

City of Cut and Shoot  
Ordinances

## Ordinance Summaries



## Important Ordinance Summaries

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# ORDINANCE LIST

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SUBJECT AND DATE PASSED

	.....REGULATIONS ON SUBDIVISIONS (3-12-70)
	.....REGULATION OF SPEED LAWS/FINES (9-10-70)
#07	.....GROSS RECEIPT TAX UTILITY CO'S. (03-12-70)
#08	.....SPEED LIMIT DURING CONSTRUCTION (03-12-70)
#09	.....TWO YEAR TERMS FOR ALDERMEN (05-12-77)
#10	.....STATE HWY. DEPT. SPEED ZONE (10-13-77)
#11	.....CONSTRUCTION SPEED ZONE (11-11-77)
#12	.....CITY SALES & USE TAX ELECTION (02-07-78)
#13	.....STATE HIGHWAY SPEED LIMITS (03-09-78)
#14	.....GAS & ELECTRIC EXEMPT/SALES TAX (08-31-78)
#15	.....GSU RATE SCHEDULES (05-11-78)
#16	.....GSU RATE SCHEDULES (10-11-79)
#17	.....STATE HEY. DEPT. TRAFFIC SIGNALS (04-10-80)
#17A	.....ANNEXATION ORDINANCE #1 (10-08-81)
#17B	.....ANNEXATION ORDINANCE #2 (12-10-81)
#17C	.....ANNEXATION ORDINANCE #3 (12-10-81)
#18	.....MORAN UTILITIES RATE INCREASE (12-10-81)
#18A	.....ANNEXATION ORDINANCE #4 (02-14-82)
#18B	.....ANNEXATION ORDINANCE #5 (02-11-82)
#19	.....FIREWORKS ORDINANCE (03-11-82)
#20	.....GSURATE INCREASE SUSPEND 120DAYS (06-10-82)
#21	.....ANNEXATION ORDINANCE #6 (08-12-82)
#22	.....ANNEXATION ORDINANCE #7 (01-13-83)
#23	.....NO PARKING ZONES (01-13-83)
#24	.....PROHIBITING PORNOGRAPHY (01-13-83)
#25	.....PROHIBITING WILD ANIMALS (04-14-83)
#26	.....ANNEXATION ORDINANCE #8 (12-01-83)
#27	.....PROHIBITING OVERNIGHT CAMPING (01-12-84)
#28	.....SPEED ZONE DURING CONSTRUCTION (07-12-84)
#29	.....MILLMAC RD. BRIDGE UNSAFE (08-08-85)
#30	.....MOBILE HOME REGULATIONS (08-08-85)
#31	.....SPEED ZONE ORDINANCE (08-08-85)
#32	.....MORAN UTILITIES RATE INCREASE (10-24-86)
#33	.....GSU RATE INCREASE (86) (12-23-86)
#34	.....SUSPENDING GSU RATE INCREASE (12-23-86)
#34B	.....RATE CHARGE BY GSU (03-23-87)
#35	.....DBJ CABLE TV, INC. (04-09-87)
#36	.....FLOOD PLAIN (06-11-87)
#37	.....CONSTRUCTION SPEED ZONE (10-08-87)
#38	.....JOINT EMERGENCY MANAGEMENT PLAN (05-12-88)
#39	.....DE-ANNEXATION ROY HARRIS PROPERTY (03-09-89)
#39A	.....REGULATING HOURS FOR TOWN PARK (11-10-88)
#40	.....SUSPENDING GSU PROPOSED INCREASE (04-13-89)
#41	.....DECREASING GSU RATES (07-21-89)
#42	.....SPEED LIMIT MILLMAC ROAD (09-14-89)



SUBJECT REGULATIONS ON SUBDIVISION

FINE NOT TO EXCEED

CONTENTS

ORD#

DATE 03-12-70

AN ORDINANCE FIXING, REGULATIONS ON SUBDIVISION INSIDE THE CORPORATE BOUNDARIES OF THE TOWN OF CUT AND SHOOT. ALL SUBDIVISION INSIDE TOWN BOUNDARIES SHALL COMPLY WITH COUNTY REGULATIONS ON DRAINAGE, ROADS WIDTH, BASE SURFACES AND STREET SIGNS.

