINANCES, RESOLUTIONS, AND/OR INFORMAL POLICIES TO THE EXTENT THE SAME ARE INCONSISTENT WITH OR IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature has amended Article 102.017 of the Code of Criminal Procedure of the State of Texas, authorizing any municipality to adopt an Ordinance authorizing the collection of a three dollar (\$3.00) security fee as a cost of court for a Defendant convicted in a trial for a misdemeanor offense in municipal court; and

WHEREAS, the Town Council of the Town of Cut and Shoot has determined that it is in the best interest of the Town to collect a security fee as a cost of court for the purpose of providing a Municipal Court Building Security Fund.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS THAT:

I.

Any defendant convicted in a trial in municipal court for a misdemeanor offense shall pay a three dollar (\$3.00) security fee as a cost of court to be placed into a special fund designated as the Municipal Court Building Security Fund.

II.

It is hereby declared to be the intention of the Town Council that the several provisions of this Ordinance are severable and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid, or unenforceable.

III.

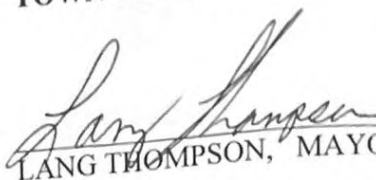
Any and all ordinances, resolutions, and/or policies of the Town of Cut and Shoot, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

IV.

This Ordinance shall become effective and applicable immediately upon its passage and approval as provided by law.

PASSED AND APPROVED this the _____ day of _____, 2000.

TOWN OF CUT AND SHOOT, TEXAS


LANG THOMPSON, MAYOR

ATTEST:

AMY L. WADE, CITY SECRETARY

Motion was made by Cliff Dalhaus seconded by J.D. Roberts.

that the following Ordinance be passed:

ORDINANCE NO. 74

AN ORDINANCE BY TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS, TO SET PREVAILING WAGE RATES FOR TOWN PUBLIC WORKS PROJECTS FOR HIGHWAY, BUILDING, AND HEAVY CONSTRUCTION PROJECTS; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 2258 of the Texas Government Code, entitled "Prevailing Wage Rates," provides that a municipality must determine the general prevailing rate of per diem wages in the locality in which a public work, including a building, highway, road, excavation, and repair work or other project development or improvement paid in full or in part with public funds, is to be performed for each craft or type of work done or needed; and

WHEREAS, the Code further provides that the municipality may rely on the prevailing wage rate as determined by the United States Department of Labor in accordance with Davis-Bacon Act (40 U.S.C. Section 276a et seq.), which has been provided to the Town of Cut and Shoot by the Texas General Service Commission; and

WHEREAS, a municipality must specify in the call for any bid for the contract of a public work and in the contract itself, the prevailing wage rates for the work to be performed;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, MONTGOMERY COUNTY TEXAS, THAT:

SECTION I.

The foregoing recitals are incorporated into this Ordinance as findings of fact.

SECTION II.

The Town hereby adopts the U. S. Department of Labor's general prevailing wage rates for building construction, heavy construction, and highway construction projects as provided by the Texas General Services Commission. The current prevailing wage rates are attached hereto and incorporated herein for all purposes.

SECTION III.

The prevailing wage rates shall be specified in the call for bids in the contract and in the contract itself for all public works projects performed in behalf of the Town of Cut and Shoot, Texas.

SECTION IV.

The Town Secretary is hereby ordered to enter a copy of this Ordinance in the Town minutes, and to provide a copy of the prevailing wage rates to the Town's architect, engineers and construction supervisors before a public works project is offered for competitive bidding.

SECTION V.

All existing Town ordinances in conflict with the provisions of this Ordinance are repealed to the extent of the conflict.

SECTION VI.

It is hereby declared to be the intention of the Town Council that the several provisions of this Ordinance are severable. If any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid, or unenforceable.

SECTION VII.

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII.

This Ordinance shall be effective immediately upon its passage.

PASSED AND APPROVED this the 9th day of November
2000.

TOWN OF CUT AND SHOOT, TEXAS


LANG THOMPSON, MAYOR

ATTEST:


AMY WADE, Town Secretary

APPROVED:


LARRY L. FOERSTER, Town Attorney

HEAVY CONSTRUCTION
PREVAILING WAGE RATE

HEAVY CONSTRUCTION PREVAILING WAGE RATE

Revised on 10/1/2008
 County of Los Angeles
 Department of Public Works
 Division of Construction
 1200 N. Hollywood Blvd.
 Los Angeles, CA 90028

This schedule shall apply to all work performed in the County of Los Angeles, California, including but not limited to, the following:

- Construction of buildings, structures, and other structures
- Construction of roads, bridges, and other transportation facilities
- Construction of water supply, sewerage, and drainage systems
- Construction of public works, including streets, sidewalks, and curbs
- Construction of utility lines, including power, gas, and telecommunications
- Construction of industrial and commercial structures
- Construction of agricultural structures
- Construction of other structures, including mobile homes and trailers

Distribution Number: 1000
 Date: 10/1/2008

Industry Code: 1000
 County Code: 03
 City Code: 000

| Code | Description | Rate | Per Hour |
|------|----------------------------------|------|----------|
| 1000 | CONCRETE FINISHER (PAVING) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (STRUCTURES) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (GENERAL) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (SPECIALIZED) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (OTHER) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (UNCLASSIFIED) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (SPECIALIZED) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (OTHER) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (UNCLASSIFIED) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (SPECIALIZED) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (OTHER) | 9.87 | 9.87 |
| 1000 | CONCRETE FINISHER (UNCLASSIFIED) | 9.87 | 9.87 |

Montgomery County - Heavy

GENERAL DECISION TX000082 02/11/00 TX82
General Decision Number TX000082

Superseded General Decision No. TX990082

State: TEXAS

Construction Type:
HEAVY

County(ies):

| | | |
|-----------|------------|---------|
| BRAZORIA | HARRIS | WALLER |
| FORT BEND | MATAGORDA | WHARTON |
| GALVESTON | MONTGOMERY | |

FLOOD CONTROL AND WATER AND SEWER LINES, including: Breakwaters, Channels, Channel Cut-offs, Dikes, Drainage Projects, Flood Control Projects, Irrigation Projects, Jetties, Land Drainage (not incidental to other construction), Land Leveling (not incidental to other construction), Land Reclamation, Levees, Pipelines, Ponds, Pumping Stations (prefabricated drop-in not building), Revetments, Sewage Collection and Disposal Lines, Sewers (Sanitary, Storm, etc.), Shoreline Maintenance Water Mains and Water Supply Lines (not incidental to building).

| | |
|---------------------|------------------|
| Modification Number | Publication Date |
| 0 | 02/11/2000 |

COUNTY(ies):

| | | |
|-----------|------------|---------|
| BRAZORIA | HARRIS | WALLER |
| FORT BEND | MATAGORDA | WHARTON |
| GALVESTON | MONTGOMERY | |

SUTX2045A 03/26/1998

| | Rates | Fringes |
|------------------------------|-------|---------|
| ASPHALT RAKER | 8.28 | |
| ASPHALT SHOVELER | 7.45 | |
| BATCHING PLANT WEIGHER | 11.11 | |
| CARPENTER | 10.35 | |
| CONCRETE FINISHER-PAVING | 9.87 | |
| CONCRETE FINISHER-STRUCTURES | 9.86 | |
| CONCRETE RUBBER | 9.00 | |
| ELECTRICIAN | 16.15 | |
| FLAGGER | 6.66 | |
| FORM BUILDER (STRUCTURES) | 9.96 | |
| FORM LINER-PAVING & CURB | 9.03 | |
| FORSETTER (PAVING/CURB) | 8.86 | |
| FORM SETTER-STRUCTURES | 9.05 | |

