

Ordinance No. 4-12 - 2010

Permit

**AN ORDINANCE AMENDING ORDINANCE #97-02, THE PRESENT ORDINANCE FOR REGULATING BUILDING IN THE CITY OF MERKEL, TO ADOPT THE 2006 ICC BUILDING CODE AND 2008 ELECTRIC CODE.**

WHEREAS, the City Council desires to continue its efforts to enhance the health, safety, and welfare of the citizens, and

WHEREAS, the City of Merkel has not updated its building and electric codes within the past decade; and

WHEREAS, the Council is aware that from time to time adjustments need to be made to ensure that present codes are adopted to ensure protection of the citizens; now therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERKEL, TEXAS:**

1. That Ordinance 97-02 is amended to adopt the 2006 ICC Building Code and 2008 Electric Code in their entireties as shown on Exhibits A and B, and Administrative procedures as shown in Exhibit C, attached hereto and incorporated herein for all purposes, thereby superseding and replacing any requirements of the previous codes adopted by Ordinance 97-02.
2. The existing Building and Electric ordinances of the City, and any other ordinance or parts thereof in effect at the present time which are in conflict with the Codes adopted herein, are hereby repealed.
3. That the City Secretary shall maintain for public use a listing of permit fees and permit applications which may be required by the adoption of the new Codes. The City Secretary shall be authorized hereunder to issue any certificates required under the newly adopted Codes set forth herewith.
4. That any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a class "C" Misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper.

**PASSED ON FIRST READING** on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

After passage on first reading, a notice of the time and place said ordinance would be given a public hearing and considered for final passage was published in the Merkel Mail, a weekly newspaper of general circulation in the City of Merkel, the same being more than ten (10) days prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on its second and final reading.

PASSED ON SECOND AND FINAL READING AT A PUBLIC HEARING on the  
29<sup>th</sup> day of April, 2010.

ATTEST:

*Gwen Wetzel*  
CITY SECRETARY

SIGNED:

*Rusty Waters*  
MAYOR

APPROVED:

*Candice Clinton*  
CITY ATTORNEY

**EXHIBIT A**

**SECTION 1. THE FOLLOWING CODES ARE HERBY ADOPTED BY THE CITY OF MERKEL:**

- A. TEXAS ADMINISTRATIVE CODE**
- B. INTERNATIONAL BUILDING CODE -2006 EDITION**
- C. CODE FOR ABATEMENT OF DANGEROUS BUILDINGS, 2006 IBC,ICC**
- D. INTERNATIONAL PLUMBING CODE, 2006 EDITION**
- E. INTERNATIONAL MECHANICAL CODE- 2006 EDITION**

**EXHIBIT B**

**SECTION 1. THE FOLLOWING CODES ARE HERBY ADOPTED BY THE CITY OF  
MERKEL:**

**A. NATIONAL ELECTRIC CODE-2008 EDITION**

Exc

# **City of Merkel** 100 Kent St. Merkel Texas 79536 325-928-4911

Administration (2006 ICC/2008 NEC Standards)

## **PERMITS**

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation is regulated by this code or cause any such work to be done, shall first make application to the building official and obtain the required permit.

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

### **Building:**

1. One story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m<sup>2</sup>).
2. Fences not over 6 feet (1829mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of the height to diameter or width does not exceed 2:1.
6. Sidewalks and driveways not more than 30 inches (762mm) above adjacent grade and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

## **Administration (pg2)**

11. Swings and other playground equipment accessory to detached one- and two- family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372mm) from an exterior wall and do not require additional support of Group R-3 and U occupancies.
13. Non-fixed and moveable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

### **Electrical:**

**Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of portable electrical equipment to approved permanently installed receptacles.