COPIES MAY BE PROCURED AT COUNTY CLERK OFFICE UNDER SUBDIVISION RULES & REGULATIONS PASSED ON 17TH DAY OF APRIL, 1967 BY THE COMMISSIONERS COURT OF MONTGOMERY COUNTY, TEXAS.



SUBJECT GROSS RECEIPT TAX UTILITY CO'S.

FINE NOT TO EXCEED

CONTENTS

ORD# 07

DATE 03-12-70

PROVIDING FOR STREET RENTAL CHARGES, TO BE IMPOSED ON ALL UTILITY COMPANIES GRANTED A FRANCHISE TO USE THE STREETS, HIGHWAYS, PARKS, LANES, ALLEYS, AND OTHER PUBLIC AREAS OF TOWN, PRESENT AND FUTURE.

THE MUNICIPALITY WILL REQUIRE SUCH UTILITY COMPANIES TO REMIT TWO PER CENT (2%) OF THEIR GROSS RECEIPTS, EXCLUSIVE OF SALES TO: INDUSTRIAL CONSUMERS, SALES FOR GOVERNMENT PUMPING, OR STREET LIGHTING.

SUBJECT SPEED LIMIT DURING CONSTRUCTION

FINE NOT TO EXCEED \$200.00

CONTENTS

ORD# 08

DATE 03-12-70

AN ORDINANCE ESTABLISHING SPEED LIMITS DURING CONSTRUCTION OF A PORTION OF  
STATE HIGHWAY 105 WITHIN THE CITY LIMITS OF CUT AND SHOOT, TEXAS, AND  
PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

SUBJECT TWO YEAR TERMS FOR ALDERMEN

FINE NOT TO EXCEED

CONTENTS

ORD# 09

DATE 05-12-77

AN ORDINANCE TO ALLOW COUNCIL MEMBERS TO SERVE TWO YEAR TERM OF OFFICE  
INSTEAD OF ONE YEAR TERM AS STATED IN CHAPTER 11 OF REGULATIONS.

SUBJECT STATE HWY. DEPT. SPEED ZONE

FINE NOT TO EXCEED \$200.00

CONTENTS

ORD# 10

DATE 10-13-77

AN ORDINANCE TO ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF ARTICLE 6701D, VERNON'S TEXAS CIVIL STATUTES, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF CUT AND SHOOT AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200 FOR THE VIOLATION OF THIS ORDINANCE.

SUBJECT CONSTRUCTION SPEED ZONE

FINE NOT TO EXCEED \$200.00

CONTENTS

ORD# 11

DATE 11-22-77

AN ORDINANCE ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ON A PORTION OF SH 105, FM 1484 AND fm 1485 WITHIN THE CORPORATE LIMITS OF CUT AND SHOOT AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

SUBJECT CITY SALES & USE TAX ELECTION

FINE NOT TO EXCEED

CONTENTS

ORD# 12

DATE 02-07-78

AN ORDINANCE FOR THE CALLING AND HOLDING OF A CITY SALES AND USE TAX ELECTION TO BE HELD AT THE NEXT ELECTION, APRIL 1, 1978. ORDINANCE ADOPTED IN ACCORDANCE WITH CONDITIONS DESCRIBED IN TEXAS MUNICIPAL LAW HANDBOOK AND INDEX, PAGE 246.



SUBJECT STATE HIGHWAY SPEED LIMITS

FINE NOT TO EXCEED \$200.00

CONTENTS

ORD# 13

DATE 03-09-78

AN ORDINANCE ALTERING THE PRIMA FACTE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF ARTICLE 6710D, VERNON'S TEXAS CIVIL STATUTES, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OR PERTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF CUT AND SHOOT AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200 FOR THE VIOLATION OF THIS ORDINANCE.