Montgomery County - Heavy

| | |
|---|-------|
| LABORER-COMMON | 7.45 |
| LABORER-UTILITY | 8.53 |
| LINEPERSON | 7.50 |
| MANHOLE BUILDER (Brick) | 8.49 |
| MECHANIC | 11.38 |
| OILER | 9.56 |
| SERVICER | 9.51 |
| PAINTER-STRUCTURES | 14.00 |
| PILEDRIVER | 10.96 |
| PIPE LAYER | 8.49 |
| ASPHALT DISTRIBUTOR | 9.47 |
| ASPHALT PAVING MACHINE | 10.05 |
| BROOM OR SWEEPER OPERATOR | 8.01 |
| BULLDOZER | 9.91 |
| CONCRETE CURING MACHINE | 8.80 |
| CONCRETE FINISHING MACHINE | 11.79 |
| CONCRETE JOINT SEALER | 10.50 |
| CONCRETE PAVING FLOAT | 9.30 |
| CONCRETE PAVING SAW | 10.01 |
| CONCRETE PAVING SPREADER | 9.32 |
| SLIPFORM MACHINE OPERATOR | 9.20 |
| CRANE, CLAMSHELL, BACKHOE, DERRICK, | |
| D'LINE, SHOVEL | 11.35 |
| CRUSHER/SCREENING PLANT | 11.00 |
| FOUNDATION DRILL OPERATOR, CRAWLER MOUNTED | 12.59 |
| FOUNDATION DRILL OPERATOR TRUCK MOUNTED | 12.73 |
| FRONT END LOADER | 9.29 |
| MILLING MACHINE OPERATOR | 10.43 |
| MIXER | 7.94 |
| MOTOR GRADER (FINE GRADE) | 11.11 |
| MOTOR GRADER | 10.67 |
| PAVEMENT MARKING MACHINE | 7.45 |
| ROLLER, STEEL WHEEL PLANT MIX PAVEMENTS | 9.25 |
| ROLLER, STEEL WHEEL OTHER FLATWHEEL OR TAMPING | 7.61 |
| ROLLER, PNEUMATIC, SELF PROPELLED | 7.96 |
| SCRAPER- | 8.69 |
| TRACTOR-CRAWLER TYPE | 10.12 |
| TRACTOR-PNEUMATIC | 8.99 |
| TRAVELING MIXER | 9.35 |
| TRENCHING MACHINE-LIGHT | 10.50 |
| TRENCHING MACHINE-HEAVY | 13.56 |
| WAGON-DRILL, BORING MACHINE | 10.15 |

Montgomery County - Heavy

| | |
|------------------------------------|-------|
| REINFORCING STEEL SETTER (PLAVING) | 12.50 |
| REINFORCING STEEL SETTER | 12.47 |
| STRUCTURES | 10.35 |
| STEEL WORKER-STRUCTURAL | 10.06 |
| SIGN ERECTOR | 9.08 |
| SPREADER BOX OPERATOR | 7.45 |
| WORK ZONE BARRICADE | 7.45 |
| SIGN INSTALLER | 8.15 |
| TRUCK DRIVER-SINGLE AXLE LIGHT | 8.76 |
| TRUCK DRIVER-SINGLE AXLE HEAVY | |
| TRUCK DRIVER-TANDEM AXLE SEMI | 8.00 |
| TRAILER | 11.29 |
| TRUCK DRIVER-LOWBOY/FLOAT | 10.43 |
| WELDER | |

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U. S. Department of Labor

Montgomery County - Heavy

200 Constitution Avenue, N. W.
Washington, D. C. 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

4.) All decisions by the Administrative Review Board are final.
END OF GENERAL DECISION

GENERAL DECISION TX000110 02/11/00 TX110
General Decision Number TX000110

Superseded General Decision No. TX990110

State: TEXAS

Construction Type:
HEAVY

Montgomery County - Heavy

County(ies):
 MATAGORDA WALLER
 MONTGOMERY WHARTON

HEAVY CONSTRUCTION PROJECTS

Modification Number 0 Publication Date 02/11/2000

COUNTY(ies):
 MATAGORDA WALLER
 MONTGOMERY WHARTON

SUTX2016A 05/21/1990

| | Rates | Fringes |
|---------------------------|-------|---------|
| ASBESTOS WORKERS | 10.25 | |
| BOILERMAKERS | 10.25 | |
| BRICKLAYERS & STONEMASONS | 15.34 | 2.55 |
| CARPENTERS | 10.15 | |
| CEMENT MASONS | 10.30 | |
| ELECTRICIANS | 10.25 | |
| IRONWORKERS | 10.25 | |
| LABORERS: UNSKILLED | 5.55 | |
| MILLWRIGHTS | 10.25 | |
| PAINTERS | 9.66 | |
| PIPEFITTERS | 10.25 | |

POWER EQUIPMENT OPERATORS:

Broom or Sweeper Op.; Bulldozer,
 150 HP & Less; Crane, Clamshell,
 Backhoe, Derrick, Dragline,
 Shovel (Less than 1 1/2 CY);
 Crusher or Screening Plant Op.;
 Form Loader; Foundation Drill Op.
 (Truck Mounted); Front End Loader
 (2 1/2 CY & Less); Hoist (Double
 Drum & Less); Mixer (16 CF & Less);

Montgomery County - Heavy

Motor Grader Op.; Pump Crete;
Rollers; Scrapers (17 CY & Less);
Tractor (Crawler Type) 150 hp &

Less); Tractor (Pneumatic) 80 hp
& Less); Trenching Machine, Light;

Wagon Drill, Boring Machine or
Post Hole Driller Op. 9.60

Bulldozer, over 150 hp; Crane,
Clamshell, Backhoe, Derrick,
Dragline, Shovel (1 1/2 CY & over);
Foundation Drill Op. (Crawler
Mounted); Front End Loader (over
2 1/2 CY); Hoist (over 2 drums);
Mixer (over 16 CF); Motor Grader
Op., Fine Grade; Scrapers (over
17 CY); Tractor (Crawler Type)
over 150 HP; Tractor (Pneumatic)
over 80 HP; Trenching Machine,
Heavy 10.25

TRUCK DRIVERS 8.40

WELDERS - Receive rate prescribed for craft performing operation
to which welding is incidental.
=====

Unlisted classifications needed for work not included within the
scope of the classifications listed may be added after award only
as provided in the labor standards contract clauses (29 CFR 5.5(a

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can
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- * an existing published wage determination
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- * a Wage and Hour Division letter setting forth a
position on a wage determination matter
- * a conformance (additional classification and rate)
ruling

On survey related matters, initial contact, including requests

Montgomery County - Heavy

for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

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U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

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END OF GENERAL DECISION

Montgomery County - Building

| | |
|---|-------|
| LINEPERSON | 7.50 |
| MANHOLE BUILDER (Brick) | 8.49 |
| MECHANIC | 11.38 |
| OILER | 9.56 |
| SERVICER | 9.51 |
| PAINTER-STRUCTURES | 14.00 |
| PILEDRIVER | 10.96 |
| PIPE LAYER | 8.49 |
| ASPHALT DISTRIBUTOR | 9.47 |
| ASPHALT PAVING MACHINE | 10.05 |
| BROOM OR SWEEPER OPERATOR | 8.01 |
| BULLDOZER | 9.91 |
| CONCRETE CURING MACHINE | 8.80 |
| CONCRETE FINISHING MACHINE | 11.79 |
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| CONCRETE PAVING FLOAT | 9.30 |
| CONCRETE PAVING SAW | 10.01 |
| CONCRETE PAVING SPREADER | 9.32 |
| SLIPFORM MACHINE OPERATOR | 9.20 |
| CRANE, CLAMSHELL, BACKHOE, DERRICK, D'LINE, SHOVEL | 11.35 |
| CRUSHER/SCREENING PLANT | 11.00 |
| FOUNDATION DRILL OPERATOR, CRAWLER MOUNTED | 12.59 |
| FOUNDATION DRILL OPERATOR TRUCK MOUNTED | 12.73 |
| FRONT END LOADER | 9.29 |
| MILLING MACHINE OPERATOR | 10.43 |
| MIXER | 7.94 |
| MOTOR GRADER (FINE GRADE) | 11.11 |
| MOTOR GRADER | 10.67 |
| PAVEMENT MARKING MACHINE | 7.45 |
| ROLLER, STEEL WHEEL PLANT MIX PAVEMENTS | 9.25 |
| ROLLER, STEEL WHEEL OTHER FLATWHEEL OR TAMPING | 7.61 |
| ROLLER, PNEUMATIC, SELF PROPELLED | 7.96 |
| SCRAPER- | 8.69 |
| TRACTOR-CRAWLER TYPE | 10.12 |
| TRACTOR-PNEUMATIC | 8.99 |
| TRAVELING MIXER | 9.35 |
| TRENCHING MACHINE-LIGHT | 10.50 |
| TRENCHING MACHINE-HEAVY | 13.56 |
| WAGON-DRILL, BORING MACHINE | 10.15 |
| REINFORCING STEEL SETTER (PLAVING) | 12.50 |
| REINFORCING STEEL SETTER | |

