

PLANNING & ZONING COMMISSION MEETING

FEBRUARY 3, 2025

5:30 P.M.

COUNCIL CHAMBERS, 110 NORTH 8TH STREET,

GATESVILLE, TEXAS 76528

AN OPEN MEETING WAS HELD CONCERNING THE FOLLOWING SUBJECTS:

1) CALL TO ORDER REGULAR PLANNING & ZONING COMMISSION MEETING AT 5:32 P.M. THIS 3<sup>rd</sup> DAY OF FEBRUARY 2025.

2) QUORUM CHECK/COMMISSION PRESENT: Charles Ament, Wyllis Ament, John Westbrook, and Teresa Johnson.

CITY STAFF PRESENT: City Manager Brad Hunt and City Secretary Holly Owens.

OTHERS: No one was seated in the audience.

3) INVOCATION: Board Member Ament and PLEDGE OF ALLEGIANCE: Led by Board Member Westbrook.

CITIZENS/PUBLIC COMMENTS FORUM: INDIVIDUALS WISHING TO ADDRESS THE GATESVILLE PLANNING & ZONING COMMISSION MAY DO SO DURING THIS SEGMENT. IF YOU INTEND TO COMMENT ON A SPECIFIC AGENDA ITEM, PLEASE INDICATE THE ITEM(S) ON THE SIGN IN SHEET BEFORE THE MEETING. EACH SPEAKER IS ALLOTTED A MAXIMUM OF 3 MINUTES FOR THEIR REMARKS, AND SPEAKERS ARE EXPECTED TO CONDUCT THEMSELVES IN A RESPECTFUL MANNER. IN ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT, THE CITY OF GATESVILLE PLANNING & ZONING COMMISSION CANNOT DELIBERATE OR ACT ON ITEMS NOT LISTED ON THE MEETING AGENDA.

There were no public/citizen comments.

4) Discussion and possible action regarding approval of minutes from the Regular Planning and Zoning Commission Meeting held on January 6, 2025.

Motion by John Westbrook, seconded by Wyllis Ament to approve the minutes from the Regular Planning and Zoning Commission Meeting held on January 6, 2025. All four voting "Aye", motion passed 4-0-0.

5) Discussion and possible action regarding a preliminary plat situated in the J.W. Jones Survey, Abstract No. 1537 and the S. Easley, Abstract No. 1529, Coryell County, Texas.

Board Member Ament asked about fire protection. Ms. Owens stated because the property is located in the ETJ, the City of Gatesville does not have jurisdiction to require fire protection such as a fire hydrant.

Board Member Johnson asked if the water supply is guaranteed. Ms. Owens stated the water is supplied by Mountain and because the property is located in the ETJ, the City of Gatesville cannot supply the property with water or sewer per Ordinance 2024-04.

Motion by Charles Ament, seconded by John Westbrook, to approve the preliminary plat situated in the J.W. Jones Survey, Abstract No. 1537 and the S. Easley, Abstract No. 1529, Coryell County, Texas. All four voting "Aye", motion passed 4-0-0.

6) Adjourn Meeting.

The meeting was adjourned at 5:43 p.m.

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Teresa Johnson, Vice- Chairman



## PLANNING AND ZONING COMMISSION MEMORANDUM

**To: Commission**

**From: Holly Owens, City Secretary**

**Agenda Item: Discussion regarding Ordinance 2025-08, adding Chapter 3,  
“Boards and Commissions”.**

**Information:** The Planning and Zoning Commission (PZC) is referenced in Article 8 of the Gatesville Charter; however, it lacks specific details regarding membership qualifications, rules, procedures, and overall protocol. In 1995, the PZC was addressed in Section 4, yet the qualifications for membership were not clearly defined. This ordinance serves to clarify the qualifications for membership and provides updates to the Commission's terms, rules, procedures, duties, and powers.

During the first reading, the ordinance was initially presented as an amendment to Chapter 48. However, at the request of the city attorney, it was determined that the PZC should have its own distinct chapter to facilitate future amendments more efficiently. This ordinance will also repeal Section 4 of Ordinance 1995-17. “Boards and Commissions” was chosen for future additions of other boards and commissions as needed.

Notable changes:

I. Selection of Members – Sec. 48-151

a) Members shall have the following qualifications:

1. Own property within the city limits and;
2. Resident citizen or ETJ citizen within 5 miles of the city limits and;
3. Not indebted to the City of Gatesville (taxes paid, no citations, no code violations, no liens).

II. Variances – Sec. 48-152

Variance and grounds to grant a variance is defined.

III. Rules and Procedures – Sec. 48-154.

Rules of Order and Suspension of Rules was removed due to the reference of Robert’s Rules of Order reference. The Charter states the “City Council shall determine its own rules of procedure and may compel the attendance of its members.”

Date 4/8/2025

Ordinance 2025-008

This is the 2<sup>nd</sup> reading and public hearing. A public hearing and a public notice in the newspaper is required anytime there is an amendment to the Zoning Ordinance. The public notice was published in the Gatesville Messenger on March 29<sup>th</sup> (10 days prior to the public hearing) and was published on the city website on March 28<sup>th</sup> (11 days prior to the public hearing).

**Financial Impact:** There is no financial impact.

**Attachments:**

- Ordinance 1995-17, Section 4
- Draft Ordinance

# **SECTION 4**

## **PLANNING AND ZONING COMMISSION**

The Planning and Zoning Commission shall be appointed by the City Council of the City of Gatesville. The Commission is authorized by virtue of the subject of Section 1.06 of the City Charter to act as an advisory body on all zoning matters. The responsibilities, organization, duties and procedures of the Commission are:

1. To identify community needs and to advise the City Council of their short-range and long-range implications for the total development of the City; and
2. To recommend achievable community goals as a basis for long range planning and development programs; and
3. To recommend plans, programs and policies that will aid the entire community in achieving its defined goals; and
4. To interpret the adopted plans and programs to concerned citizens so that private activities and desires may be accomplished in harmony with public needs and policies.

The Planning and Zoning Commission shall hold a public hearing on any application for any amendment, supplement or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Commission on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than fifteen (15) days before the date set for hearing by depositing a notice properly addresses and postage paid in the United States Post to such property owners as the ownership appears on the last approved tax roll.

A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change. At least fifteen (15) days notice of time and place of such hearing shall be published in the official newspaper of the City of Gatesville.

If such proposed amendment, supplement or change has been denied by the Commission, or if a protest against such proposed amendment supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending two hundred (200) feet there from or of those directly opposite thereto extending two hundred (200) feet from street frontage of such opposite lots, such amendment shall not become effective except by a three-quarter (3/4) vote of all members of the City Council of the City of Gatesville.

### **SECTION 4-1 MEMBERSHIP AND ORGANIZATION**

The Commission shall consist of seven members, appointed by Council, for two-year terms each.

The Council shall consider for appointment to the Commission only those persons who have demonstrated their civic interest, general knowledge of the community, independent judgement, interest in planning and zoning, and ability to prepare for and attend meetings. It is the intent of Council, that members shall, by reason of diversity of their individual occupations, constitute a Commission that is broadly representative of the community. Members who do not attend at least 75% of the scheduled meetings shall be replaced.

A. Terms of Office

The terms of four (4) of the members shall begin on May 1st of each odd-numbered year and expire on April 30th two years thereafter and the terms of three of the members shall begin on May 1st of each even-numbered year and shall expire on April 30th two years thereafter. The members of the Commission shall be identified by place numbers one (1) through seven (7). The odd-numbered places expire shall in odd-numbered years and the even places shall expire in even-numbered years. Newly appointed members shall be installed at the first regular Commission meeting after their appointment.

B. Organization

The Commission shall hold an organizational meeting in May of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Commission shall elect a Secretary and such other officers as it deems necessary either from its membership or from staff representatives assigned by the City Manager to work with the Commission. The Commission shall meet regularly and shall designate the time and place of its meetings, as stipulated hereinafter. The Commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this ordinance and the requirements of the law.