SUBJECT GAS & ELECTRIC EXEMPT SALES TAX

FINE NOT TO EXCEED

CONTENTS

ORD# 14

DATE 08-31-78

AN ORDINANCE TO EXEMPT RESIDENTIAL USE OF GAS AND ELECTRICITY FROM THE 1%  
SALES TAX EFFECTIVE OCTOBER 1, 1978.



SUBJECT GSU RATE SCHEDULES

FINE NOT TO EXCEED

CONTENTS

ORD# 15

DATE 05-11-78

AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHARGED BY GULF STATES UTILITIES COMPANY IN THE CITY OF CUT AND SHOOT, TEXAS, PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES, AND PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN.

SUBJECT GSU RATE SCHEDULES

FINE NOT TO EXCEED

CONTENTS

ORD# 16

DATE 10-11-79

AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHARGED BY GULF STATES UTILITIES COMPANY IN THE CITY OF CUT AND SHOOT, TEXAS, PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES, AND PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN.

SUBJECT STATE HWY. DEPT. TRAFFIC SIGNALS

FINE NOT TO EXCEED

CONTENTS

ORD# 17

DATE 04-10-80

AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE AGREEMENT DATED 4-10-80 BETWEEN THE STATE OF TEXAS AND THE CITY OF CUT AND SHOOT, FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE, USE, OPERATION, AND MAINTENANCE OF HIGHWAY SIGNAL PROJECT AT THE LOCATION SHOWN ON EXHIBIT 1. ATTACHED HERETO AND MADE A PART HEREOF, IN THE CITY OF CUT AND SHOOT; PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY. (SCHOOL ZONE SIGNAL LIGHTS LOCATED ON HIGHWAY 105 AT THE STEPHEN F. AUSTIN ELEMENTARY SCHOOL).

SUBJECT ANNEXATION ORDINANCE #1

FINE NOT TO EXCEED

CONTENTS

ORD# 17-A

DATE 10-08-81

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY. (250 ACRES BEGINNING AT OLD 105 (NOW MILLMAC ROAD) AND EXTENDING DOWN ROLLING HILLS ROAD).



SUBJECT ANNEXATION ORDINANCE #2

FINE NOT TO EXCEED

CONTENTS

ORD# 17-B

DATE 12-10-81

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY. (75.4 ACRES ON ROLLING HILLS ROAD).

SUBJECT ANNEXATION ORDINANCE #3

FINE NOT TO EXCEED

CONTENTS

ORD# 17-C

DATE 12-10-81

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY. (5.38 ACRES BELONGING TO AND INCLUDING ALL OF PROPERTY BELONGING TO GENE DOUGET ON DOUGET ROAD).

SUBJECT MORAN UTILITIES RATE INCREASE

FINE NOT TO EXCEED

CONTENTS

ORD# 18

DATE 12-10-81

AN ORDINANCE GRANTING TO MORAN UTILITIES COMPANY RATE INCREASES FOR NATURAL GAS AND NATURAL GAS SERVICE, ESTABLISHING NEW RATES AND TERMS AND CONDITIONS THEREOF, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; TO BE EFFECTIVE ON AND AFTER DECEMBER 11, 1981.

SUBJECT ANNEXATION ORDINANCE #4

FINE NOT TO EXCEED

CONTENTS

ORD# 18-A

DATE 02-14-82

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

(ALL PROPERTY WITHIN BOUNDARIES OF FM 1484, OLD 105 NOW KNOWN AS MILLMAC ROAD AND STATE HIGHWAY 105. A TOTAL OF 318.4 ACRES)



SUBJECT ANNEXATION ORDINANCE #5

FINE NOT TO EXCEED

CONTENTS

ORD# 18-B

DATE 02-11-82

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

(74.1 AC ROLLING HILLS ROAD).