Montgomery County - Building

| | |
|--|-------|
| STRUCTURES | 12.47 |
| STEEL WORKER-STRUCTURAL | 10.35 |
| SIGN ERECTOR | 10.06 |
| SPREADER BOX OPERATOR | 9.08 |
| WORK ZONE BARRICADE | 7.45 |
| SIGN INSTALLER | 7.45 |
| TRUCK DRIVER-SINGLE AXLE LIGHT | 8.15 |
| TRUCK DRIVER-SINGLE AXLE HEAVY | 8.76 |
| TRUCK DRIVER-TANDEM AXLE SEMI TRAILER | 8.00 |
| TRUCK DRIVER-LOWBOY/FLOAT | 11.29 |
| WELDER | 10.43 |

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

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Montgomery County - Building

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Wage and Hour Division
U. S. Department of Labor
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Washington, D. C. 20210

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Washington, D. C. 20210

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Washington, D. C. 20210

4.) All decisions by the Administrative Review Board are final.
END OF GENERAL DECISION

Montgomery County - Tunnel

GENERAL DECISION TX000106 02/11/00 TX106
General Decision Number TX000106

Superseded General Decision No. TX990106

State: TEXAS

Construction Type:
TUNNEL

County(ies):

| | | |
|-----------|------------|--------------|
| BELL | GREGG | PARKER |
| BEXAR | GUADALUPE | POTTER |
| BOWIE | HARDIN | RANDALL |
| BRAZORIA | HARRIS | ROCKWALL |
| BRAZOS | HARRISON | SAN PATRICIO |
| CAMERON | HAYS | SMITH |
| COLLIN | HIDALGO | TARRANT |
| COMAL | JEFFERSON | TAYLOR |
| CORYELL | JOHNSON | TOM GREEN |
| DALLAS | KAUFMAN | TRAVIS |
| DENTON | LIBERTY | VICTORIA |
| ECTOR | LUBBOCK | WALLER |
| EL PASO | MCLENNAN | WEBB |
| ELLIS | MIDLAND | WICHITA |
| FORT BEND | MONTGOMERY | WILLIAMSON |
| GALVESTON | NUECES | |
| GRAYSON | ORANGE | |

TUNNEL CONSTRUCTION PROJECTS (BORED, 48" IN DIAMETER OR MORE)

| | |
|---------------------|------------------|
| Modification Number | Publication Date |
| 0 | 02/11/2000 |

COUNTY(ies):

| | | |
|----------|-----------|--------------|
| BELL | GREGG | PARKER |
| BEXAR | GUADALUPE | POTTER |
| BOWIE | HARDIN | RANDALL |
| BRAZORIA | HARRIS | ROCKWALL |
| BRAZOS | HARRISON | SAN PATRICIO |
| CAMERON | HAYS | SMITH |
| COLLIN | HIDALGO | TARRANT |
| COMAL | JEFFERSON | TAYLOR |
| CORYELL | JOHNSON | TOM GREEN |
| DALLAS | KAUFMAN | TRAVIS |
| DENTON | LIBERTY | VICTORIA |
| ECTOR | LUBBOCK | WALLER |
| EL PASO | MCLENNAN | WEBB |

Montgomery County - Tunnel

ELLIS
FORT BEND
GALVESTON
GRAYSON

MIDLAND
MONTGOMERY
NUECES
ORANGE

WICHITA
WILLIAMSON

SUTX5010A 01/15/1992

| | Rates | Fringes |
|--|-------|---------|
| CARPENTERS (Including Form Setting - Wood Forms ONLY) | 10.67 | .92 |
| | 12.21 | .92 |
| ELECTRICIANS | | |
| IRONWORKERS, Reinforcing (Shaft Collar & Surface ONLY) | 12.03 | 4.09 |
| LABORERS: | 7.53 | |
| Surface | 9.24 | |
| Tunnel | 11.77 | 1.28 |
| Miner | | |

LABORER CLASSIFICATIONS

SURFACE - Air Tool Operator (Surface Only), Batch Plant Laborer, Changehouseman, Dumpman (Outside, Tool Man).

TUNNEL - Air Tool Operator (Tunnel Only), Bull Gang (Muckers/Trackmen), Cabletender, Concrete Crew (Rodders/Spreaders), Concrete Finisher in Tunnel, Concrete Screed Man, Conveyor Operator, Headerman, High Pressure Nozzleman, Hoist Operator, Jumbo Man, Loading/Unloading Agitator Cars, Nipper, Nozzleman-Slice Line, Pot Tender, Primer Man, Reboundman, Shaft/Raise Work (Below Ground), Shotcrete Man, Slusher Operator, Steel Form Raisers/Setters, (metal forms only) Swamper (Brakeman/Switchman), Timberman, Troweling/Grout Machine Operator, Tugger, Vibratorman, Jack Hammer, Pneumatic Tools (Except Driller), Vibratorman, Pavement Breakers.

MINER - Drill Doctor, Bit Sharpener, Bit Grinder, Rebar (Tunnel Only), Jack Leg Miner, Shaft Drill Operator

| | | |
|--|-------|------|
| MECHANICS (Maintenance and repair on trucks and power equipment) | 11.77 | .92 |
| OILERS (Services trucks and power equipment) | 9.69 | 1.50 |

Montgomery County - Tunnel

POWER EQUIPMENT OPERATORS:

| | | |
|--|-------|------|
| Backhoe Operator (Less than 1 1/2 CY) | 10.68 | |
| Backhoe Operator (1 1/2 CY or more) | 11.40 | 1.50 |
| Bulldozer | 13.00 | |
| Crane (Less than 1 1/2 CY) | 11.89 | |
| Crane (1 1/2 CY or more) | 12.82 | 1.50 |
| Front End Loader (less than 2 1/2 CY) | 10.16 | |
| Front End Loader (2 1/2 CY or more) | 12.17 | |
| | 9.00 | 1.50 |
| Locomotive Operator | 14.12 | 1.21 |
| Road Head Operator | 13.61 | |
| Tunnel/Boring Machine Operator | | |

TRUCK DRIVERS:

| | | |
|--------------------|-------|------|
| | 6.50 | 1.05 |
| Semi | 7.55 | |
| Single Axle, Light | 11.58 | |

WELDERS

 Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR?5.5(a

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

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- * a survey underlying a wage determination
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On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

Montgomery County - Tunnel

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

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U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, D. C. 20210

4.) All decisions by the Administrative Review Board are final.
END OF GENERAL DECISION

OFFICE OF THE ATTORNEY GENERAL
STATE OF TEXAS

Department of Public Safety

State: Texas

Occupation: Construction
Subclassification:

City: Dallas
County: Tarrant
Year: 1980

BUILDING CONSTRUCTION PREVAILING WAGE RATE

Administrative Information: This report was prepared by the Bureau of Labor Statistics, Dallas, Texas, in accordance with the provisions of the Davis-Bacon Act, 40 U.S.C. 276a-1, and the Davis-Bacon Wage Determination Regulations, 29 C.F.R. 1.6.

Classification: Construction
Subclassification:

Job Title: Construction Worker
Rate: \$1.00
Rate: \$1.00

Area: Dallas, Texas

Rate: \$1.00

Rate: \$1.00

Rate: \$1.00

Rate: \$1.00

Rate: \$1.00

Rate: \$1.00

Rate: \$1.00

Rate: \$1.00

Rate: \$1.00

Rate: \$1.00

Montgomery County - Residential

GENERAL DECISION TX000120 02/11/00 TX120
 General Decision Number TX000120

Superseded General Decision No. TX990120

State: TEXAS

Construction Type:
 RESIDENTIAL

County(ies):
 BRAZORIA FORT BEND MONTGOMERY
 CHAMBERS GALVESTON WALLER

Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories.