**SECTION 4-2 DUTIES AND POWERS**

The Planning and Zoning Commission is hereby charged with the duty and vested with authority to:

1. Inspect property and premises at reasonable hours where required in the discharge of its responsibilities under the laws of the State of Texas and of the City.
2. Formulate and recommend to the Council for its adoption a zoning ordinance for the orderly growth and development of the City and its environs, and from time to time recommend such changes in the zoning ordinance as it finds will facilitate the movement of people and goods, and the health, recreation, safety and general welfare of the citizens of the City.
3. Formulate a plan as may be deemed best to carry out the goals of the zoning ordinance; hold public hearings and make recommendations to the Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Articles 1011a to 1011j, Revised Civil Statutes of Texas, as amended, authorizing cities and incorporated villages to pass regulations; all powers granted under said statutes are specifically adopted and a part thereof.
4. Approve or disapprove plans, plats, or re-plats and vacating of plans, plats or re-plats

set out in statutes of the State of Texas, and with consideration for the requirements of the City's Subdivision Ordinance and Standard Specifications.

5. Study and recommend on the location, extension and planning of public right-of-ways, parks or other places, and on the vacating or closing of the same.
6. Study and recommend on the general design and location of public buildings, bridges, viaducts, streets fixtures and other structures and appurtenances. Study and recommend on the design or alteration and on the location or relocation of works of art which are, or may become, the property of the City.
7. Initiate, in the name of the City, for consideration at public hearings all proposals:
  - a. form the opening, vacating or closing of public right-of-way, parks or other public places;
  - b. for the original zoning of annexed areas; and
  - c. for the change of zoning district boundaries on an area-wide basis.
8. Keep itself informed with the reference to the progress of City Planning in the United States and other countries and recommend improvements in the adopted plans of the City.

#### **SECTION 4-3 RULES**

##### **A. Rules of Order**

Roberts Rules of Order, latest revision, shall be the Commission's final authority on all questions of procedure 22 and parliamentary law not covered by these Rules of Procedures.

##### **B. Sustentation of Rules**

Any provision of these rules not governed by City Ordinance may be temporarily suspended by a favorable two-thirds vote of all members of the Commission, which vote shall be entered upon the minutes.

#### **SECTION 4-4 MEETINGS AND QUORUM**

A quorum for the conduct of business shall consist of five members of the Commission. The members shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except reimbursement of authorized expenses attendant to the performance of their duties. The Commission shall meet monthly, unless deemed not necessary, at a regularly scheduled time on regularly scheduled dates, and shall conduct special meetings and hearings as may be necessary. A minimum of four (4) votes shall be required for approval of any motion before the Commission.

##### **A. Agenda**

An agenda shall be prepared by the Secretary for each meeting of the Commission. There shall be attached to each agenda a report of matters pending further action by Commission. A copy of the agenda shall be posted in the City Hall as required by law for a period of three full calendar days not counting the day of the meeting or the day of posting.

**B. Regular Meetings**

Regular meetings shall be held on the first Monday at the established time in the Public Library unless otherwise determined by the Commission.

**C. Special Meetings**

Special meetings for any purpose may be held: on the call of the Chairman; or on request of two or more members having given written notice to all members deposited in the mail at least 48 hours before the meetings; or as may be scheduled by a majority of the Commission at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.

**D. Public Meetings**

All meetings shall be held in full compliance with the provision of State law, ordinances of the City and these Rules of Procedure. Any part in interest may appear in his own behalf or be represented by counsel or agent.

**E. Planning Sessions**

The Commission may be convened as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a planning session provided that no official action shall be taken there and no quorum shall be required.

**Section 4-5 OFFICIAL RECORDS**

**A. Definition**

The official records shall be these rules and regulations and the minutes of the Commission meetings together with all findings, decisions and other official records of the Commission.

**B. Recording of Votes**

The minutes of the Commission's proceeding shall show the vote of each member, or if absent or failing to vote, shall indicate that fact.

**C. Files**

All matters coming before the Commission shall be filed in the City's records. Original papers of all requests and proposals shall be retained as a part of permanent record.

**D. Public Records**

The official records and citizen request files for Commission action in regular or special meetings shall be on file in the City Hall and shall be open to public inspections during customary working.

**Section 4-6 APPLICATION AND PROCEDURE**

**A. Written Request**

Every proposal submitted for Commission action shall be made in writing. Where appropriate



application forms are provided by the City; the proposal shall be filed on said forms, shall be accompanied by all prescribed fees, and shall be complete in all respects before being accepted for filing. Procedures for processing zoning changes and subdivision approval are outlined in Appendix B and Appendix C at the end of these regulations.

**B. Schedules and Instructions**

Every proposal or request for Commission action or recommendation shall be filed, processed and considered in accordance with specific schedules and instructions adopted as Appendix to these Rules of Procedure, and to the pertinent requirements of the City's Subdivision Ordinance and Rules.

**C. Submission of Supporting Information**

Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted only through the City Secretary in writing or to the Commission in a public meeting.

**D. Proposal Withdrawal**

When any applicant desires to withdraw his proposal, he may do so by filing a written request to that effect with the City Secretary. Such request shall be effective upon the date of its official receipt, provided that no such request shall be valid after notices have been mailed, except on action of the Commission. Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the City, and the case file shall then be closed.

**SECTION 4-7 HEARINGS**

**A. Order of Business**

The chairman shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any proceeding meeting shall be submitted by approval. The public shall be advised of the procedures to be followed in the meeting. The Secretary shall publicly advise the Commission of any communications received pertaining to any matter before the Commission. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing together with such other matters of business and report as the Commission requires.

**B. Presentation or Hearing of Proposals**

1. The Commission shall call, or cause to be called by the secretary, each proposal in such order as to be in accord with the hearing time specified in the notice of public hearing.
2. The Chairman shall next call on the staff for a factual summary and presentation relative to the proposal and shall afford the staff an opportunity to call to the attention of the Commission any additional pertinent communications.
3. The Chairman shall then call on persons present who wish to speak for or against the proposal and shall direct that they speak in the following order:
  - a. The applicant and/or their representative
  - b. Those persons in support

- c. Those persons in opposition whenever necessary the chairman shall direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and facts presented.
4. The Chairman shall then declare the public presentation or hearing closed, as to that proposal.

C. Motions

1. A motion may be made by any member except the presiding officer.
2. A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require a majority vote of the members present. When fewer than all members are present for voting and when all motions to recommend on a given application fail to carry a majority of votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present. No request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure a majority of concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

D. Disqualification from Voting

1. A member shall disqualify himself from voting whenever he finds that he has a personal or monetary interest in the property under appeal, or he will be directly affected by the decision of the Commission.
2. A member may disqualify himself from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his application, other than in the public hearing. If a member does disqualify himself, he shall state the reason for his abstention.

**ORDINANCE 2025-08**

**AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY ADDING CHAPTER 3, “BOARDS AND COMMISSIONS”; PROVIDING DUTIES AND POWERS; MEETINGS AND QUORUM; RULES AND PROCEDURES; APPLICATIONS; AND AMENDMENTS; REPEALING SECTION 4 OF ORDINANCE 1995-17; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING A SAVINGS CLAUSE.**

**WHEREAS**, the City of Gatesville is a Home Rule Municipality operating under the laws of the State of Texas; and

**WHEREAS**, the City Council has determined that it would be advantageous and beneficial to the citizens and developers of the City of Gatesville to characterize the Planning and Zoning Commission; and

**WHEREAS**, defining duties and powers, meetings and quorums, procedures, applications, and amendments; and

**WHEREAS**, this ordinance is repealing Section 4 of Ordinance 1995-17;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, THAT:**

**SECTION 1.** The findings set forth in the above preamble to this Ordinance are true and correct and are hereby adopted and incorporated herein by this reference.

**SECTION 2.** The Code of Ordinances of the City of Gatesville, Texas is hereby amended adding a Chapter 3 “Planning and Zoning” which shall read in its entirety as follows:

**ARTICLE I. PLANNING AND ZONING COMMISSION**

**Sec. 48-150. - GENERAL**

This Chapter addresses the duties and responsibilities of the Planning and Zoning Commission, hereafter referred to as “the Commission”, and other such officials and agencies, with respect to the administration of this code. The establishment of the Commission shall be in accordance with the policies and procedures as set forth in state law.

**Sec. 48-151. - ESTABLISHMENT OF THE COMMISSION**

**Terms for members**

The Commission shall consist of seven members, for two-year terms each. The terms of office for the Commission members shall be staggered at intervals so as to provide continuity in policy and personnel.