SUBJECT FIREWORKS ORDINANCE

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 19

DATE 03-11-82

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, DECLARING FIREWORKS A NUISANCE; PROVIDING SEIZURE AND DESTRUCTION OF FIREWORKS; AND BANNING THE SALE OF AND THE USE OF FIREWORKS WITHIN THE TOWN AND TERRITORIAL JURISDICTION OF THE CITY.

SUBJECT GSU RATE INC. SUSPENDED 120 DAY

FINE NOT TO EXCEED

CONTENTS

ORD# 20

DATE 06-10-82

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE CITY OF CUT AND SHOOT, TEXAS, PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE HEREOF.

SUBJECT ANNEXATION ORDINANCE #6

FINE NOT TO EXCEED

CONTENTS

ORD# 21

DATE 08-12-82

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

(ANNEXATION OF ALL OF PART PROPERTY ON WILLS / WAUKEGAN ROAD).

SUBJECT ANNEXATION ORDINANCE #7

FINE NOT TO EXCEED

CONTENTS

ORD# 22

DATE 01-13-83

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

(ALL OF MARGARET MATHEWS PROPERTY ON FM 1484).



SUBJECT NO PARKING ZONES

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 23

DATE 01-13-83

AN ORDINANCE BY THE CITY OF CUT AND SHOOT, TX, PROVIDING "NO PARKING ANYTIME" ON STATE HIGHWAY 105; PROVIDING FOR SIGNS TO BE PLACED THEREON; PROVIDING PENALTY FOR VIOLATION, AND EFFECTIVE DATE.

SUBJECT PROHIBITING PORNOGRAPHY

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 24

DATE 01-13-83

AN ORDINANCE BY THE CITY OF CUT AND SHOOT, TEXAS, PROHIBITING EXHIBITIONS, EXPOSURES AND DISPLAYS TO JUVENILES OF ANY PICTURE, PHOTOGRAPH, DRAWING, SCULPTURE, MOTION PICTURE FILM OR SIMILAR VISUAL REPRESENTATION, OR IMAGE OF ANY BOOK, PAMPHLET, MAGAZINE, PRINTED MATTER OR SOUND RECORDING WHICH DEPICTS NUDITY, SEXUAL EXCITEMENT, SEXUAL CONDUCT OR SADOMASOCHISTIC ABUSE; PROVIDING FOR PENALTY, AND EFFECTIVE DATE.

SUBJECT PROHIBITING WILD ANIMALS

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 25

DATE 04-14-83

AN ORDINANCE BY THE CITY OF CUT AND SHOOT, TEXAS, PROHIBITING THE KEEP, OR PERMIT DANGEROUS, VICIOUS OR WILD ANIMALS IN THE CITY; PROVIDING DEFINITIONS, PENALTY AND EFFECTIVE DATE.



SUBJECT PROHIBITING OVERNIGHT CAMPING

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 27

DATE 01-12-84

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS PROHIBITING OVERNIGHT CAMPING AND/OR CAMPING EQUIPMENT, MOTOR VEHICLES, ALCOHOLIC BEVERAGES, ABUSIVE OR OFFENSIVE LANGUAGE, RESPONSIBILITY BY THE CITY FOR LOSS OF PERSONAL PROPERTY, LOITERING AND/OR DUMPING AT ANY TIME WITHIN BOUNDARIES OF CITY OWNED PROPERTY DESIGNATED AS A PUBLIC PARK.

SUBJECT SPEED ZONE DURING CONSTRUCTION

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 28

DATE 07-12-84

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

SUBJECT MILLMAC RD. BRIDGE UNSAFE

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 29

DATE 08-08-85

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, FINDING TRAFFIC BRIDGE ON MILLMAC ROAD OVER CANEY CREEK IN THE TOWN LIMITS TO BE UNSAFE; PROVIDING FOR CLOSING THE ROAD, ERECTING FENCES, AND PLACING WARNING SIGNS ON EACH SIDE; DECLARING IT UNLAWFUL TO DAMAGE THE FENCES AND SIGNS; PROVIDING FOR PENALTY, AND EFFECTIVE DATE.