Modification Number 0 Publication Date 02/11/2000

COUNTY(ies):
 BRAZORIA FORT BEND MONTGOMERY
 CHAMBERS GALVESTON WALLER

| | Rates | Fringes |
|--|--------|---------|
| SUTX4035A 09/27/1996 | | |
| BRICKLAYER | 11.35 | |
| CARPENTER (Excluding Formwork) | 11.25 | 1.41 |
| CEMENT MASON (Excluding Formwork) | 11.629 | .747 |
| ELECTRICIAN (Excluding HVAC Wiring & Fire Alarm) | 11.346 | |
| HVAC MECHANIC (Duct, Piping, Control Wiring, Set/Start Unit) | 12.313 | |
| GUTTER INSTALLER | 9.00 | |
| IRONWORKER (Structural) | 10.00 | .70 |
| LABORERS: | | |
| General | 7.535 | |
| Mason Tenders | 8.00 | .683 |
| PAINTER | 9.463 | |

Montgomery County - Residential

| | | |
|---|--------|-------|
| PLUMBER (Excluding Fire Sprinkler & HVAC Pipe) | 14.355 | 1.093 |
| PLUMBER (Fire Sprinkler Only) | 8.00 | |
| POWER EQUIPMENT OPERATORS: Backhoe | 12.00 | .69 |
| ROOFER | 10.00 | |

WELDERS - Receive rate prescribed for craft performing operation
to which welding is incidental.
=====

Unlisted classifications needed for work not included within the
scope of the classifications listed may be added after award only
as provided in the labor standards contract clauses (29 CFR 5.5(a

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- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a
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- * a conformance (additional classification and rate)
ruling

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Wage and Hour Division
U. S. Department of Labor
200 Constitution Avenue, N. W.

Montgomery County - Residential

Washington, D. C. 20210

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END OF GENERAL DECISION

DARDEN, FOWLER AND CREIGHTON, L.L.P.

ATTORNEYS AT LAW

414 WEST PHILLIPS

SUITE 100

CONROE, TEXAS 77301-2880

GEO. B. DARDEN (1904-1994)
WILLIAM E. FOWLER (1924-1982)
GERALD J. CREIGHTON, JR.
GERALD D. CROW
G. MARK CREIGHTON
LARRY L. FOERSTER

CONROE
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October 17, 2000

Fax 936-264-3114

Mayor Lang Thompson
Town Council
Town of Cut and Shoot
P. O. Box 7364
Cut & Shoot, Texas 77364

Re: Town ordinance establishing prevailing wage rates for all town public works projects

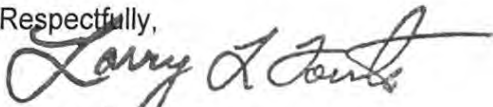
Dear Mayor Thompson and Council:

Enclosed is a proposed Ordinance by which the Town of Cut and Shoot will set a prevailing wage rate for all future town public works projects for highway, building and heavy construction done in behalf of the Town by any outside contractor. As described in the recitals to the Ordinance, all cities must recognize the general prevailing wage rate when it hires a contractor to do a project for the Town or bids the contract.

Typically, your architects and engineers have incorporated these wage rate schedules into their bid specifications for any construction project, but I think it would be wise to approve the current prevailing wage rates which are prepared by the U.S. Department of Labor and provided by the Texas General Services Commission. The Ordinance allows the Town to update these rates annually or as needed without amending the Ordinance itself.

If you have any questions before the next Town Council meeting, please feel free to call me.

Respectfully,



Larry L. Foerster

LLF/ek

Enc.

MOTION made by J. D. Roberts SECONDED by ROBERT MOORE to pass the following resolution:

ORDINANCE NO. 75

**AN ORDINANCE BY THE TOWN COUNCIL
OF THE TOWN OF CUT AND SHOOT, TEXAS
TO CANCEL THE 2001 CITY OFFICERS ELECTION ON MAY 5th AND
DECLARE EACH UNOPPOSED CANDIDATE ELECTED TO OFFICE, IN
ACCORDANCE WITH SECTION 2.052 AND SECTION 2.053 OF THE
ELECTION CODE.**

WHEREAS, the Town Council of Cut and Shoot, Texas has duly conducted an election filing period for the purpose of holding the 2001 city officers election within the incorporated limits of the Town of Cut and Shoot on May 5th, 2001 as set out in the Election Code, and positions for election for two year terms of office are mayor; council person, Position # 2; and council person, Position # 4.

WHEREAS, only one candidate filed all paperwork to have his/her name placed on the official ballot for each of the positions available for the May 5th election; and

WHEREAS, no candidate applied to have his/her name placed on a list of write-in candidates for the May 5th election; and

WHEREAS, the above declarations have been certified by the Town Secretary as attached hereto;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF CUT AND SHOOT THAT in accordance with Section 2.052 and Section 2.053 of the Election Code, it declares that each unopposed candidate elected to the office by order of this ordinance; and cancels the town election set for May 5, 2001.

PASSED at a regular meeting of the Town Council of Cut and Shoot, Texas held on the 12 day of April 2001


Lang Thompson, Mayor

ATTEST:


Amy Wade, City Secretary

City Secretary Certification

This is to certify that the filing period for places on the ballot of the **2001 Town Officers Election** to be held Saturday, May 5th was conducted at the Town Hall during regular office hours beginning Monday February 19th (Sec. 143.007, Election Code) and concluded Wednesday, March 21st at 5:00 p.m. (Sec. 144.055(a), Election Code. Deadline for write-in candidates to file declarations of write-in candidacy was Monday, March 26th at 5:00 p.m. (40th day before election day; 5th day after the regular filing deadline, Sec. 146.054, Election Code).

Filing results are as follows:

| | |
|--------------------------------|------------------|
| Mayor: | Lang Thompson |
| Council Person Position No. 2: | Leonard McDonald |
| Council Person Position No. 4: | David Park |

Only one candidate's name is to be placed on the ballot for Mayor, Council Person Position No. 2, and Council Person Position No.4.

Election Code, Subchapter C, Election of Unopposed Candidate, Section 2.053.

Action on certification.

- (a) On receipt of the certification, the governing body of the political subdivision by order or ordinance may declare each unopposed candidate elected to the office.
- (b) If a declaration is made under Subsection (a), the election is not held. A copy of the order or ordinance shall be posed on election day at each polling place that would have been used in the election.
- (c) A certificate of election shall be issued to each candidate in the same manner as provided for a candidate elected at the election.

TOWN OF CUT AND SHOOT


Amy Wade, City Secretary

Motion was made by Clif Dalhaus, seconded by Bill Olijthant,

that the following Ordinance be passed:

ORDINANCE NO. 76

AN ORDINANCE BY THE TOWN COUNCIL OF THE
TOWN OF CUT AND SHOOT, TEXAS,
PROVIDING FOR THE ANNEXATION OF CERTAIN TERRITORY
CONSISTING OF _____ ACRES,
WHICH TERRITORY IS OWNED BY BARRY L. KELLEY AND LIES ADJACENT TO
AND ADJOINS THE PRESENT BOUNDARY LIMITS OF
THE TOWN OF CUT AND SHOOT, TEXAS.

WHEREAS, the Town Council of the Town and Shoot, Texas has received a Petition for Voluntary Annexation signed by Barry L. Kelley, the owner of a certain described tract of land, a copy of said petition being attached to this Ordinance; and

WHEREAS, the Town Council finds that the tract of land is one-half mile or less in width; contiguous to the Town of Cut and Shoot; and is vacant and without residents; and

WHEREAS, the tract of land consists of 5 1/2 acres and is described by metes and bounds as attached hereto; and

WHEREAS, the Town Council believes that it is in the best interest of the residents of the Town of Cut and Shoot that said tract of land be annexed in accordance with Section 43.028 of the Texas Local Government Code;

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, HEREBY ORDAINS THAT:

SECTION I.
FINDINGS

The foregoing recitals are incorporated into this Ordinance as findings of fact.