1. The terms of four (4) of the members shall begin on May 1st of each odd-numbered year and expire on April 30th two years thereafter and the terms of three of the members shall begin on May 1st of each even-numbered year and shall expire on April 30th two years thereafter.
2. The members of the Commission shall be identified by place numbers one (1) through seven (7). The odd-numbered places shall expire in odd-numbered years and the even places shall expire in even-numbered years.

### **Compensation**

Members of the Commission shall serve without compensation, except for reimbursement for authorized expenditure as attendant to the performance of their duties and shall not hold any other office or position with the City while serving on the Board.

### **Selection of Members**

Members shall be appointed and approved by the City Council by Resolution.

- a) Members shall have the following qualifications:
  1. Own property within the city limits and;
  2. Resident citizen or ETJ citizen within 5 miles of the city limits and;
  3. Not indebted to the City of Gatesville (taxes paid, no citations, no code violations, no liens).
- b) The Council may appoint members to fill unexpired terms in the case of vacancies for any member whose term is not completed. A member shall continue to serve until a successor has been appointed and approved by the City Council.
- c) Appointments shall be made at the second council meeting during April or as soon thereafter as practical, and the terms of office shall commence on May first. No member shall be appointed for a single term in excess of two years. Newly appointed members shall be installed at the first regular Commission meeting after their appointment.

### **Removal**

Members of the Commission shall be removed for cause by the Council upon written charges after a public hearing before the Council following reasonable notice of the charges. Members may be removed by City Council following three consecutive unexcused absences or more during their term. A vacancy on the Commission shall be filled for the unexpired term.

### **Commission Liaison**

The Zoning Code Official shall serve as liaison to the Commission. The Zoning Code Official shall have the right to attend all meetings and take part in all discussions but shall not vote on Commission decisions.

### **Chairperson Election and Rules Adoption**

The Commission shall hold an organizational meeting in May of each year and shall elect a Chairman and Vice-Chairman from among its members before proceeding to any other matters of business. The Commission shall meet regularly and shall designate the time and place of its meetings, as stipulated hereinafter. The Commission shall adopt its own rules of procedure and keep a public record of its proceedings consistent with the provisions of this ordinance and the requirements of the law.

### **Commission Secretary**

A secretary to assist the Commission shall be appointed by the Zoning Code Official. The secretary shall keep minutes of the Commission meetings for public record and conduct all correspondence, including the notification of decision. The secretary shall certify records. The secretary shall prepare and submit the minutes of Commission meetings to the chairperson and the Commission.

## **Sec. 48-152. - DUTIES AND POWERS**

### **Comprehensive Plan**

It shall be the duty of the Commission, after holding public hearings, to recommend to the City Council with Staff recommendation a comprehensive plan for the development of the City, which shall be permitted to include areas outside of its boundaries that bear consideration to the planning jurisdiction. The Commission shall be permitted to recommend amendments to the comprehensive plan regarding the administration or maintenance of this code with Staff recommendation.

### **Zoning Code**

It shall be the duty of the Commission to develop and recommend to the City Council for its adoption a zoning code, in accordance with the guidelines of the comprehensive plan, establishing zoning districts within the City with Staff recommendation. Such a code shall be made in regards to the character of each district and the most appropriate use of land within the City. The Commission shall make periodic reports and recommendations to the City Council with Staff recommendations.

### **Division of Land Regulations**

It shall be the duty of the Commission to develop and certify regulations governing the division of land. Divisions of land shall be in accordance with the adopted regulations. The Commission shall also approve or disapprove plans, plats, or re-plats and vacating of plans, plats or re-plats set out in statutes of the State of Texas, and with consideration for the requirements of the City's Subdivision Ordinance, Standard Construction Specifications, and Design Criteria.

### **Conditional-Use Permits [Special Use Permits (SUP)]**

It shall be the duty of the Commission to review all conditional-use permit applications and provide the City Council with a recommendation. The application shall be accompanied by maps, drawings, or other documentation in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances. Each zoning district shall specify which conditional uses may be permitted upon review.

### **Official Zoning Map**

The City Council shall adopt an official zoning map for all areas included within the City based upon the recommendation of the Commission. The Commission shall initiate for consideration at public hearings all proposals for the original zoning of annexed areas; and any change of zoning district boundaries on an area-wide basis with Staff recommendation.

### **Variances**

To authorize upon appeal in specific cases such variance from the development controls set forth in this ordinance will not be contrary to the public interest. In reaching its decision the Board shall not grant the variance appeal if it finds:

1. That the literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property, or
2. That the situation causing the hardship or difficulty is neither financial in nature, not unique to the affected property or is self-imposed, or
3. That the relief sought will injure the permitted use of adjacent conforming property, or
4. That the granting of the variance will not be in harmony with the spirit and purposes of this ordinance.

### **Other**

It shall be the responsibility of the Commission to perform other duties as the City Council may designate.

## **Sec. 48-153. - MEETINGS AND QUORUM**

### **General**

A quorum for the conduct of business shall consist of four members of the Commission. The members shall regularly attend meetings and public hearings of the Commission and shall serve without compensation, except reimbursement of authorized expenses attendant to the performance of their duties. The Commission shall meet monthly, unless deemed not necessary, at a regularly scheduled time on regularly scheduled dates, and shall conduct special meetings and hearings as may be necessary. A minimum of four (4) votes shall be required for approval of any motion before the Commission.

### **Agenda**

An agenda shall be prepared by the Secretary for each meeting of the Commission. A copy of the agenda shall be posted in the City Hall as required by law for a period of three full calendar days not counting the day of the meeting or the day of posting.

### **Regular Meetings**

Regular meetings shall be held on the first Monday at the established time at a location designated by the Commission.

### **Special Meetings**

Special meetings for any purpose may be held: on the call of the Chairman; or on request of two or more members having given written notice to all members deposited in the mail at least 72 hours before the meetings; or as may be scheduled by a majority of the Commission at any previous meeting. The time and place of the special meeting shall be determined by the convening authority.

### **Public Meetings**

All meetings shall be held in full compliance with the provisions of State law, ordinances of the City and these Rules of Procedure. Any party in interest may appear in their own behalf or be represented by counsel or agent.

### **Planning Sessions**

The Commission may be convened as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a planning session provided that no official action shall be taken there, and no quorum shall be required.

## **Sec. 48-154. - RULES AND PROCEDURE**

### **Order of Business**

The chairman shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any proceeding meeting shall be submitted for approval. The public shall be advised of the procedures to be followed in the meeting. The Secretary shall publicly advise the Commission of any communications received pertaining to any matter before the Commission. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing together with such other matters of business and report as the Commission requires.

### **Procedure**

First - The Commission shall call, or cause to be called by the secretary, each proposal in such order as to be in accord with the hearing time specified in the notice of public hearing.

Second - The Chairman shall next call on the staff for a factual summary and presentation relative to the proposal and shall afford the staff an opportunity to call to the attention of the Commission any additional pertinent communications.

Third - The Chairman shall then call on persons present who wish to speak for or against the proposal and shall direct that they speak in the following order:

1. The applicant and/or their representative,
2. Those persons in support,
3. Those persons in opposition. Whenever necessary the chairman shall direct that all remarks shall be germane to the proposal. No rebuttal shall be permitted by either side, but the Commission may direct questions to any speaker in order to clarify statements and facts presented.

Fourth - The Chairman shall then declare the public presentation or hearing closed, as to that proposal.

### **Disqualification from Voting**

A member shall disqualify himself from voting whenever he or she finds that they have a personal interest in the property under appeal or will be directly affected by the decision of the Commission.

A member may disqualify themselves from voting whenever any applicant, or their agent, has sought to influence the vote of the member on their application, other than in the public hearing.

If a member does disqualify themselves, they must fill out and sign an Abstention Affidavit.



### **Rules of order**

~~Roberts Rules of Order, the latest revision, shall be the Commission's final authority on all questions of procedure and parliamentary law not covered by this code.~~

### **Sustentation of Rules**

~~Any provision of these rules not governed by City Ordinance may be temporarily suspended by a favorable two-thirds vote of all members of the Commission, which vote shall be entered upon the minutes.~~

### **Motions**

- a) A motion may be made by any member except the presiding officer.
- b) A motion to approve any matter before the Commission or to recommend approval of any request requiring Council action shall require a minimum of four affirmative votes by the Commission.
- c) When fewer than all members are present for voting and when all motions to recommend on a given application fail to carry a majority of votes, consideration of the application shall be continued to the next regular meeting upon motion carried by a majority of those present.
- d) No request or application shall be continued under this rule beyond the next regular meeting; failure of the Commission to secure a majority of concurring votes to approve or recommend approval at said next regular meeting shall be recorded in the minutes as a denial of the proposal under this rule.