SUBJECT MOBIL HOME REGULATIONS

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 30

DATE 08-08-85

AN ORDINANCE PROVIDING FOR THE REGULATION OF MOBILE HOMES AND MOBILE HOME PARKS IN THE TOWN OF CUT AND SHOOT, TEXAS; DEFINING TERMS; PROVIDING FOR THE ISSUANCE OF MOBILE HOME PERMITS AND MOBILE HOME PARK PERMITS; FOR CERTAIN DATA TO BE FURNISHED TOWN SECRETARY; PROHIBITING THE USE OF MOBILE HOMES WITHOUT A PERMIT; PROVIDING FOR HEARING, SAVINGS CLAUSE, PENALTY, AND EFFECTIVE DATE.

SUBJECT SPEED ZONE ORDINANCE

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 31

DATE 08-08-85

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT ESTABLISHING SPEED LIMIT OF 30 M.P.H. WITHIN THE CORPORATE LIMITS OF CUT AND SHOOT, TEXAS UNLESS OTHERWISE SPECIFIED BY THE SPEED ZONE SIGNS.

SUBJECT MORAN UTILITIES RATE INCREASE

FINE NOT TO EXCEED

CONTENTS

ORD# 32

DATE 10-24-86

AN ORDINANCE FOR THE CITY OF CUT AND SHOOT, TX, FIXING AND DETERMINING THE RATES TO BE CHARGED BY MORAN UTILITIES COMPANY FOR NATURAL GAS SERVICE TO RESIDENTIAL AND COMMERCIAL CUSTOMERS WITHIN THE CITY; PROVIDING FOR EFFECTIVE DATES AND OTHER MATTERS RELATING TO GAS SERVICE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.



SUBJECT GSU RATE INCREASE (86)

FINE NOT TO EXCEED

CONTENTS

ORD# 33

DATE 12-23-86

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE TOWN OF CUT AND SHOOT, TX; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE.

SUBJECT SUSPENDING GSU RATE INCREASE

FINE NOT TO EXCEED

CONTENTS

ORD# 34

DATE 12-23-86

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE TOWN OF CUT AND SHOOT, TX; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE.



SUBJECT RATE CHANGE BY GSU

FINE NOT TO EXCEED

CONTENTS

ORD# 34-B

DATE 03-23-87

AN ORDINANCE SETTING THE RATE TO BE CHARGED BY GULF STATES UTILITIES COMPANY FOR ELECTRIC UTILITY SERVICES IN THE TOWN OF CUT AND SHOOT, TEXAS; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE.

SUBJECT FLOOD PLAIN

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 36

DATE 06-11-87

AN ORDINANCE ADOPTING LAND USE AND CONTROL MEASURES NECESSARY TO QUALIFY AREAS WITHIN THE TOWN OF CUT AND SHOOT FOR FEDERAL FLOOD INSURANCE, SETTING FORTH DEFINITIONS, DESIGNATION CONTROLLING MAPS AND DATA AND THEIR LOCATION, DESIGNATING REGULATORY FLOODWAY, AREAS TO BE REGULATED, PROHIBITING INCREASE IN WATER SURFACE ELEVATIONS, ESTABLISHING ELEVATIONS OF NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS OF BOTH RESIDENTIAL AND NON - RESIDENTIAL STRUCTURES, REQUIRING CERTIFICATE OF FLOODPROOFING AND MAINTENANCE OF RECORDS THEREOF, PROVIDING FOR SUBDIVISION AND OTHER NEW DEVELOPMENT APPROVAL, ESTABLISHING REQUIREMENTS FOR MOBILE HOMES, MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS WITHIN REGULATORY FLOODWAY, PROVIDING FOR CHANGE IN USE LANDFILL AND BUILDING PERMITS, ETC.

SUBJECT CONSTRUCTION SPEED ZONE ORD.