SECTION II.
ANNEXATION

The above-described land and territory lying adjacent to and adjoining the boundaries of the Town of Cut and Shoot, Texas, is hereby added and annexed to the Town of Cut and Shoot, Texas, and said territory herein described shall hereafter be included within the boundary limits of the Town of Cut and Shoot,

Montgomery County, Texas, and the present boundary limits of such town, at the various points contiguous to the area herein described, are altered and amended so as to include said area within the corporate limits of the Town of Cut and Shoot, Texas, as described in the metes and bounds description attached to this Ordinance and incorporated herewith.

SECTION III.
RIGHTS OF INHABITANTS

The above described territory and the area so annexed shall be a part of the Town of Cut and Shoot, Texas, and any future inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the Town of Cut and Shoot, Texas.

SECTION IV.
REPEALING CONFLICTING ORDINANCES

All existing Town ordinances in conflict with the provisions of this Ordinance are repealed to the extent of the conflict.

SECTION V.
SAVINGS CLAUSE

The Town Council of the TOWN OF CUT AND SHOOT, Texas, does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of any other portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION VI.
TEXAS OPEN MEETINGS ACT

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION VII.
RECORDING**

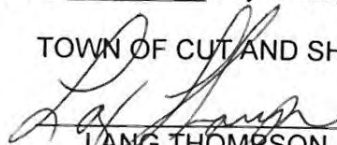
The Town Secretary is hereby ordered to enter a copy of this Ordinance in the Town minutes and to file a certified copy of the Order together with a copy or duplicate of the petition and metes and bounds description in the office of the County Clerk of Montgomery County.

**SECTION VIII.
EFFECTIVE DATE OF PASSAGE**

The Ordinance shall be effective immediately upon its passage.

PASSED AND APPROVED this the 10 day of May 2001.

TOWN OF CUT AND SHOOT, TEXAS


LANG THOMPSON, MAYOR

ATTEST:


AMY WADE, Town Secretary

APPROVED AS TO FORM:

LARRY L. FOERSTER, Town Attorney

Town of Cut and Shoot
RIGHT OF WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that _____ (hereinafter called "Grantors"), in consideration of one dollar (\$1.00) and other good and valuable consideration paid by Town of Cut and Shoot, (hereinafter called "Town"), the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, release, sell, transfer, and convey to said Town, its successors, and assigns, a perpetual right-of-way or easement forever for the purpose of clearing, trenching for, laying, erecting, constructing, installing, thereafter use for, operating, inspecting, repairing, maintaining, replacing, and removing utility lines and appurtenances over and across _____ acres of land, more particularly described in instrument recorded in Vol. _____, Page _____, Deed Records, _____ County, Texas, together with the right of ingress and egress over Grantor's adjacent lands for the purpose for which the above mentioned rights are granted. The easement hereby granted shall not exceed 15' in width, and Town is hereby authorized to designate the course of the easement herein conveyed, except that when the pipeline(s) is installed, the easement herein granted shall be limited to a strip of land 15' in width the center line thereof being the pipeline as installed.

Grantor hereby agrees that he, and his successors, administrators, grantees and assigns, will permit the Town by and through its proper officers, agents or employees at any and all times, when necessary, to go over and upon the described land in order to perform any and all acts necessary for the Town in order to maintain or repair said utilities and properly to carry into effect the purposes for which this grant and easement is made. Upon completion of any work in connection with the construction, reconstruction or repair of said utility way, the Town will restore Grantor's premises to the condition in which it was found at the time the work was undertaken.

Grantor agrees not to molest, disturb or in any manner interfere with Town's officers, agents or employees in regard to clearing, trenching for, laying, constructing, maintaining or repairing said utility way.

The tract or parcel of land herein mentioned shall be kept by Grantor in such condition at all times that Town by and through its proper officers, agents or employees can enter upon the land without hindrance or obstruction.

In the event the easement hereby granted abuts on a public road and the county or state hereafter widens or relocates the public road so as to require the relocation of this water line as installed, Grantor further grants to Town an additional easement over and across the land described above for the purpose of laterally relocating said water line as may be necessary to clear the road improvements, which easement hereby granted shall be limited to a strip of land 15' in width the center line thereof being the pipeline as relocated.

The consideration recited herein shall constitute payment in full for all damages sustained by Grantors by reason of the installation of the structures referred to herein and the Town will maintain such easement in a state of good repair and efficiency so that no unreasonable damages will result from its use to Grantor's premises. This agreement together with other provisions of this grant shall constitute a covenant running with the land for the benefit of the Town, its successors, and assigns. The Grantors covenant that they are the owners of the above described land and that said lands are free and clear of all encumbrances and liens except the following:

The easement conveyed herein was obtained or improved through Federal financial assistance. This easement is subject to the provisions of the Title VI of the Civil Rights Act of 1964 and the regulations issued pursuant thereto for so long as the easement continues to be used for the same or similar purpose for which financial assistance was extended or for so long as the Grantee owns it, whichever is longer.

IN WITNESS WHEREOF the said Grantors have executed this instrument this 30 day of April, 2001.

To Lollar SHCO Row
at

Barry L. Kelley

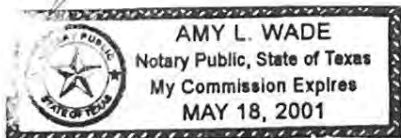
ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF Montgomery

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Barry L. Kelley known to me to be the person(s) whose name(s) is (are) subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 30 day of April, 2001
Amy L. Wade
(Seal)

Montgomery County, Texas
(Notary Public in and for)



Petition For Voluntary Annexation

TO THE MAYOR AND GOVERNING BODY OF THE TOWN OF CUT AND SHOOT, TEXAS.

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which less than three qualified voters reside, hereby petition your honorable body to extend the present town limits so as to include and annex as part of the Town of Cut and Shoot, Texas, the property described by metes and bounds on the attached Exhibit "A", which is incorporated herein for all purposes. We certify that this Petition is signed and acknowledged by each and every corporation and person owning said land or having an interest in any part thereof.

Signed:

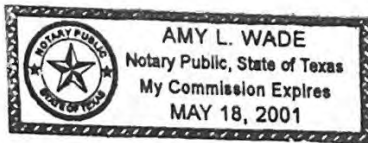
Barry L. Kelley

Signed: _____

THE STATE OF TEXAS
COUNTY OF MONTGOMERY

This instrument was acknowledged before by Barry L. Kelley on the 30 day
of April, 2001.

Amy L. Wade
Notary Public, Montgomery County, Texas
My commission expires: 05-18-01



MOTION was made by ROBERT MOORE, seconded by J. D. Roberts that the following Ordinance be passed:

ORDINANCE NO. 77

**AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS
IMPLEMENTING SUBCHAPTER G, CHAPTER 214, TEXAS LOCAL
GOVERNMENT CODE, BY ADOPTING THE INTERNATIONAL RESIDENTIAL
CODE AND THE NATIONAL ELECTRICAL CODE FOR MUNICIPAL
RESIDENTIAL CONSTRUCTION IN THE TOWN;
REPEALING ALL ORDINANCES IN CONFLICT;
PROVIDING FOR SEVERABILITY;
PROVIDING TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS the 77TH Texas Legislature has enacted Senate Bill No. 365, requiring all municipalities to establish rules and take other necessary action to implement Subchapter G, Chapter 214, Texas Local Government Code, before January 1, 2002;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS, that:

I.

DEFINITIONS

1. "International Residential Code" means the International Residential Code for One and Two-Family Dwellings promulgated by the International Code Council.
2. "National Electrical Code" means the electrical code published by the National Fire Protection Association.
3. "Residential" means having the character of a detached one-family or two-family dwelling or a multiple single-family dwelling that is not more than three stories high with separate means of egress, including the accessory structures of the dwelling, and that does not have the character of a facility used for the accommodation of transient guests or a structure in which medical, rehabilitative, or assisted living services are provided in connection with the occupancy of the structure.

II.

ADOPTION OF INTERNATIONAL RESIDENTIAL CODE

The International Residential Code, as it existed on May 1, 2001, is hereby adopted as the municipal residential building code for the Town of Cut and Shoot. The International Residential Code applies to all construction, alteration, remodeling, enlargement, and repair of residential structures in the

Town. The Code does not apply to the installation and maintenance of electrical wiring and related components.