**Radio and television transmitting stations:** The provision of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

### **Gas:**

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

### **Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

## **Administration (pg3)**

### **Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, **such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.**
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which the application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 106.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

### **Construction Documents**

**106.1 Submittal documents.** Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

## **Administration (pg4)**

**106.2 Site plan.** The construction documents submitted with application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distance from lot lines, the established street grades and proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures that are to remain on the site or plot. The building official is authorized to waive or modify the requirements for a site plan if for alteration or repair or when otherwise warranted.

## **Certificate of Occupancy**

**110.1 Use and occupancy.** No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

### **Exceptions:**

1. Certificates of occupancy are not required for work exempt from permits under **Section 105.2.**
2. Accessory buildings or structures.

**110.2 Change in use.** Changes in the character or use of an existing structure shall not be made except as specified in **Sections 3406 and 3407** of the *International Building Code*.

**110.3 Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.



### **Administration (pg5)**

5. A statement that the described portion of the structure has been inspected for compliance with requirements of this code.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. If an automatic sprinkler system is provided and whether the sprinkler system is required.
9. Any special stipulations and conditions of the building permit.

### **Service Utilities**

**111.1 Connection of service utilities.** No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until approved by the building official.

**111.2 Temporary connection.** The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility, source of energy, fuel or power.

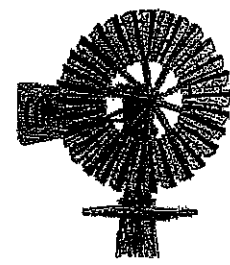
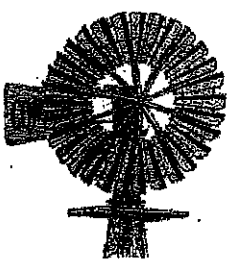
### **Violations**

**113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

### **Stop Work Order**

**114.1 Notice to owner.** Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall immediately be stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

**114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except that such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.



# Contractor Registration

City of Merkel

100 Kent Street Merkel, Texas 79536

Phone: (325)928-4911 Fax: (325)928-3171

Date: \_\_\_\_\_

Name/Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone#: \_\_\_\_\_

Insurance/Bond: \_\_\_\_\_

D.L. #: \_\_\_\_\_

State of Texas Lic. #: \_\_\_\_\_

Fee: \_\_\_\_\_ Paid: \_\_\_\_\_

Warning/Fines:

\_\_\_\_\_  
\_\_\_\_\_

ALL contractor vehicles SHALL post license and company name/logo in accordance with individual State of Texas license rules and regulations. Failure to maintain license/insurance/bond will suspend registration/permit privileges. Failure to obtain proper permits will result in a 2x fee, second infraction-10x fee, third infraction-suspension of registration privileges and/or citation(s).

# City of Merkel

100 Kent Merkel, TX 79536

## CONTRACTOR REGISTRATION

Fee \$ 50.00

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Requirements: annual

Building	\$ 25,000.00 bond ——— photo copy of Drivers License
Demolition	same
Roofing	same
Building mover	same
Electrical	\$ 5,000.00 bond or \$ 300,000.00 general liability insurance TDLR Master Electrical License ——— photo copy of Drivers License
Mechanical	general liability insurance that meets TDLR ch.75.40 rules TDLR AC/Refrigeration License ——— photo copy of Drivers License
Plumbing	\$ 5,000.00 bond or \$ 300,000.00 general liability insurance TSBPE Master Plumbing License ——— photo copy of Drivers License
Irrigation	\$ 5,000.00 bond or \$ 300,000.00 general liability insurance TCEQ Irrigation License ——— photo copy of Drivers License
Swimming pool	\$ 10,000.00 bond or \$ 300,000.00 general liability insurance photo copy of Drivers License

ALL contractor vehicles SHALL post license and company name/logo in accordance with individual State of Texas license rules and regulations. Failure to maintain bond/insurance/license will suspend registration privileges. Failure to obtain proper permits will result in a double fee/second infraction- ten times fee/third infraction- suspension of registration privileges and/or citation(s).