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 37

DATE 10-08-87

AN ORDINANCE ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ON A PORTION OF FM 1484 WITHIN THE CORPORATE LIMITS OF CUT AND SHOOT AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

SUBJECT JOINT EMERGENCY MANAGEMENT PLAN

FINE NOT TO EXCEED

CONTENTS

ORD# 38

DATE 05-12-88

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT TO JOIN INTO AN EMERGENCY  
MANAGEMENT PLAN WITH THE COUNT OF MONTGOMERY UNINCORPORATED AREAS.

SUBJECT DEANNEXATION / ROY HARRIS PROP.

FINE NOT TO EXCEED

CONTENTS

ORD# 39

DATE 03-09-89

ORDER OF DE-ANNEXATION FOR ROY HARRIS HOMESTEAD PROPERTY WHICH IS DESCRIBED IN VOLUME 566, PAGE 377 & 378, OF DEED RECORDS OF MONTGOMERY COUNTY BY QUORUM OF THE CITY COUNCIL MEMBERS AND AT Mr. HARRIS' REQUEST.

SUBJECT REGULATING HOURS FOR TOWN PARK

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 39-A

DATE 11-10-88

AN ORDINANCE PROVIDING FOR THE REGULATION OF HOURS OF OPERATION OF THE TOWN PARK; PROHIBITING THE USE OF THE TOWN PARK AFTER IT IS CLOSED; PROVIDING FOR A PENALTY FOR VIOLATIONS; A SAVINGS CLAUSE; AND AN EFFECTIVE DATE.



SUBJECT SUSPENDING GSU PROPOSED INC.

FINE NOT TO EXCEED

CONTENTS

ORD# 40

DATE 04-13-89

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE CITY OF CUT AND SHOOT, TX; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE HEREOF.

SUBJECT DECREASING GSU RATES

FINE NOT TO EXCEED

CONTENTS

ORD# 41

DATE 07-21-89

AN ORDINANCE DECREASING RATES TO BE CHARGED BY GULF STATES UTILITIES COMPANY IN THE CITY OF CUT AND SHOOT, TEXAS, FINDING EXISTING RATES TO BE UNREASONABLE AND EXCESSIVE, FINDING THE RATES APPROVED HEREIN WILL PROVIDE REVENUES AS REQUIRED BY LAW, PROVIDING AN EFFECTIVE DATE, PROVIDING FOR SCHEDULES, CONDITIONS, AND REPEAL OF CONFLICTING ORDINANCES.

SUBJECT SPEED LIMIT / MILLMAC ROAD

FINE NOT TO EXCEED \$200

CONTENTS

ORD# 42

DATE 09-14-89

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT ESTABLISHING A SPEED LIMIT OF 20 M.P.H. ON A PORTION OF MILLMAC ROAD THAT INCLUDES A CURVE AND BRIDGES AND PROVIDING FOR THE VIOLATION THEREOF.

ORD#44

SUBJECT RECORDS MANAGEMENT PROGRAM

DATE 03/14/91

AN ORDINANCE AUTHORIZING THE TOWN OF CUT AND SHOOT, TEXAS, PURSUANT TO THE TEXAS LOCAL GOVERNMENT RECORDS ACT, TO ESTABLISH AN ACTIVE AND CONTINUING RECORDS MANAGEMENT PROGRAM; DEFINING TOWN RECORDS; PROVIDING DEFINITIONS OF TERMS; DECLARING ALL TOWN RECORDS AS PUBLIC PROPERTY; ESTABLISHING A POLICY FOR THE MANAGEMENT OF PUBLIC RECORDS; DESIGNATING THE TOWN SECRETARY AS THE RECORDS MANAGEMENT OFFICER; DESIGNATING THE TOWN OF CUT AND SHOOT TOWN COUNCIL AS THE RECORDS MANAGEMENT COMMITTEE WITH ESTABLISHED DUTIES; DEVELOPING A RECORDS MANAGEMENT PLAN; ESTABLISHING THE DUTIES OF THE RECORDS MANAGEMENT OFFICER AND DEPARTMENT HEADS; DESIGNATING RECORDS LIAISON OFFICERS WITH DUTIES AND RESPONSIBILITIES; SETTING POLICIES FOR DEVELOPING AND FILING RECORDS CONTROL SCHEDULES; POLICY FOR DESTRUCTION OF SCHEDULED AND UNSCHEDULED RECORDS; THE RECORDS CENTER; MICROGRAPHICS; PROVIDING SAVING CLAUSE; REPEALING CLAUSE; AND EFFECTIVE DATE.