### **Action by the Commission**

The concurring vote of four members of the Commission shall be necessary to decide in favor of the applicant on any matter upon which the Commission is required to pass or recommend under this ordinance.

## **Sec. 48-155. - APPLICATIONS**

### **Applications**

An application requiring Commission action or recommendation shall be made in writing using forms prescribed by the city and shall be accompanied by an application fee in accordance with the City Council's adopted fee schedule, and any information as may be requested to properly review the application. Applications shall be complete in all respects before being accepted for filing.

### **Schedules and Instructions**

Every proposal or request for Commission action or recommendation shall be filed, processed and considered in accordance with specific schedules and instructions adopted

as Chapter 48 - Subdivisions Rules of Procedure, and to the pertinent requirements of the City's Subdivision Ordinance and Rules.

### **Submission of Supporting Information**

Information supporting a request or recommendation to approve or disapprove any proposal before the Commission shall be submitted only through the City Secretary in writing or to the Commission in a public meeting.

### **Proposal Withdrawal**

When any applicant desires to withdraw their proposal, they may do so by filing a written request to that effect with the City Secretary.

- a) Such request shall be effective upon the date of its official receipt, provided that no such request shall be valid after notices have been mailed, except on action of the Commission.
- b) Withdrawal of a proposal at any stage of its processing shall terminate all consideration of it by the City, and the case file shall then be closed.

### **Official Submission Date and Completeness of Application**

The "official submission date" shall be the date on which a complete application of a zoning change request (that contains all elements and information required by this Code) is submitted to the Zoning Code Official.

- a) No application shall be considered officially submitted until the Zoning Code Official determines that the application is complete and the appropriate fee received.
- b) Failure by the Zoning Code Official to make a determination of incompleteness within 10 calendar days following the date on which the application was first received by the City shall result in the application being deemed complete and the official submission date shall become the 11th calendar day following initial receipt of the application by the City.
- c) Applications which do not include all required information shall be considered incomplete, shall not be accepted for official submission and shall not be scheduled on the Commission agenda until the proper information is provided to the Zoning Code Official.

### **Repeat applications**

No application for a request may be received or filed, if six months prior thereto, the same request has been denied.

### **Time limitations**

Where a request is granted by the Commission under this ordinance and no action is taken within one year after the date of the hearing thereon, said request becomes null and void and of no force or effect.

### **Appeals**

Any person with standing aggrieved by any decision of the Commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

## **Sec. 48-156. - AMENDMENTS**

### **General**

The City Council may from time to time, after receiving a final report thereon by the Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Official Zoning Map. Any Ordinance regulations or Official Zoning Map amendments may be ordered for consideration by the City Council, the Commission, or requested by the owner of real property or the authorized representative of an owner of real property.

### **Application**

Each application for a change to the Official Zoning Map or for an amendment or change to the existing regulations of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City and shall be accompanied by payment of the appropriate fee as established by the City. Applications for a change to the Official Zoning Map must be signed by the owner of the property, when not initiated by the Commission or to the City Council.

### **Planning and Zoning Commission**

The Planning and Zoning Commission shall hold a Public Hearing at which parties in interest and citizens have an opportunity to be heard. For Amendments to the regulations of the Zoning Ordinance notice of the Public Hearing shall be placed in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the hearing. For Amendments to the Official Zoning Map written notice of the Public Hearing shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property affected by the proposed change of zoning classification and real property owners within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the City, properly addressed with postage paid, in the United States mail before the 10th day before the date of the hearing. After the Public Hearing the Commission shall submit a final report to the City Council for approval or disapproval of any proposed amendment.

### **Planning and Zoning Commission Consideration and Report**

The Planning and Zoning Commission, after the public hearing is closed, shall prepare its report and recommendations on the proposed change stating its findings, its evaluation of the request and of the relationship of the request to the Comprehensive Plan.

### **City Council**

After Planning and Zoning Commission consideration the amendment shall be presented to the City Council for final action. City Council shall hold a Public Hearing before acting on any amendment to the Zoning Ordinance or Official Zoning Map. Notice of the Public Hearing shall be placed in the official newspaper or a newspaper of general circulation in the City before the 15th day before the date of the hearing.

- a) The affirmative vote of three-fourths of all members of City Council is required for the approval of any proposed change to the Official Zoning Map when it is opposed in writing and signed by the owners of at least 20 percent of either: the area of the lots or land covered by the proposed change; or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. In computing the percentage of land area, the area of streets and alleys shall be included.
- b) The City Council may not hold a public hearing until it receives the final report of the Commission, unless the public hearing will be held jointly by the Commission. In either case, the City Council may not act on the matter until it receives the final report of the Commission.

### **Other Public Hearing Notice Considerations**

If the City Council conducts a hearing, the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing.

- a) Notice requirements prescribed under this subsection are in addition to the notice requirements listed above.
- b) The City Council, by a two-thirds vote, may prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Commission.

**SECTION 3.** If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof to any person or under any circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Gatesville, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

**SECTION 4.** It is officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and public notice of the time, place and purpose

of this meeting was given as required by law.

**SECTION 5.** This Ordinance shall become effective immediately upon its passage and approval.

The foregoing Ordinance No. 2025-08 was read the first time and passed to the second reading  
this \_\_\_ day of \_\_\_\_\_, 2025.

The foregoing Ordinance No. 2025-08 was read the second time and passed to the third reading  
this \_\_\_ day of \_\_\_\_\_, 2025.

The foregoing Ordinance No. 2025-08 was read the third time and was passed and adopted as an  
Ordinance to the City of Gatesville, Texas, this \_\_\_ day of \_\_\_\_\_, 2025.

BY: \_\_\_\_\_  
GARY M. CHUMLEY, MAYOR

ATTESTED:

APPROVED AS TO FORM:

\_\_\_\_\_  
HOLLY OWENS, T.R.M.C.  
CITY SECRETARY

\_\_\_\_\_  
VICTORIA THOMAS  
CITY ATTORNEY



Date 4/8/2025

Ordinance 2025-09

## PLANNING AND ZONING COMMISSION MEMORANDUM

**To: Commission**

**From: Holly Owens, City Secretary**

**Agenda Item: Discussion regarding Ordinance 2025-09, amending Chapter 10, Article IV "Substandard Structures".**

**Information:** City Council approved and passed Ordinance 2020-13 establishing City Council as the Building Standards Commission. The first reading was heard on March 11<sup>th</sup> with a unanimous vote to pass forward to the 2<sup>nd</sup> reading. The second reading was heard on March 25<sup>th</sup> with a unanimous vote to pass forward to the 3<sup>rd</sup> and final reading with a request to add language regarding the BSC making recommendations to Council for a final decision.

This ordinance is amending Chapter 10, Article IV with the following notable items:

- The Planning and Zoning Commission have unanimously agreed to also serve as the Building Standards Commission. **Sec. 10-161 (b)**
- Hearing and Procedures: (these were added after legal review and were part of their recommendation)
  - Added removal and/or relocation of any occupants to give BSC the authority to order removal of vagrants/squatters who are not entitled to be there. **Sec. 10-168 (a)(3)**
  - Deleted "written evidence shall be admitted only if the BSC determines ... relevant..." It's legally better to let evidence in, even if it has very little or no probative value. That way, we don't give the other side ammunition to argue on appeal that we should have allowed this evidence in. **Sec. 10-168 (b)(3)**
- Recommendations. **Sec. 10-169 (d)** All recommendations will be heard for a final decision by the City Council.

This ordinance is to streamline the process and update the ordinance with current legislation for substandard procedures.

**Financial Impact:** There is no financial impact.

### **Attachments:**

- Draft Ordinance
- Chapter 10, Article IV Code of Ordinances

## **ARTICLE IV. SUBSTANDARD STRUCTURES<sup>1</sup>**

### **Sec. 10-159. Definitions.**

For the purpose of this article, the following definitions shall apply:

*Building:* The term "building" shall include buildings, appurtenances or other structures or excavations existing above or below the ground level.