**CITY OF MERKEL** \_\_\_\_\_ **BUILDING CONTRACTOR'S BOND**

THE STATE OF TEXAS §

Bond No. \_\_\_\_\_

COUNTY OF TAYLOR §

**KNOW ALL MEN THESE PRESENTS:**

That we, \_\_\_\_\_ of \_\_\_\_\_ (City),

\_\_\_\_\_ (State), as Principal, and \_\_\_\_\_, as  
Surety, are held firmly bound unto the City of Merkel, a municipal corporation located in Taylor County, Texas, and to any other person who may be injured, in the sum of Twenty-Five Thousand Dollars (\$25,000.00) lawful money of the United States for the payment of which, well and truly made, we hereby bind ourselves, our heirs, executors, administrator, jointly and severally, firmly by these presents.

Any person desiring to engage in the business of \_\_\_\_\_ Contractor in the City of Merkel shall first file with the Building/Code Official a surety bond in the penal sum of Twenty-Five Thousand Dollars (\$25,000.00), payable to the City and conditioned on the faithful performance of all of the provisions and regulations of the codes and ordinances, as specified in City Ordinance # 97-02 amendment #4122010, and all other ordinances of the City, and the surety on such bond shall be a company authorized to transact business in the State of Texas.

Now, therefore; the Surety's obligation is conditioned on the faithful performance and observance by the Principal of all of the provisions and regulations of the respective codes and all ordinances of the City of Merkel, Texas. Failure of the Principal to comply with the codes and the ordinances of the city of Merkel obligates the Surety to remediation or restitution of the violations up to the amount of this bond.

It is understood and agreed that the Surety may cancel this bond at any time on thirty (30) days notice in writing to the Building Inspection/ Code Enforcement Department at the City of Merkel, Texas, but is hereby expressly provided that such a cancellation shall not effect any accrued liability on this bond.

The term of this bond shall be from the effective date of \_\_\_\_\_ through \_\_\_\_\_, and may continue in force for one year from the expiration thereof by the execution of a continuation certificate by the Surety, or its properly recognized agent. A similar certificate may be provided to Obligee each year thereafter, binding the Principal and Surety in accordance with the terms of this bond.

Signed, sealed, and dated this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

Contractor x \_\_\_\_\_  
printed \_\_\_\_\_  
address \_\_\_\_\_  
phone# \_\_\_\_\_

Agent x \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Seal of Surety:

Building/Code Official x \_\_\_\_\_

date: \_\_\_\_\_

**City of Merkel Commercial Building Permit Requirements/  
reviewed and inspected under 2006 ICC and 2008 NEC codes/  
TAS requirements**

**1. Obtain 911 address information from GIS**

**2. Submit plot plan:**

- (a) Provide lot, structure and setback dimensions: w/ North (^N) indicator. Show adjacent street(s), alley(s) and/or structures, identify any easements on property.
- (b) Provide legal description of property –lot#, block# and addition, street address.
- (c) Submit plans to the State or a Registered Accessibility Specialist showing Accessibility compliance for projects greater than \$50,000.00. [www.license.state.tx.us/index.htm](http://www.license.state.tx.us/index.htm)
- (d) Asbestos Survey Report (remodel/renovation of existing building). Contact DSHS office for assistance. (325-795-5863) (512-834-6787) [www.tdh.state.tx.us/beh/asbmain.htm](http://www.tdh.state.tx.us/beh/asbmain.htm)

**3. Submit Building Plans:**

- (a) Provide a complete set of plans and specifications (drawn to scale) indicating square feet of each room and total, w/accurately dimensioned building footprint.
- (b) Provide site plan.
- (c) Provide foundation drawing.
- (d) Provide Electrical plans, shall include anticipated loads and a riser diagram.
- (e) Provide Mechanical and Plumbing plans.
- (f) Identify "type of construction" (i.e. wood, metal, cinder block, etc.)
- (g) Identify "type of occupancy" (i.e. Assembly, Business, Factory, Mercantile, Storage, etc.)
- (h) Provide elevation plans (all sides).
- (i) List exterior finishes.
- (j) Provide door, window and hardware information

(k) Provide Commercial Check Energy Code Compliance Report.