ORD#45

SUBJECT POLICY FOR THE INSTALLATION OF  
DRIVEWAY CULVERTS WITHIN THE TOWN

DATE 02/13/92

FINE NOT TO EXCEED \$500.00

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, TO ESTABLISH  
A POLICY FOR THE INSTALLATION OF DRIVEWAY CULVERTS WITHIN THE  
TOWN; TO PROVIDE PENALTY FOR VIOLATION OF THE ORDINANCE; AND  
TO ESTABLISH AN EFFECTIVE DATE.



ORD#63

SUBJECT ESTABLISHING A FEE NOT TO EXCEED ONE-  
HALF THE STATE FEE FOR EACH PERMIT  
ISSUED FOR THE SALE OF ALCOHOLIC  
BEVERAGES WITHIN THE TOWN.

DATE 06/13/96

FINE NOT TO EXCEED \$200.00

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



ORD#64

SUBJECT ESTABLISHING FEES AND COURT COSTS IN  
ACCORDANCE WITH VERNON'S ANN. C.C.P. FOR THE  
MUNICIPAL COURT OF CUT AND SHOOT.

DATE 10/10/96

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

ORD#64

SUBJECT AMENDMENT TO TOWN ORDINANCE NO. 64

DATE 10/9/97

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

ORD#65

SUBJECT ABOLISH THE ELECTED OFFICE OF TOWN  
MARSHAL AND CREATE AN APPOINTED  
POSITION

DATE 01/9/97

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



ORD#66

SUBJECT REGULATING NOISE WITHIN THE TOWN BY  
PROVIDING DEFINITIONS.

DATE 07/10/97

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

## Ordinance Book #1

ORDINANCE

AN ORDINANCE FIXING, REGULATIONS ON SUBDIVISIONS  
INSIDE THE CORPORATE BOUNDARIES OF THE TOWN OF  
CUT AND SHOOT.

ALL SUBDIVISIONS INSIDE TOWN BOUNDARIES SHALL  
COMPLY WITH COUNTY REGULATIONS ON DRAINAGE, ROADS  
WIDTH, BASE SURFACES AND STREET SIGNS.

COPIES MAY BE PROCURED AT COUNTY CLERK OFFICE  
UNDER SUBDIVISION RULES AND REGULATIONS PASSED ON  
17th DAY OF APRIL, 1967 BY THE COMISSIONERS COURT  
OF MONTGOMERY COUNTY, TEXAS.

PASSED AND APPROVED ON READING, This 12th day of  
March, 1970.

James E. Green  
Mayor



THE STATE OF TEXAS

COUNTY OF MONTGOMERY

On this the 12 day of March, A. D., 1970, the City Council of the town of Cut & Shoot, Texas, in the above mentioned County, convened in \_\_\_\_\_ session, in the regular meeting place in said Town, the following members thereof, to-wit:

James Green, Mayor

Charles W. Green, Alderman

Raymond Rushing, Alderman

Leonard McDonald, Alderman

Urban Herbert Otto, Alderman

Mrs. James Buchanan, City Secretary

being present and passed the following ordinance:

AN ORDINANCE FIXING, REGULATIONS ON SUBDIVISIONS INSIDE THE CORPORATE BOUNDARIES OF THE TOWN OF CUT AND SHOOT.