III.
ADOPTION OF NATIONAL ELECTRICAL CODE

The National Electrical Residential Code as it existed on May 1, 2001, is hereby adopted as the municipal residential electrical construction code for the Town of Cut and Shoot and applies to all residential electrical construction applications.

IV.
REPEALING CLAUSE

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby expressly repealed.

V.
SEVERABILITY CLAUSE

If any part or parts of the Ordinance shall be held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining parts of this ordinance. It is hereby declared that the remaining parts of this Ordinance shall have been ordained and passed had it been known that such parts hereof would be declared unconstitutional and invalid.

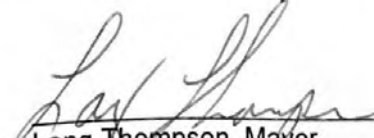
VI.
TEXAS OPEN MEETINGS ACT CLAUSE

It is hereby officially found and determined that the meeting in which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

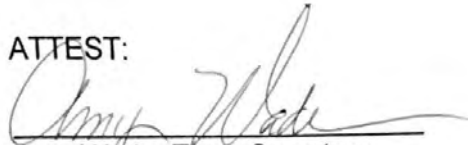
VII.
EFFECTIVE DATE

This Ordinance shall be effective on January 1, 2002. This Ordinance applies only to residential construction, remodeling, alteration, or repairs that begins under an agreement made on or after January 1, 2002, or that begins, in the absence of an agreement, on or after that date. Residential construction, remodeling, alteration or repair that begins under an agreement made before January 1, 2002, or that begins in the absence of an agreement before that date, is governed by the law and ordinances in effect when the agreement was made or the activity began, as appropriate, and that law is continued in effect for that purpose.

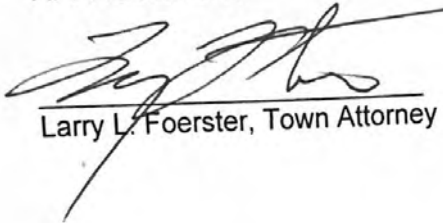
PASSED AND APPROVED THIS 13th day of December
2001.


Lang Thompson, Mayor

ATTEST:


Amy Wade, Town Secretary

APPROVED BY:


Larry L. Foerster, Town Attorney

1-1 AN ACT
 1-2 relating to the adoption of a uniform residential building code for
 1-3 use in the state.
 1-4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-5 SECTION 1. Chapter 214, Local Government Code, is amended by
 1-6 adding Subchapter G to read as follows:
 1-7 SUBCHAPTER G. BUILDING CODES
 1-8 Sec. 214.211. DEFINITIONS. In this subchapter:
 1-9 (1) "International Residential Code" means the
 1-10 International Residential Code for One- and Two-Family Dwellings
 1-11 promulgated by the International Code Council.
 1-12 (2) "National Electrical Code" means the electrical
 1-13 code published by the National Fire Protection Association.
 1-14 (3) "Residential" means having the character of a
 1-15 detached one-family or two-family dwelling or a multiple
 1-16 single-family dwelling that is not more than three stories high
 1-17 with separate means of egress, including the accessory structures
 1-18 of the dwelling, and that does not have the character of a facility
 1-19 used for the accommodation of transient guests or a structure in
 1-20 which medical, rehabilitative, or assisted living services are
 1-21 provided in connection with the occupancy of the structure.
 1-22 Sec. 214.212. INTERNATIONAL RESIDENTIAL CODE. (a) To
 1-23 protect the public health, safety, and welfare, the International
 1-24 Residential Code, as it existed on May 1, 2001, is adopted as a
 1-25 municipal residential building code in this state.
 2-1 (b) The International Residential Code applies to all
 2-2 construction, alteration, remodeling, enlargement, and repair of
 2-3 residential structures in a municipality.
 2-4 (c) A municipality may establish procedures:
 2-5 (1) to adopt local amendments to the International
 2-6 Residential Code; and
 2-7 (2) for the administration and enforcement of the
 2-8 International Residential Code.
 2-9 (d) A municipality may review and consider amendments made
 2-10 by the International Code Council to the International Residential
 2-11 Code after May 1, 2001.
 2-12 Sec. 214.213. EXCEPTIONS. (a) The International
 2-13 Residential Code does not apply to the installation and maintenance
 2-14 of electrical wiring and related components.
 2-15 (b) A municipality is not required to review and consider
 2-16 adoption of amendments to the International Residential Code
 2-17 regarding electrical provisions.
 2-18 Sec. 214.214. NATIONAL ELECTRICAL CODE. (a) The National
 2-19 Electrical Code, as it existed on May 1, 2001, is adopted as the
 2-20 municipal residential electrical construction code in this state
 2-21 and applies to all residential electrical construction
 2-22 applications.
 2-23 (b) A municipality may establish procedures:
 2-24 (1) to adopt local amendments to the National
 2-25 Electrical Code; and
 2-26 (2) for the administration and enforcement of the
 3-1 National Electrical Code.
 3-2 SECTION 2. Subsections (a) and (d), Section 6A, Article
 3-3 21.49, Insurance Code, are amended to read as follows:
 3-4 (a) Except as otherwise provided by this Subsection, all
 3-5 structures that are constructed or repaired or to which additions
 3-6 are made on or after January 1, 1988, to be considered insurable
 3-7 property for windstorm and hail insurance from the Association,
 3-8 must be inspected or approved by the Board for compliance with the
 3-9 building specifications in the plan of operation. After January 1,

3-10 2002, in geographic areas specified by the commissioner, the
 3-11 commissioner by rule may supplement the building specifications in
 3-12 the plan of operation with the structural provisions of the
 3-13 International Residential Code. Roofing materials satisfy the
 3-14 building specifications in the plan of operation if those materials
 3-15 pass the UL Standard 997 or a comparable test certified by the
 3-16 Board and are installed as required by the Board to promote the
 3-17 wind resistance of the materials. A structure constructed,
 3-18 repaired, or to which additions were made before January 1, 1988,
 3-19 that is located in an area covered at the time by a building code
 3-20 recognized by the Association shall be considered an insurable
 3-21 property for windstorm and hail insurance from the Association
 3-22 without compliance with the inspection or approval requirements of
 3-23 this Section or the plan of operation. A structure constructed,
 3-24 repaired, or to which additions were made before January 1, 1988,
 3-25 that is located in an area not covered by a building code
 3-26 recognized by the Association shall be considered an insurable
 4-1 property for windstorm and hail insurance from the Association
 4-2 without compliance with the inspection or approval requirements of
 4-3 this Section or the plan of operation if that structure has been
 4-4 previously insured by a licensed insurance company authorized to do
 4-5 business in this State and the risk is in essentially the same
 4-6 condition as when previously insured, except for normal wear and
 4-7 tear, and without any structural change other than a change made
 4-8 according to code. Evidence of previous insurance includes a copy
 4-9 of a previous policy, copies of canceled [~~cancelled~~] checks or
 4-10 agent's records that show payments for previous policies, and a
 4-11 copy of the title to the structure or mortgage company records that
 4-12 show previous policies. After January 1, 2002, a person must
 4-13 submit an application for windstorm inspection to the unit
 4-14 responsible for windstorm inspection at the department before
 4-15 beginning to construct, alter, remodel, enlarge, or repair a
 4-16 structure. Failure to submit a timely application may result in a
 4-17 certificate of compliance not being issued unless plans and
 4-18 calculations, testing information, manufacturer's installation
 4-19 instructions, or any other documentation required by the
 4-20 commissioner is submitted to the unit responsible for windstorm
 4-21 inspection at the department as may be requested in order to
 4-22 fulfill the requirements of this section. The Board may appoint or
 4-23 employ qualified inspectors as defined in this Section to perform
 4-24 any inspections required by this Section.