(l) Provide Texas Accessibility Registered Project Number.

(m) Fire Sprinkler plans (if applicable).

(n) Lawn Sprinkler plans (if applicable).

**Building permit must be obtained by the owner of the property, acting as Building Contractor, owners hired representative, or a registered and bonded contractor with the City of Merkel.**

**Separate Electrical, Mechanical and Plumbing permits are required, (must be obtained after building permit has been issued), by a registered and bonded contractor with the City of Merkel.**

**Buildings over 5,000 square feet shall have a Professional Texas Engineer design the foundation, structural, electrical, mechanical, plumbing and (alterations if applicable).**

**Buildings with structural members having a clear span greater than 24 feet shall have a Professional Texas Engineer design all structural roofs, supporting members and foundation.**

**Buildings over 20,000 square feet shall require a State of Texas Licensed Architect, includes alterations to the emergency egress for more than 50 occupants.**

**Building, Electrical, Mechanical and Plumbing permit fees for new and remodel construction are based on appropriate fee schedules.**

After permit is issued, the following shall apply:

1. Permit shall be posted at jobsite.
2. Address shall be posted w/4 inch tall by ½ inch wide numbers and letters of permitted address.
3. If applicable: a. ABC type dry chemical fire extinguishers mounted in accessible areas w/75 feet maximum travel distance in building per extinguisher. b. Extinguishers shall have a minimum rating of 2-A, 10-B:C and/or a minimum capacity of 5 pounds.

# City of Merkel

## Permit fee schedule

### PLUMBING

<u>Minimum Permit Fee</u>		<u>\$ 50.00</u>
Re-Inspection		\$ 50.00
Water heater		\$ 5.00
Per fixture		\$ 2.00
Trap/interceptor - grease, sand or chemical		\$ 5.00
Sewer		\$ 5.00
Trenchless sewer		\$ 50.00
Tap	-alley	\$350.00
	-street	\$650.00
Water service		\$ 5.00
Gas service		\$ 5.00
Gas test		\$ 5.00
Per gas opening		\$ 2.00
Temporary gas		\$ 10.00
Boller	up to 3 hp	\$ 5.00
	over 3 hp to 15 hp	\$ 10.00
	over 15 hp to 30 hp	\$ 15.00
	over 30 hp to 50 hp	\$ 25.00
	over 50 hp	\$ 50.00
Irrigation	Residential	\$ 50.00
	Commercial	\$100.00

# City of Merkel

## Permit fee schedule

### PLUMBING pg2

<u>Minimum Permit Fee</u>		<u>\$ 50.00</u>
Re-inspection		\$ 50.00
Mobil/Manufactured Home	sewer w/p-trap	\$ 5.00
Water softener		\$ 5.00
Roof drain		\$ 2.50
Infrared radiant heater		\$ 5.00
Wall heater		\$ 5.00
Floor furnace		\$ 5.00
Unit heater		\$ 5.00
Backflow prevention device		\$ 10.00
After hours inspection		\$ 200.00
Special/same day inspection		\$100.00