*Building standards:* The term "building standards" refers to all standards or requirements set forth in any building or other code adopted by the city's Code of Ordinances including, but not limited to article I through article V of chapter 5 of the city's ordinances, which articles are updated from time to time, and which standards and requirements are incorporated herein.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

### **Sec. 10-160. Compliance; nuisance.**

All buildings within the city shall comply with the provisions of this article. Any building or dwelling constructed, construed, existing, or otherwise maintained in violation of this ordinance constitutes a nuisance, is substandard, and is therefore illegal.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

### **Sec. 10-161. Building standards commission.**

- (a) The city shall establish a buildings standards commission. As provided in this article, the building standards commission shall hear any person with respect to the repair, vacation, or demolition of any building which may have been found by the city building inspector to be an uninhabitable or dangerous dwelling or building. As provided in this article, the building standards commission is authorized to conduct hearings, make determinations, and issue orders as set forth in this ordinance.
- (b) The Gatesville City Council is hereby designated as the building standards commission.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

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<sup>1</sup>Ord. No. 2020-13, § 1, adopted Sep. 22, 2020, repealed the former Art. IV, §§ 10-159—10-173, and § 2(Exh. A) of the same ord. enacted a new article as set out herein. The former Art. IV pertained to similar subject matter and derived from Code 2013, §§ 5-65—5-79; and Ord. No. 2016-01, adopted Feb. 23, 2016.

State law reference(s)—Authority to require demolition or repair of dilapidated, substandard, unfit or hazardous buildings, Texas Local Government Code § 214.001 et seq.

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## **Sec. 10-162. Substandard buildings; action on substandard buildings and dwellings.**

- (a) The following buildings are in violation of the city's building standards and, in such condition, are unfit for human occupation or are considered dangerous and in violation of this article:
- (1) All buildings that violate the International Building Code, International Residential Code, or any other International Code or building standards adopted by the city as set forth in section 10-22 to the extent that such building is in a condition that is unsafe, unsanitary, or dangerous;
  - (2) All buildings, dwellings, or dwelling units in which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls more than 50 percent outside of the middle width of its base;
  - (3) All buildings, dwellings, or dwelling units in which, exclusive of the foundation, show 33 percent or more, of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
  - (4) Those which have improperly distributed loads upon the roof or floor or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose;
  - (5) All buildings, dwellings, or dwelling units which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants thereof or the citizens of the city;
  - (6) All buildings, dwellings, or dwelling units which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the essentials to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
  - (7) Those having height, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.
  - (8) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
  - (9) Those which have parts thereof which are so attached that they may fail and injure members of the public or property.
  - (10) Those which because of their condition are a public nuisance, unsafe, unsanitary or dangerous to the health, safety or general welfare.
- (b) The building standards commission is authorized to determine whether any of the above conditions or defects exist- and to determine what action, if any, is appropriate if such conditions or defects are found to exist. The building standards commission is authorized to take such actions, as authorized by this ordinance or statute. Specifically, the building standards commission is authorized: to order the vacation of a building; the relocation of its occupants; the demolition of the building; or the repair or removal of a building.
- (c) The employees of the fire, police, health or other administrative departments, finding the same, shall make a report in writing to the building inspector of all buildings or structures which are, may be, or are suspected to "substandard buildings" within the terms of this article.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)



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### **Sec. 10-163. Standards of repair, vacation or demolition.**

The following standards shall be followed in substance by the building inspector and the building standards commission in ordering repair, vacation, or demolition:

- (1) If the "substandard building" can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
- (2) If the "substandard building" is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated.
- (3) In any case where a "substandard building" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be demolished. In all cases where a "substandard building" is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it shall be demolished, or repaired to the extent that the fire hazard will be eliminated.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

### **Sec. 10-164. Inspections.**

The building inspector shall:

- (1) Inspect or cause to be inspected annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing, or loft buildings, for the purpose of determining whether any conditions exist which render such places a "substandard building" within the terms of this article.
- (2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- (3) Inspect any building, wall or structure reported, as hereinafter provided, by the fire or police or other departments of this city as probably existing in violation of the terms of this article.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

### **Sec. 10-165. Pre-hearing notices; identification of owner, lienholder and mortgagee.**

- (a) The building inspector shall, within a reasonable time of the reported violation of the building standards, use his best and most diligent efforts to locate all owners, lienholders, and mortgagees through a search of the following records: Coryell County real property records; Coryell Central Appraisal District records; Texas Secretary of State records; assumed named records of the county; and/or utility records.
- (b) Before the building standards commission conducts a public hearing on a reported violation of the city's building standards, the commission shall send, via certified mail/return receipt requested and regular mail, notice including:
  - (1) The name and address of the owner, if known;
  - (2) A description of the suspected or reported violation;
  - (3) The street or legal address of the affected property;
  - (4) The date, time, and place of the public hearing;

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- (5) A conspicuous statement to all owners, lienholders, and mortgagees of the subject property, to the effect of:

"THE OWNER, LIENHOLDER, OR MORTGAGEE AS APPLICABLE, WILL BE REQUIRED TO SUBMIT AT THE HEARING PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE CITY'S MINIMUM BUILDING STANDARDS AND THE AMOUNT OF TIME IT WILL TAKE TO REASONABLY PERFORM SUCH WORK."

- (c) Reasonably promptly after the building standards commission sends its notice under subsection (b) above, the city building inspector shall place a notice on the front door (or as near as practicable) of the building which notice shall be sufficient if it follows the intent of this form:

WARNING

The City of Gatesville Building Inspector has determined this structure is in violation of the city's minimum building standards and, as such deems this building to be an uninhabitable and dangerous structure. This building is to be vacated immediately and remain vacant, and this notice is to remain in place until the condition(s) of this building has been addressed by the City of Gatesville Building Standards Commission, and/or this building has been repaired, removed, or demolished as determined by the building standards commission at a public hearing - notice of which has been sent to all known persons having an interest in the building or property. Unauthorized removal of this notice is punishable by a fine of up to \$2,000.00.

\_\_\_\_\_  
Building Inspector, City of Gatesville

- (d) Before the building standards commission conducts a hearing on a violation of the city's minimum building standards, the building inspector shall file a notice with the Coryell County Clerk (as the office of Official Public Records of real property) containing:

- (1) The name of the owner;
- (2) A legal description of the property affected; and
- (3) The date, time, and location of the public hearing.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

### **Sec. 10-166. Notice to utility companies.**

The building inspector shall issue notice to the utility companies to discontinue service on any building determined in accordance with section 10-163(2) and/or section 10-196(3) above to be a "dangerous building" under the terms of this article.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

### **Sec. 10-167. Hearing; procedures.**

- (a) A public hearing on a violation of the city's minimum building standards shall be before the city council acting as the building standards commission, and the commission shall have the power to administer oaths/affirmations and to certify official acts as permitted under Texas law. The issues pertaining to a hearing under this section shall be limited to:

- (1) Whether the affected structure is in violation of the city's building standards;

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- (2) If a violation is found, the scope of work required, and the progress to bring the substandard building into compliance with the city's building standards whether by repair, removal, or demolition of such structure; and
  - (3) As necessary, the vacation and/or relocation of any legally-entitled occupant to possession of the affected property.
- (b) The following procedures shall apply to the hearing under this section:
- (1) A tape recording of the entire proceeding shall be made.
  - (2) A copy of the record of the proceeding shall be made available after payment of a reasonable fee to all parties upon request. If there is no judicial review of the city council's final decision, the city shall maintain a record of the proceeding for two years. If there is judicial review of the commission's final decision, the city shall maintain the record of the proceeding until all court proceedings - including any additional/further appeals are exhausted.
  - (3) The Texas Rules of Civil Procedure and Texas Rules of Evidence do not apply. Oral testimony given by an owner, lienholder, mortgagee, or other interested party shall be given only under oath. Each party shall have the right to testify; introduce documents; call and examine witnesses, cross-examine witnesses, or otherwise rebut evidence offered against them. Written evidence shall be admitted only if the building standards commission determines that such evidence is relevant and of the type that may be reasonably relied upon in deciding subsection (a)(1) through (3) above.
  - (4) The owner, lienholder, and/or mortgagee shall have the burden of proof to demonstrate the scope of any work and the time required to comply with the city's minimum building standards.
  - (5) The building standards commission may grant a continuance for good cause shown. If a continuance is granted, notice of the date, time and location of the rescheduled hearing shall be stated and acknowledged by all parties on record, and reduced to writing and provided to the parties before they leave the hearing. No other notice of the rescheduled hearing must be provided.
  - (6) The building inspector shall appear at all hearings conducted by the building standards commission to testify as to the condition of "substandard buildings."