4-25 (d) A "qualified inspector" includes:
 4-26 (1) a person determined by the Board to be qualified
 5-1 to perform building inspections because of training or experience;
 5-2 (2) a licensed professional engineer meeting the
 5-3 requirements of the rules adopted by the commissioner for
 5-4 appointment to conduct windstorm inspections; and
 5-5 (3) an inspector who is certified by the International
 5-6 Code Council, the Building Officials and Code Administrators
 5-7 International, Inc., the International Conference of Building
 5-8 Officials, or the Southern Building Code Congress International,
 5-9 Inc., who has certifications as a buildings inspector and coastal
 5-10 construction inspector, and who also complies with other
 5-11 requirements specified by rule by the commissioner. A qualified
 5-12 inspector must be approved and appointed or employed by the Board
 5-13 to perform building inspections. The Board may charge a reasonable
 5-14 fee not to exceed \$200 for the filing of applications and
 5-15 determining the qualifications of persons for appointment as
 5-16 qualified inspectors.

5-17 SECTION 3. (a) Subchapter G, Chapter 214, Local Government

5-18 Code, as added by this Act, applies only to residential
 5-19 construction, remodeling, alteration, or repair that begins under
 5-20 an agreement made on or after January 1, 2002, or that begins, in
 5-21 the absence of an agreement, on or after that date. Residential
 5-22 construction, remodeling, alteration, or repair that begins under
 5-23 an agreement made before January 1, 2002, or that begins, in the
 5-24 absence of an agreement, before that date is governed by the law in
 5-25 effect when the agreement was made or the activity began, as
 5-26 appropriate, and that law is continued in effect for that purpose.

6-1 (b) Municipalities shall, before January 1, 2002, establish
 6-2 rules and take other necessary actions to implement Subchapter G,
 6-3 Chapter 214, Local Government Code, as added by this Act.

6-4 SECTION 4. This Act takes effect January 1, 2002, except
 6-5 that Subsection (b), Section 3 of this Act, and this section take
 6-6 effect September 1, 2001.

 President of the Senate

 Speaker of the House

I hereby certify that S.B. No. 365 passed the Senate on
 April 2, 2001, by a viva-voce vote; and that the Senate concurred
 in House amendment on May 2, 2001, by a viva-voce vote.

 Secretary of the Senate

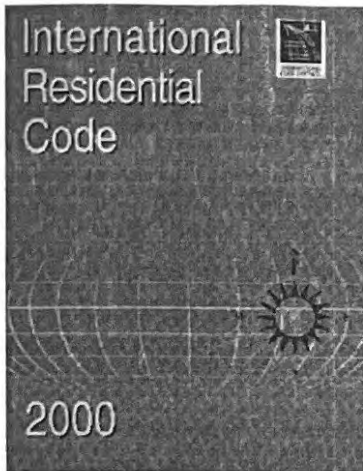
I hereby certify that S.B. No. 365 passed the House, with
 amendment, on April 24, 2001, by a non-record vote.

 Chief Clerk of the House

Approved:

 Date

 Governor



The 2000 *International Residential Code*, which replaces the *International One- and Two-Family Dwelling Code* and its predecessor the *CABO One and Two Family Dwelling Code*, brings uniformity to construction of one- and two-family dwellings and townhouses up to three stories high.

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- Access rules covering **fuel cell systems** in the new **Article 692**.
- Save time with new parallel numbering systems for Raceway and Cable Articles in **Chapter 3: Wiring**
- Follow clearer safety guidelines with the completely reorganized **Hazardous (Classified) Locations Articles**
- The IBEW and NJATC are applauding the 2002 NEC's enhancements to the safety of installations, including new requirements for **flash protection marking** and **panic hardware** in **Article 110**, and new safety rules for **motor disconnect locations** in **Article 430**
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Motion was made by J. D. Roberts, seconded by Bill

Alphert, that the following Ordinance be passed:

ORDINANCE NO. 78

AN ORDINANCE PROVIDING FOR THE VACATION, RELOCATION OF OCCUPANTS, SECURING, REPAIR, REMOVAL OR DEMOLITION OF SUBSTANDARD BUILDINGS; ADOPTION OF THE STANDARD UNSAFE BUILDING ABATEMENT CODE, 1985 EDITION AND ALL SUBSEQUENT EDITIONS; PROVIDING PROCEDURES FOR NOTICE OF DEFECTS AND ESTABLISHING PROCEDURES FOR ACTION ON SUBSTANDARD BUILDINGS AND OTHER STRUCTURES; AWARDING OF CONTRACTS BY TOWN; PROVIDING CIVIL PENALTIES; PROVIDING FOR LIENS ON PROPERTY TO RECOVER TOWN EXPENSES AND CIVIL PENALTIES; PROVIDING OBLIGATIONS OF PROPERTY OWNER AND RIGHTS OF TOWN TO SECURE A BUILDING THAT VIOLATES MINIMUM STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SAVINGS CLAUSE; PROVIDING TEXAS OPEN MEETINGS CLAUSE; AND EFFECTIVE DATE.

WHEREAS, numerous complaints have been made to the Town Council of unsanitary and health hazard conditions existing in the Town concerning buildings that are dilapidated, substandard, or unfit for human habitation; and

WHEREAS, the Town of Cut and Shoot has authority granted to it under TEXAS LOCAL GOVERNMENT CODE, Section 214.001, et seq., and Section 54.012 to require by ordinance the vacation, relocation of occupants, securing, repairing, removal, or demolition of a building that is:

1. Dilapidated, substandard, or unfit for human habitation; and a hazard to public health, safety, and welfare;
2. Regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
3. Boarded up, fenced, or otherwise secured in any manner if:
 - a. the building constitutes a danger to the public even though secured from entry; or

- b. the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by Subdivision 2.

NOW BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS THAT:

Article I.

Unsafe Buildings

SECTION 1. Minimum Standards for Use and Occupancy

That the Standard Unsafe Building Abatement Code, 1985 Edition and all subsequent amendments and editions thereto, as prepared by the South Building Code Congress International, Inc. (hereinafter referred to as the "the Code") is adopted as a minimum standard for continued use and occupancy of all buildings regardless of the date of their construction and for procedures of compliance.

SECTION 2. Conditions Constituting a Hazard to Public health, Safety and Welfare

A. Regardless of the date of construction, the continued use or occupancy of any building which by virtue of one (1) or more of the following conditions constitutes a hazard to the public health, safety and welfare is hereby prohibited:

1. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
2. Any means of egress or portion thereof, such as but not limited to fire doors, closing devices and fire restrictive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of egress could be rendered unsafe in case of fire or panic.
3. The stress in any material, member or portion thereof, due to all imposed loads including dead loads exceeding the stresses allowed in the building code provisions applicable to new buildings.
4. The building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirement

established by the building code for new buildings.

5. Any exterior appendage or portion of the building or structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the building code for new buildings.
6. If, for any reason, the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
7. The building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
8. The building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of the building code or of any applicable federal, state or local law.
9. Any building, structure or portion thereof that is in such a condition as to constitute a public nuisance.
10. Any building, structure or portion thereof that is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

B. Regardless of its structural condition, each building which is unoccupied by its owners, lessees, or other invitees must be secured from unauthorized entry or use by children, or by vagrants or other persons as a place of harborage.

C. Any building possessing one (1) or more of such conditions or characteristics described in this section is a substandard building.

SECTION 3. Provisions Adopted

The provisions of Texas Local Government Code, Chapter 54, Subchapter C, are hereby implemented and adopted and the provisions thereof are hereby incorporated herein by reference, the same as if fully set out herein.

SECTION 4. Building and Standards Commission Established

A. There is hereby established a Building and Standards Commission which shall meet from time to time as required to hear and determine cases concerning alleged violations of this ordinance.

B. The Commission shall consist of a single panel of five (5) members, such members to be appointed for a term of two (2) years. The terms of such members shall be staggered so as to provide for the appointment of two (2) members in one (1) year and three (3) members in the following year.

C. There may be appointed not more than eight (8) alternate members, such alternate members to be appointed for a term of two (2) years and who shall serve in the absence of one (1) or more regular members when requested to do so by the mayor.

D. Each member and alternate of the Commission shall be a resident of the town and shall be appointed by the mayor, subject to the approval of the town council.

E. All cases to be heard by the Commission must be heard by at least four (4) members or alternates. The concurring vote of four (4) members of the Commission is necessary to take any action.