# City of Merkel

## Permit fee schedule

### BUILDING

<u>Minimum Permit Fee</u>		<u>\$ 50.00</u>
<u>Specific Use Permit Fee</u>		<u>\$ 200.00</u>
Re-Inspection		\$ 50.00
Temporary Buildings		\$ 50.00
Demolition:	Residential	\$ 50.00
	Commercial 1-story structure	<del>\$125.00</del>
	Multiple story structure	\$300.00
Residential new construction and additions (enclosed area)	per sqft	\$ .10
Residential carports and storage buildings (under 500 sqft)	per sqft	\$ .08
Residential garage enclosures		\$ 75.00
Foundation only		\$ 75.00
Mobile/Manufactured Home		\$ 200.00
Swimming pool/spa	(per \$1000.00 of valuation)	\$ 3.00
Certificate of Occupancy	(not applicable with other Building Permit)	\$ 100.00
Address change		\$ 75.00
Plan review /fee credited	Residential	\$ 50.00
	to permit	
	Commercial	\$ 0 - 2,000.00
		\$ 50.00
		\$ 2001.00- 50,000.00
		\$150.00
		\$ 50,001.00 -500,000.00
		\$450.00
		\$500,000.00--- up
		\$1,350.00

# City of Merkel

## Permit fee schedule

### BUILDING pg2

<u>Minimum Permit Fee</u>	<u>\$ 50.00</u>
Re-Inspection	\$ 50.00
House moving	\$ 50.00
Passing under traffic control device-per	\$ 50.00
Traffic control device moved/altered-per	\$150.00
Roofing   No Fee—up to 5 squares / over 5 squares -- \$ 1.50 per square min-	\$ 50.00
Fireplaces	\$ 50.00
After hours inspection	\$200.00
Special/same day inspection	\$100.00

# City of Merkel

## Permit Fee Schedule

### MECHANICAL

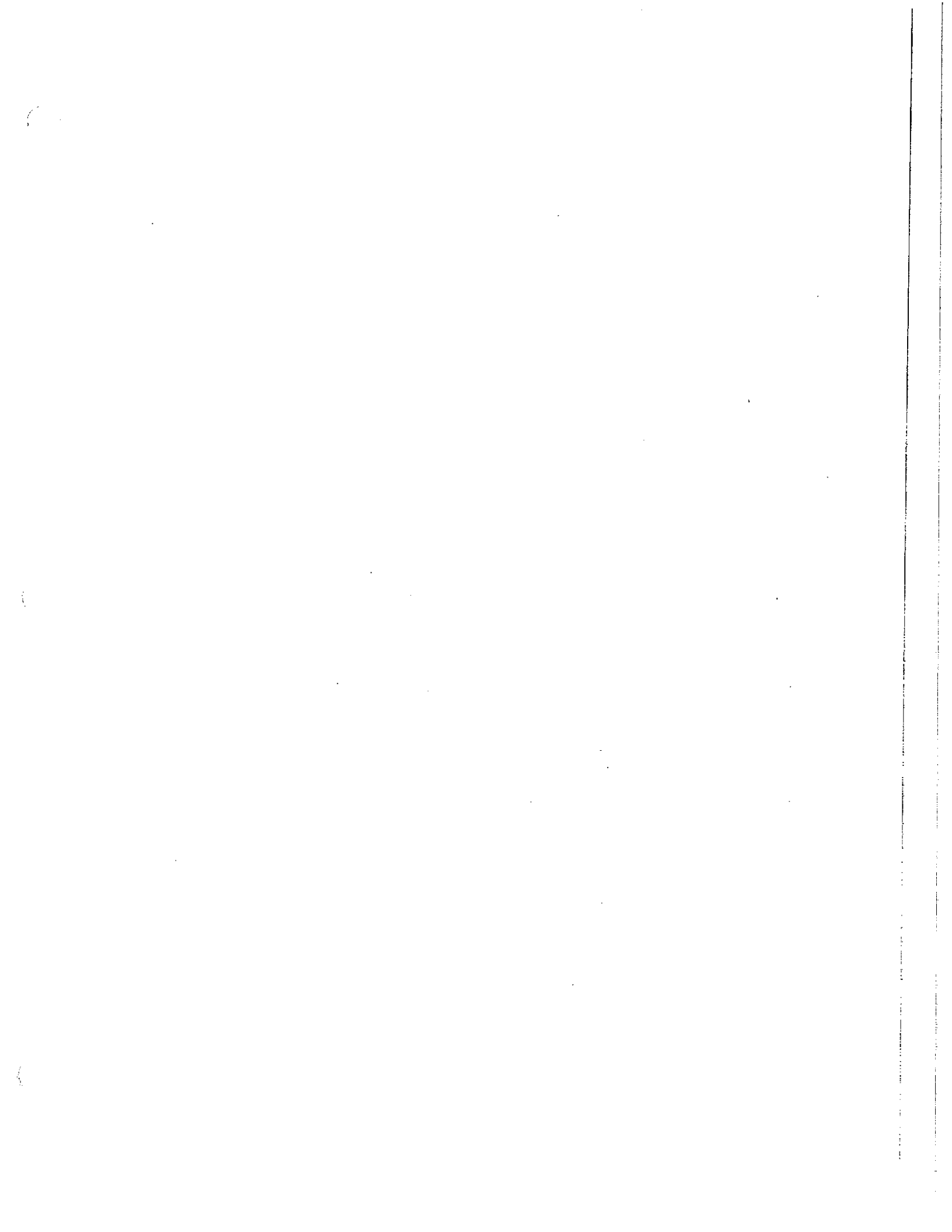
<u>Minimum Permit Fee</u>		<u>\$ 50.00</u>
Re-Inspection		\$ 50.00
Furnace -- forced air or gravity	up to 150,000 btu's	\$ 5.00
	over 150,000 btu's	\$ 10.00
	floor w/vent	\$ 5.00
Heater	suspended or wall	\$ 5.00
Boilers or refrigeration compressor	up to 3 hp	\$ 5.00
	over 3 hp to 15 hp	\$ 10.00
	over 15 hp to 30 hp	\$ 15.00
	over 30 hp to 50 hp	\$ 25.00
	over 50 hp	\$ 50.00
Air handler	up to 10,000 cfm	\$ 5.00
	over 10,000 cfm	\$ 8.00
Evaporative cooler		\$ 5.00
Ventilation	kitchen, dryer or bathroom (ducted)	\$ 5.00
Refrigerant air-conditioning system	up to 7 1/2 tons	\$ 10.00
	over 7 1/2 tons	\$ 15.00
Incinerator		\$ 5.00
Type I hood		\$ 20.00
Type II hood		\$ 10.00
Duct/misc.		\$ 5.00