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

**Sec. 10-168. The order—Building standards commission final decision.**

- (a) After deliberation, the building standards commission decision shall be reduced to written order with an effective date, and the contents of the order shall be read into the record. The order shall specifically state whether the substandard structure(s) shall be repaired, removed, or demolished and the allowable time for the owner, lienholder, and/or mortgagee to repair, remove, or demolish the structure(s). If vacation and/or relocation of occupants otherwise lawfully entitled to possession of the structure is necessary, the order shall provide appropriate and lawful instructions to that effect.
  - (1) If the commission finds the structure to be in violation of the city's building standards, the commission shall allow the owner, lienholder and/or mortgagee 30 days to secure the structure from unauthorized entry and accomplish the needed repairs, removal, or demolition of the substandard structure.
  - (2) If supported by information presented by the owner, lienholder, or mortgagee at the public hearing, the commission may allow the owner, lienholder, or mortgagee no more than 90 days to accomplish the needed repairs, removal, or demolition. The order shall stipulate securing the property from unauthorized entry while the work is being performed, and a specific time schedule for the

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commencement, performance, and completion of the work. The commission's order may require the owner, lienholder, or mortgagee to demonstrate compliance with the established time schedules.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

**Sec. 10-169. Post-hearing notice.**

- (a) After the public hearing is conducted in accordance with section 10-167, the commission shall promptly send a copy of its order by certified mail/return receipt requested, regular mail, or personally deliver to all owners, lienholders, and mortgagees of the subject property. The order shall include the following:
  - (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 municipal standards that is present at the building; and
  - (3) A statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
- (b) Within ten days after the date that the order is issued, the commission shall file a copy of the order in the office of the city secretary and further publish notice in the local newspaper that shall contain the following information:
  - (1) The street address or legal description of the property at which the substandard structure is located;
  - (2) The date that the public hearing took place;
  - (3) A brief statement of the commission's decision; and
  - (4) Instructions indicating that a copy of the order may be obtained at the office of the city secretary.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

**Sec. 10-170. Alternative action.**

As an alternative to the procedure prescribed by section 10-169, the city may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them a notice of and an opportunity to comment at the hearing. In addition, the city may file notice of the hearing in the official public records of real property in the county. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice. If the city operates under this section, the order issued by the municipality may specify a reasonable time as provided by this section for the building to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. Under this section, the city is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

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**Sec. 10-171. City action pursuant to its order; exigent circumstances.**

- (a) If the owner, lienholder, and/or mortgagee fail to comply with the building standards commission order, and no timely appeal is commenced within the 30-day period set forth in section 10-168(1), the city may take action set forth in the commission's order at its own expense. However, it may assess a privileged lien against the property for the expenses it incurs in taking such action - unless the property is a homestead protected by the State Constitution. The city must have the lien recorded and indexed in the office of the county clerk to be valid. The lien is extinguished if the property owner or some other person having an interest in the legal title to the property reimburses the city for its expenses.
- (b) In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a "substandard building" is immediately repaired, vacated or demolished, the building inspector is authorized to secure, repair, or abate the removal of the condition of such "substandard building" without a hearing. The costs of such emergency repair, vacation or demolition of such "dangerous building" shall be collected in the same manner as provided in subsection (a) of this section.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

**Sec. 10-172. Enforcement.**

- (a) After any order of the building standards commission made pursuant to this ordinance shall become effective, no person to whom any such order is directed shall fail, neglect or otherwise refuse to obey any such order. Any person who fails to comply with such an order is guilty of a misdemeanor or subject to a civil suit in which the city may seek to enforce the order of the building standards commission and to assert other claims as appropriate under Texas law.
- (b) No person shall obstruct, impede, or otherwise interfere with any owner, lienholder, mortgagee, city officer, employee, or a contractor or other authorized representative of the same who is affecting or attempting to effect the building standards commission order to repair, vacate, remove, or demolish a substandard building under this article. Any person so interfering is guilty of a misdemeanor.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

**Sec. 10-173. Judicial review.**

- (a) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the building standards commission issued under this article may file in district court a verified petition against the city setting forth that the order is illegal (in whole or in part) and specifying the grounds of the illegality. An owner, lienholder, or mortgagee must file the petition within 30 calendar days after the respective date a copy of the order is mailed or personally delivered, as set forth in section 10-171(a) or such decision shall become final as to each of them upon the expiration of such 30 calendar day period.
- (b) Any judicial review of the building standards commission order shall be limited to a hearing under the substantial evidence rule. The district court may reverse or affirm (in whole or in part) or may modify the decision brought up for review.
- (c) Costs may not be allowed against the city. However, if the building standards commission order is affirmed or not substantially reversed (but only modified) the district court shall allow to the city all attorney's fees and other expenses incurred by it and shall enter a judgement for those items, which may be entered against the property owners, lienholders, or mortgagees or any other person properly before the court.

(Ord. No. 2020-13, § 2(Exh. A), 9-22-20)

**ORDINANCE 2025-09**

**AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY AMENDING CHAPTER 10 “BUILDINGS AND BUILDING REGULATIONS” BY REPEALING AND REPLACING IN ITS ENTIRETY ARTICLE IV “SUBSTANDARD STRUCTURES”; PROVIDING A PENALTY OF FINE NOT TO EXCEED \$2,000; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gatesville is a Home Rule Municipality operating under the laws of the State of Texas; and

**WHEREAS**, Ordinance 2020-13 was adopted September 22, 2020, establishing the Building Standards Commission; and

**WHEREAS**, the City Council has determined that it would be advantageous and beneficial to the citizens and developers of the City of Gatesville to amend and clarify certain provisions related to the substandard structures and the Building Standards Commission;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, THAT:**

**SECTION 1.** The findings set forth in the above preamble to this Ordinance are true and correct and are hereby adopted and incorporated herein by this reference.

**SECTION 2.** The Code of Ordinances of the City of Gatesville, Texas is hereby amended at Chapter 10 “Buildings and Building Regulations” by repealing and replacing Article IV “Substandard Structures” which shall henceforth read in its entirety as follows:

**“ARTICLE IV. SUBSTANDARD STRUCTURES**

**Sec. 10-159. – Definitions.**

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

*Building:* The term "building" shall include buildings, appurtenances or other structures or excavations existing above or below the ground level.

*Building standards:* The term "building standards" refers to all standards or requirements set forth in any building or other code adopted by the city's Code of Ordinances including but not limited to article I through article V of chapter 5 of the city's ordinances, which articles are updated from time to time, and which standards and requirements are incorporated herein.

**Sec. 10-160. – Compliance; nuisance.**

All buildings within the city shall comply with the provisions of the City’s Code of Ordinances, including this article. Any building or dwelling constructed, construed, existing, or otherwise maintained in violation thereof constitutes a nuisance, is substandard, and is therefore illegal.

**Sec. 10-161. – Building Standards Commission.**

- a) There is hereby established a Building Standards Commission. As provided in this article, the building standards commission shall hear any person with respect to the condition, repair, vacation, or demolition of any building or structure which may have been found by the city building inspector to be an uninhabitable or dangerous dwelling, building, or structure. As provided in this article, the building standards commission is authorized to conduct hearings, make determinations, and issue orders as set forth in this ordinance.
- b) The Gatesville City Council **Planning and Zoning Commission** is hereby designated as and shall serve as the Building Standards Commission. Accordingly, the Building and Standards Commission shall consist of seven members whose terms shall be coextensive with their respective terms on the Planning and Zoning Commission.
- c) **Members of the Building Standards Commission (the “Commission”) shall serve without compensation, except for reimbursement for authorized expenditure as attendant to the performance of their duties and shall not hold any other office or position with the City while serving on the Board.**
- d) **Members of the Commission serve at the pleasure of the City Council and may be removed by the Council at any time with or without cause. Members shall be removed by the City Council following three consecutive absences from meetings of the Commission for which the Commission has not, by majority vote, excused such absences. A vacancy on the Commission shall be filled for the unexpired term by majority vote of the Council.**
- e) **The Zoning Code Official shall serve as liaison to the Commission. The Zoning Code Official shall have the right to attend all meetings and take part in all discussions but shall not vote on Commission decisions.**
- f) **The officers of the Planning and Zoning Commission shall also serve in the same positions as officers for the Building Standards Commission.**

**Sec. 10-162. - Building Standards Commission Meetings and Quorum.**

- a) **A quorum for the conduct of business shall consist of four members, regular or alternate, of the board. The board shall meet monthly, unless deemed not necessary, at a regularly**

scheduled time on a regularly scheduled date and shall conduct special meetings and hearings as may be necessary.