SECTION 5. Notice of Defects.

A. That the Town attorney or his/her agents shall make a diligent effort to discover the owner of a building, each mortgagee and lienholder having an interest in the building or in the property on which the building is located. The Town Secretary shall send to each identified owner, mortgagee and lienholder notice containing:

1. An identification, which is not required to be a legal description, of the building and the property on which it is located;
2. A description of the violation of the town standards that is present at the building;
3. A statement that the town will vacate, secure, remove, or demolish the

building or relocate the occupants of the building if the ordered actions is not taken within a reasonable time;

4. A statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.
5. A public hearing date, time, and location.

B. Notice of the public hearing shall be given as provided by Texas Local Government Code, Section 54.035.

SECTION 6. Public Hearing.

A. That within 30 days of notice to ascertainable owners, mortgages and lienholders the Building and Standards Commission shall conduct a hearing to determine whether a building complies with minimum standards for continued use and occupancy established by this Article.

B. The Town Attorney shall present all cases before the Commission. The Town Attorney may be assisted in the presentation of such cases by any other municipal officer or employee.

SECTION 7. Orders of the Commission

That after the public hearing if a building is found in violation of the standards set out above, the Commission may order that the building be vacated, secured, repaired, removed, or demolished, and the occupants be relocated, as provided by Section 214.001 of the Texas Local Government Code.

SECTION 8. Town May Take Action

If the building is not vacated, secured, repaired, removed or demolished or the occupants are not relocated within he allotted time, the Town may vacate, secure, repair remove, demolish or relocate the occupants at its own expense, as provided in Sections 214.001 (m) and 214.0015 of the Texas Local Government Code.

SECTION 9. Civil Penalty

As an alternate to the repair of the building at the expense of the Town as provided in Section 8 hereinabove, the Town may assess and recover a civil penalty against the property owner for failure to repair, remove, or demolish the building or structure after receiving the notice prescribed hereinabove and after notification to the property owner that he has committed an act in violation of this Ordinance or failed to take action necessary for compliance with the Ordinance. The civil penalty under this section shall be an amount not to exceed One Thousand Dollars (\$1,000.00) per day for violation of the ordinance, or if the property is the owner's lawful homestead, an amount not to exceed \$10.00 per day for each violation.

SECTION 10. Expense or Civil Penalty Becomes Lien on Property

If the Town incurs expenses under Subsection 8, or if a civil penalty is assessed under Section 9, the Town may assess the expenses or civil penalty on, and the Town has a lien against, unless it is a homestead protected by the Texas Constitution, the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the City for the expense or pays the civil penalty. The lien arises and attaches to the property at the time the notice of the lien is promptly recorded and indexed in the office of the County Clerk of Montgomery County, Texas. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the City or civil penalty assessed, and the balance due.

Article II

Securing of Substandard and Unoccupied Buildings

SECTION 1. Minimum Standards For use and Occupancy.

The Standard Unsafe Building Abatement Code, 1985 edition, and all subsequent amendments and editions thereto, as prepared by the Southern Building Code of Congress International, Inc. (hereinafter referred to as "the code") is adopted

as a minimum standard for continued use and occupancy of all buildings within the city, regardless of their date of construction.

SECTION 2. Obligation of Owner to Secure Building.

An owner of a substandard building which is either unoccupied, or occupied only by persons who do not have a right of possession to the building, shall ensure that the building is not left unsecured so that a person can enter into it without the use of force through unlocked doors or unsecured openings.

SECTION 3. Town's Right to Secure Building.

Whenever it is determined by the town building inspector, fire marshal or a peace officer of the town that a building violates the minimum standards of the code and is unoccupied or is occupied only by persons who do not have a right of possession to the building, the building inspector, fire marshal or peace officer of the town may secure the building subject to the provisions set out hereinafter.

SECTION 4. Notice to owner.

Before the eleventh day after the date the building is secured, the town building inspector, fire department or police department shall give notice to the owner by:

1. Personally serving the owner with written notice;
2. Depositing the notice in the United States mail addressed to the owner at the owner's post office address;
3. Publishing the notice at least twice within a ten-day period in a newspaper of general circulation in Montgomery County if personal service cannot be obtained and the owner's post office is unknown; or
4. Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

SECTION 5. Consent of Notice.

1. An identification, which is not required to be a legal description, of the building

and the property on which it is located;

2. A description of the town standards that is present at the building;
3. A statement that the town will secure or has secured, as the case may be, the building; and
4. An explanation of the owner's entitlement to request a hearing about any matter relating to the town's securing of the building.

SECTION 6. Public Hearing.

The town shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the town's securing of the building, if within thirty (30) days after the date the town secures the building, the owner files with the town a written request for the hearing. The town shall conduct the hearing within twenty (20) days after the date the requested is filed. The hearing shall be conducted by the Building and Standards Commission.

SECTION 7. Authority to Assess Expenses and File Lien.

The town has the authority to assess expenses under this Article as it has to assess expenses under Article I of this Ordinance. A lien is created under this Article in the same manner that a lien is created under Article I of this Ordinance and is subject to the same conditions as a lien created under that article.

SECTION 8. Cumulative Remedies.

The remedies provided in this Article shall be available in addition to those provided in Article I of this Ordinance. The issuance of a notice under this Article shall not be required as prerequisite to initiation of abatement or condemnation proceedings.

Article III

Miscellaneous Provisions

SECTION 1. Savings Clause

That the Town Council of the Town of Cut and Shoot, Texas, does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event it would have passed and ordained and all remaining portions of this Ordinance without the inclusion of that portion of portions which may be so found to be unconstitutional or invalid, and declares its intent is to make no portion of this Ordinance dependent upon the validity of any other portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION 2. Repealing Clause

That all ordinance or parts of ordinances, in conflict with the provisions of this Ordinance are hereby expressly repealed.

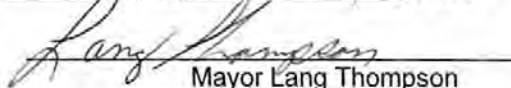
SECTION 3. Texas Open Meetings Clause

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 4. Effective Date


That this Ordinance and each section hereof shall take effect and be in full force from and after its passage and publication as provided by law.

PASSED AND APPROVED this 12th day of January, 2001.

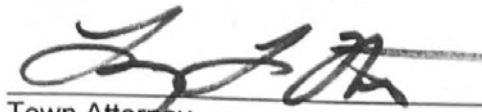


Mayor Lang Thompson

ATTEST:


Town Secretary Amy Wade

APPROVED AS TO FORM:


Town Attorney

MOTION made by David Park
to pass the following ordinance.

SECONDED by J. D. Roberts

ORDINANCE NO. 79

**AN ORDINANCE BY THE TOWN COUNCIL
OF THE TOWN OF CUT AND SHOOT, TEXAS TO
CANCEL THE 2002 CITY OFFICERS ELECTION ON
MAY 4TH AND DECLARE EACH UNOPPOSED CANDIDATE
ELECTED TO OFFICE, IN ACCORDANCE WITH SECTION 2.052
AND SECTION 2.053 OF THE ELECTION CODE.**

WHEREAS, the Town Council of Cut and Shoot, Texas has duly conducted an election filing period for the purpose of holding the 2002 City Officers Election within the incorporated limits of the Town of Cut and Shoot on May 4th, 2002 as set out in the Election Code, and positions for election for two year terms of office are council person, Position #1; council person, Position #3; and council person, Position #5.


WHEREAS, only one candidate filed all paperwork to have his/her name placed on the official ballot for each of the positions available for the May 4th election; and

WHEREAS, no candidate applied to have his/her name placed on a list of write-in candidates for the May 4th election; and

WHEREAS, the above declarations have been certified by the Town Secretary as attached hereto;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF CUT AND SHOOT THAT in accordance with Section 2.052 and Section 2.053 of the Election Code, it declares that each unopposed candidate elected to the office by order of this ordinance; and cancels the town election set for May 4, 2002.

PASSED at a regular meeting of the Town Council of Cut and Shoot, Texas held on the 11th day of April, 2002.


Amy L. Wade, City Secretary


Lang Thompson, Mayor