# **City of Merkel**

## **Permit Fee Schedule**

### **MECHANICAL pg2**

<b>Minimum Permit Fee</b>	<b>\$ 50.00</b>
<b>Re-Inspection</b>	<b>\$ 50.00</b>
<b>Hydronic piping/test</b>	<b>\$ 10.00</b>
<b>Fireplace—pre-fabricated</b>	<b>\$ 5.00</b>
<b>Misc. appliances</b>	<b>\$ 5.00</b>
<b>After hours Inspection</b>	<b>\$200.00</b>
<b>Special/same day inspection</b>	<b>\$100.00</b>



ORDINANCE NO. 0727-98

AN ORDINANCE OF THE CITY OF MERKEL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE PRESENTLY IN PLACE.

WHEREAS, under the laws of the State of Texas, at Chapter 211 of the Texas Local Government Code, authority is conferred upon the City of Merkel to enact a zoning ordinance and to provide for its administration, enforcement, and amendment; and

WHEREAS, the City Council has enacted such an ordinance for the purpose of promoting the health, safety, morals, and for protection and preservation of places and areas of historical, cultural, or architectural importance and significance, or the general welfare of the city; and

WHEREAS, the City Council, pursuant to Chapter 211 of the Texas Local Government Code, has elected to act as the Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF MERKEL, TAYLOR COUNTY, TEXAS:

Part 1: That Ordinance No. 3-85 is hereby amended and that there be enacted the following new zoning ordinance amendments attached as Exhibit A, which together with the revised existing Ordinance and Zoning District map located in the office of the City Secretary, shall constitute the Comprehensive Zoning ordinance of the City of Merkel.