- b) A minimum of four (4) affirmative votes of members of the Commission is required for any official action of the Commission. When fewer than all members are present for voting and a motion on an agenda item fails, reconsideration of the item may be scheduled for the next regular meeting upon motion carried by a majority of those present. Upon such reconsideration, regardless of the number of members present, if the matter fails, it may be reconsidered again under this subsection.
- c) An agenda shall be prepared by the Secretary for each meeting of the Commission. A copy of the agenda, as official notice of the meeting, shall be posted at City Hall and as otherwise required by law, for a period of 72 hours prior to the date and time of the meeting.
- d) All meetings of the Commission shall, except as allowed by law, be open to the public. The Commission shall hold a regular monthly meeting at City Hall on the first Thursday of the month at the time established by the Commission. The Commission chairperson may call special meetings at such times and on such dates as s/he determines is necessary for conducting the business of the Commission.
- e) Minutes shall be kept of all Commission meetings. The chairman shall call the Commission to order, and the members present and absent shall be recorded. The minutes of any meeting shall be submitted for approval.
- g) A member of the Commission is prohibited from voting on or participating in a matter involving a business entity or real property in which the official (or any person related by blood or consanguinity within the first degree to the official) has a substantial interest if an action on the matter will result in a special economic effect on the business that is distinguishable from the effect on the public, or in the case of substantial interest in real property, where it is reasonably foreseeable that the action will have a special economic effect on the value of the property, distinguishable from its effect on the public. A member of the Commission having such interest is required to file, before a vote or decision on the matter, an affidavit with the Secretary, stating the nature and extent of the interest. The member is required to abstain from participation and vote on the matter.

**Sec. 10-163. – Substandard Buildings Defined; Building Standards Commission Authority.**

- a) The building standards commission is authorized to determine whether any of the conditions or defects set forth in subsection (b) of this section exist and to determine what action, if any, is appropriate if such conditions or defects are found to exist. The building standards commission is authorized to take such actions, as authorized by this article or by state law. Specifically, the building standards commission is authorized:



to order the closure and vacation of a building; the relocation of its occupants; the demolition of the building; and/or the repair or removal of a building.

- b) The following buildings are in violation of the city's building standards and, in such condition, are unfit for human occupation or are considered dangerous and in violation of this article and are deemed substandard buildings:
1. All buildings that violate the International Building Code, International Residential Code, or any other International Code or building standards adopted by the city as set forth in section 10-22 to the extent that such building is in a condition that is unsafe, unsanitary, or dangerous;
  2. All buildings, dwellings, or dwelling units in which the interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls more than 50 percent outside of the middle width of its base;
  3. All buildings, dwellings, or dwelling units in which, exclusive of the foundation, show 33 percent or more, of damage or deterioration of the supporting member or members, or 50 percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
  4. Those which have improperly distributed loads upon the roof or floor or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose;
  5. All buildings, dwellings, or dwelling units which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants thereof or the citizens of the city;
  6. All buildings, dwellings, or dwelling units which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the essentials to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
  7. Those having height, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein.
  8. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
  9. Those which have parts thereof which are so attached that they may fail and injure members of the public or property.
  10. Those which because of their condition, are a public nuisance, unsafe, unsanitary or dangerous to the health, safety or general welfare.
- c) The employees of the fire, police, health and other administrative departments, finding any of the conditions identified in subsection (b) of this section, shall make a report in

writing to the building inspector of all buildings or structures which are, may be, or are suspected to be substandard buildings within the terms of this article.

**Sec. 10-164. - Standards of repair, vacation or demolition.**

The following standards shall be followed in substance by the building inspector, code compliance official, and the building standards commission in making any order under this article, including an order for repair, closure, securing, vacation, or demolition:

- 1) If the "substandard building" can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired and, as may be appropriate, closed and made secure pending the commencement of such repair.
- 2) If the "substandard building" is in such condition as to make it dangerous to the health, safety, or general welfare of its occupants, it shall be ordered to be vacated and, as may be appropriate, closed and made secure to prevent entry.
- 3) In any case where a "substandard building" is 50 percent damaged or decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered demolished and, as may be appropriate, closed and secured pending the commencement of such demolition. In all cases where a "substandard building" is a fire hazard existing or erected in violation of the terms of this article or any ordinance of the city or statute of the state, it shall be demolished or repaired to the extent that the fire hazard will be eliminated.

**Sec. 10-165. – Inspections.**

The building inspector shall:

- 1) Inspect or cause to be inspected annually, all public buildings, schools, halls, churches, theaters, hotels, tenements, and commercial, manufacturing, or loft buildings, for the purpose of determining whether any conditions exist which render such places a "substandard building" within the terms of this article.
- 2) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- 3) Inspect any building, wall or structure reported, as hereinafter provided, by the fire or police or other departments of this city as probably existing in violation of the terms of this article.

**Sec. 10-166. – Pre-hearing Notices; Identification of owner, lienholder, and mortgagee.**

- a) The building inspector shall, within a reasonable time of the reported violation of the building standards, use his best and most diligent efforts to locate all owners, lienholders, and mortgagees through a search of the following records: Coryell County

real property records; Coryell Central Appraisal District records; Texas Secretary of State records; assumed named records of the county; and/or utility records.

- b) Before the building standards commission conducts a public hearing on a reported violation of the city's building standards, the commission shall send, via certified mail/return receipt requested and regular mail, notice including:
- 1) The name and address of the owner, if known;
  - 2) A description of the suspected or reported violation;
  - 3) The street or legal address of the affected property;
  - 4) The date, time, and place of the public hearing;
  - 5) A conspicuous statement to all owners, lienholders, and mortgagees of the subject property, to the effect of:

"THE OWNER, LIENHOLDER, OR MORTGAGEE AS APPLICABLE, WILL BE REQUIRED TO SUBMIT AT THE HEARING PROOF OF THE SCOPE OF ANY WORK THAT MAY BE REQUIRED TO COMPLY WITH THE CITY'S MINIMUM BUILDING STANDARDS AND THE AMOUNT OF TIME IT WILL TAKE TO REASONABLY PERFORM SUCH WORK."

- c) Reasonably promptly after the building standards commission sends its notice under subsection (b) above, the city building inspector shall place a notice on the front door (or as near as practicable) of the building which notice shall be sufficient if it follows the intent of this form:

#### WARNING

The City of Gatesville Building Inspector has determined this structure is in violation of the city's minimum building standards and, as such deems this building to be an uninhabitable and dangerous structure. This building is to be vacated immediately and remain vacant, and this notice is to remain in place until the condition(s) of this building has been addressed by the City of Gatesville Building Standards Commission, and/or this building has been repaired, removed, or demolished as determined by the building standards commission at a public hearing - notice of which has been sent to all known persons having an interest in the building or property. Unauthorized removal of this notice is punishable by a fine of up to \$2,000.00.

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Building Inspector, City of Gatesville

- d) Before the building standards commission conducts a hearing on a violation of the city's minimum building standards, the building inspector shall file a notice with the Coryell County Clerk (as the office of Official Public Records of real property) containing:

- 1) The name of the owner;
- 2) A legal description of the property affected; and
- 3) The date, time, and location of the public hearing.

**Sec. 10-167. – Notice to utility companies.**

The building inspector shall issue notice to the utility companies to discontinue service on any building determined in accordance with this article to be a dangerous building under section 10-171 or any other relevant provisions of this article.