Part 2: That any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Two Thousand Dollars (\$2000.). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 17<sup>th</sup> day of Aug, A.D. 1998.

A notice of the time and place, where and when said ordinance would be given a public hearing, was published in the Merkel Mail, a paper of general circulation in the City of Merkel, said publication being on the 26 day of Aug, 1998, to permit the public to be heard prior to final consideration of this ordinance at a public hearing on September 9, 1998, at 8:00 p.m.

PASSED ON SECOND READING this 9<sup>th</sup> day of Sept., A.D. 1998.

ATTEST:

SIGNED:

Robert H. [Signature]  
CITY SECRETARY

Sam H. [Signature]  
MAYOR

APPROVED: Claudia Clinton  
CITY ATTORNEY

**ARTICLE I  
ENACTMENT AND DEFINITIONS**

**SEC. 1. SHORT TITLE:** This Ordinance, as amended, shall be known as "The City of Merkel Zoning Ordinance."

**SEC. 2. DEFINITIONS:** For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure;" and the word "shall" is mandatory and not directory.

2-1. Accessory Use: An accessory use or building is a subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building.

2-2. Alley: A way which affords only a secondary means of access to property abutting thereon.

2-3. Amusement Park: Any lot, tract, or parcel of land, or any improvement thereon, either temporary or permanent, used in whole or in part for the operation and maintenance of any game of skill or chance, any circus, carnival, any riding devices, stationary or mobile, or any combination thereof, any of which is operated for profit or nonprofit purposes.

2-4. Animal Lot: Any area for quartering any undulated or hooped animals including, but not limited to, the following animals: horses, cows, sheep, goats, etc.

2-5. Apartment: A room or suite of rooms intended, designed or used as a residence by a single family, also see "Dwelling, Multi-Family."

2-6. Apartment House: See "Dwelling, Multi-Family."

2-7. Area of Lot: The square foot area of the acreage of a lot within the bounding property lines and exclusive of dedicated streets and alleys.

2-8. Area Regulations: The regulations controlling minimum lot area, width, depth, front, side, external side, and rear yards.

2-9. Bakery: A place where baked goods are made or sold.

2-10. Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

2-11. Basement: A story having part but not more than one-half (1/2) of its height above grade and used for storage, garages for use of occupants of the building, janitor or watchman

ORDINANCE NO. 04292010

**AN ORDINANCE OF THE CITY OF MERKEL, TEXAS, PROHIBITING USE OR OCCUPANCY OF CITY PARKS BETWEEN THE HOURS OF 10:00 P.M. AND 6:00 A.M.; PROVIDING FOR AN EXCEPTION; PROVIDING A PENALTY, AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERKEL, TAYLOR COUNTY, TEXAS:**

**SECTION 1.**

That use or occupancy of City parks by any person, firm, or corporation is prohibited between the hours of 10:00 pm. and 6:00 a.m. except as provided below in Section 2; and

**SECTION 2.**

That an exception to Section 1 of this ordinance shall be upon written application to the City Manager for an expanded occupancy time and approval by the City Manager for same; and

**SECTION 3.**

That it shall be unlawful for any person, firm, or corporation to use or occupy any City park between the hours of 10:00 p.m. and 6:00 a.m., and any person, firm, or corporation violating this Ordinance shall be deemed guilty of a class "C" misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense; and

**SECTION 4.**

That all ordinances or parts of ordinances in conflict herewith are hereby repealed; and

**SECTION 5.**

Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper.

**PASSED AND APPROVED** this the 29 day of April, 2010.

**THE CITY OF MERKEL, TEXAS**

*Rusty Waters*  
Mayor

Attest:

*Beverly Hester*  
City Secretary

Approved as to form:

*Charles G. Gresham*  
City Attorney