**Sec. 10-168. - Hearing; Procedures.**

- a) A public hearing on a violation of the city's minimum building standards shall be conducted by the Commission prior to an order being entered thereon. The commission shall have the power to administer oaths/affirmations and to certify official acts as permitted under Texas law. The issues pertaining to a hearing under this section shall be limited to:
  - 1) Whether the affected building is in violation of the city's building standards;
  - 2) If a violation is found, the scope of work required, and the progress to bring the substandard building into compliance with the city's building standards whether by repair, removal, or demolition of such structure; and
  - 3) As necessary, the closure and/or vacation of the building **and/or the removal and/or relocation of any occupants**
- b) The following procedures shall apply to the hearing under this section:
  - 1) An **audio** tape recording of the entire proceeding shall be made.
  - 2) A copy of the record of the proceeding shall be made available after payment of a reasonable fee to all parties upon request. If there is no judicial review of the City Council's final decision, the city shall maintain a record of the proceeding for two years. If there is judicial review of the Commission's final decision, the city shall maintain the record of the proceeding until all court proceedings - including any additional/further appeals are exhausted.
  - 3) The Texas Rules of Civil Procedure and Texas Rules of Evidence do not apply. Oral testimony given shall be given under oath. Each party shall have the right to testify, introduce documents; call and examine witnesses, cross-examine witnesses, and otherwise rebut evidence offered against the party. **Written evidence shall be admitted only if the building standards commission determines that such evidence is relevant and of the type that may be reasonably relied upon in deciding subsection (a)(1) through (3) above.**
  - 4) The owner, lienholder, and/or mortgagee shall have the burden of proof to demonstrate the scope of any work, and the time required to comply with the city's minimum building standards.

- 5) The building standards commission may grant a continuance for good cause shown. If a continuance is granted, notice of the date, time and location of the rescheduled hearing shall be stated and acknowledged by all parties on record, and reduced to writing and provided to the parties before they leave the hearing. No other notice of the rescheduled hearing must be provided other than the posting of the meeting agenda required by the Texas Open Meetings Act.
- 6) The building inspector and code compliance official shall appear at all hearings conducted by the building standards commission to testify to the condition of substandard buildings and other relevant matters.

**~~Sec. 10-168.~~ Sec. 10-169. - The order – Building Standards Commission final decision recommendation.**

- a) After deliberation, the building standards commission ~~decision~~ **recommendation** shall be reduced to written order with an effective date, and the contents of the order shall be read into the record. The order shall specifically state whether the substandard building(s) shall be repaired, removed, or demolished and the allowable time for the owner, lienholder, and/or mortgagee to repair, remove, or demolish the building(s). The order may also specify vacation and/or closure of the building and vacation, removal and/or relocation of occupants. If removal, vacation and/or relocation of occupants otherwise lawfully entitled to possession of the structure is necessary, the order shall provide appropriate and lawful instructions to that effect.
- b) If the commission finds the structure to be in violation of the city's building standards, the commission shall allow the owner, lienholder and/or mortgagee 30 days to secure the structure from unauthorized entry and accomplish the needed repairs, removal, or demolition of the substandard structure.
- c) If supported by information presented by the owner, lienholder, or mortgagee at the public hearing, the commission may allow the owner, lienholder, or mortgagee no more than 90 days to accomplish the needed repairs, removal, or demolition. The order shall stipulate securing the property from unauthorized entry while the work is being performed, and a specific time schedule for the commencement, performance, and completion of the work. The commission's order may require the owner, lienholder, or mortgagee to demonstrate compliance with the established time schedules.
- d) **All recommendations will be forwarded to the City Council for final approval.**

**~~Sec. 10-169.~~ Sec. 10-170. - Post-Hearing Notice**

- a) After a public hearing under section 10-1689, the ~~commission~~ **Council** shall promptly send a copy of its order by certified U.S. mail/return receipt requested, first class U.S. mail, or personally deliver to all owners, lienholders, and mortgagees of the subject property. The order shall include the following:

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 municipal standards that is present at the building; and
  3. A statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
- b) Within ten days after the date that the order is issued, the ~~commission~~ **Council** shall file a copy of the order in the office of the city secretary and further publish notice in the local newspaper that shall contain the following information:
1. The street address or legal description of the property at which the substandard structure is located;
  2. The date that the public hearing took place;
  3. A brief statement of the commission's decision; and
  4. Instructions indicating that a copy of the order may be obtained at the office of the city secretary.

**Sec. 10-170. - Alternative action.**

As an alternative to the procedure prescribed by section 10-169, the city may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them a notice of and an opportunity to comment at the hearing. In addition, the city may file notice of the hearing in the official public records of real property in the county. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice. If the city operates under this section, the order issued by the municipality may specify a reasonable time as provided by this section for the building to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. Under this section, the city is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

**Sec. 10-171. - City action pursuant to order; Exigent circumstances**

- a) If the owner, lienholder, and/or mortgagee fail to comply with the building standards commission order, and no timely appeal is commenced within the 30-day period set forth in section 10-173, the city may take action set forth in the commission's order at City

expense. However, the City may assess a privileged lien against the property for the expenses it incurs in taking such action unless such lien is prohibited by state law (for instance, homestead protections under the State Constitution). The city shall have any such lien recorded and indexed in the office of the county clerk. The lien is extinguished if the property owner or some other person having an interest in the legal title to the property reimburses the city for its expenses.

- b) In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a substandard building is immediately repaired, secured, vacated or demolished, the building inspector is authorized to secure, repair, or abate the removal of the condition of such substandard building without a hearing. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in subsection (a) of this section.

**Sec. 10-172. - Enforcement**

- a) After any order of the building standards commission made pursuant to this ordinance shall become effective, no person to whom any such order is directed shall fail, neglect or otherwise refuse to obey any such order. Any person who fails to comply with such an order is guilty of a misdemeanor or subject to a civil suit in which the city may seek to enforce the order of the building standards commission and to assert other claims as appropriate under Texas law.
- b) No person shall obstruct, impede, or otherwise interfere with any owner, lienholder, mortgagee, city officer, employee, or a contractor or other authorized representative of the same who is affecting or attempting to affect the building standards commission order to repair, vacate, remove, or demolish a substandard building under this article. Any person so interfering is guilty of a misdemeanor.

**Sec. 10-173. – Judicial review**

- a) Any owner, lienholder, or mortgagee of record of property jointly or severally aggrieved by an order of the building standards commission issued under this article may file in district court a verified petition against the city setting forth that the order is illegal (in whole or in part) and specifying the grounds of the illegality. An owner, lienholder, or mortgagee must file the petition within 30 calendar days after the respective date a copy of the order is mailed or personally delivered as set forth in section 10-170 or such decision shall become final as to each of them upon the expiration of such 30 calendar day period.
- b) Any judicial review of the building standards commission order shall be limited to a hearing under the substantial evidence rule. The district court may reverse or affirm (in whole or in part) or may modify the decision brought up for review.
- c) Costs may not be allowed against the city. However, if the building standards commission order is affirmed or not substantially reversed (but only modified) the district court shall allow to the city all attorney's fees and other expenses incurred by it and shall enter a

judgement for those items, which may be entered against the property owners, lienholders, or mortgagees or any other person properly before the court.”

**SECTION 3.** If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof to any person or under any circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Gatesville, Texas, hereby declares it would have enacted such remaining portions despite any such invalidity.

**SECTION 4.** It is officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and public notice of the time, place and purpose of this meeting was given as required by law.

**SECTION 5.** This Ordinance shall become effective immediately upon its passage and approval.

The foregoing **Ordinance No. 2025-09** was read the first time and passed to the second reading this **11<sup>th</sup> day of March, 2025.**

The foregoing **Ordinance No. 2025-09** was read the second time and passed to the third reading this **25<sup>th</sup> day of March, 2025.**

The foregoing **Ordinance No. 2025-09** was read the third time and was passed and adopted as an Ordinance to the City of Gatesville, Texas, this **8<sup>th</sup> day of April, 2025.**

BY: \_\_\_\_\_  
GARY M. CHUMLEY, MAYOR

ATTESTED:

APPROVED AS TO FORM:

\_\_\_\_\_  
HOLLY OWENS, T.R.M.C.  
CITY SECRETARY

\_\_\_\_\_  
VICTORIA THOMAS  
CITY ATTORNEY