ALL SUBDIVISIONS INSIDE TOWN BOUNDARIES SHALL COMPLY WITH COUNTY REGULATIONS ON DRAINAGE, ROADS WIDTH, BASE SURFACES AND STREET SIGNS.

COPIES MAY BE PROCURED AT COUNTY CLERK OFFICE UNDER SUBDIVISION RULES AND REGULATIONS PASSED ON 17th DAY OF APRIL, 1967 BY THE COMMISSIONERS COURT OF MONTGOMERY COUNTY, TEXAS.

Alderman Raymond Rushing moved that the ordinance be accepted on its first reading; seconded by Alderman Urban Otto and carried by the following votes:

AYES: James Green

Leonard McDonald

Charles W. Green

Urban Herbert Otto

Raymond Rushing

NAYES: None

PASSED AND APPROVED ON READING, this 12 day of March, 1970.

James E. Green  
Mayor, City of Cut & Shoot, Texas

ATTEST:

Mrs. James Buchanan  
CITY SECRETARY  
City of Cut & Shoot, Texas

**LEGAL:**

**ORDINANCE**

**AN ORDINANCE FIXING, REGULATIONS ON SUBDIVISIONS INSIDE THE CORPORATE BOUNDARIES OF THE TOWN OF CUT AND SHOOT.**

**ALL SUBDIVISIONS INSIDE TOWN BOUNDARIES SHALL COMPLY WITH COUNTY REGULATIONS ON DRAINAGE, ROADS WIDTH, BASE SURFACES AND STREET SIGNS.**

**COPIES MAY BE PROCURED AT COUNTY CLERK OFFICE UNDER SUBDIVISION RULES AND REGULATIONS PASSED ON 17th DAY OF APRIL, 1967 BY THE COMMISSIONERS COURT OF MONTGOMERY COUNTY, TEXAS.**

**PASSED AND APPROVED ON READING, this 12th day of March, 1970.**

James E. Green  
Mayor

**ORDINANCE**

**THE STATE OF TEXAS  
COUNTY OF MONTGOMERY**

On this the 12 day of March, A.D., 1970, the City Council of the town of Cut & Shoot, Texas, in the above mentioned County, convened in Regular Session, in the regular meeting place in said Town, the following members thereof, to-wit:

James Green, Mayor  
Charles W. Green, Alderman  
Raymond Rushing, Alderman  
Leonard McDonald, Alderman  
Urban Herbert Otto, Alderman  
Mrs. James Buchanan, City Secretary

being present and passed the following ordinance:

**AN ORDINANCE FIXING, REGULATIONS ON SUBDIVISIONS INSIDE THE CORPORATE BOUNDARIES OF THE TOWN OF CUT AND SHOOT. ALL SUBDIVISIONS INSIDE TOWN BOUNDARIES SHALL COMPLY WITH COUNTY REGULATIONS ON DRAINAGE, ROADS WIDTH, BASE SURFACES AND STREET SIGNS.**

**COPIES MAY BE PROCURED AT COUNTY CLERK OFFICE UNDER SUBDIVISION RULES AND REGULATIONS PASSED ON 17th DAY OF APRIL, 1967 BY THE COMMISSIONERS COURT OF MONTGOMERY COUNTY, TEXAS.**

Alderman Raymond Rushing moved that the ordinance be accepted on its first reading; seconded by Alderman Urban Otto and carried by the following votes:

**AYES:** James Green, Charles W. Green, Raymond Rushing, Leonard McDonald, Urban Herbert Otto.

**NAYES:** None

**PASSED AND APPROVED ON READING, this 12 day of March, 1970.**

JAMES E. GREEN  
MAYOR

City of CUT & SHOOT, TEXAS

ATTEST:

Mrs. James Buchanan  
CITY SECRETARY  
City of Cut & Shoot, Texas  
Legal #234, April 15 and 19th, 1970

**TOWN OF CUT AND SHOOT**  
P.O. BOX 7364  
CUT AND SHOOT, TEXAS 77303  
409-264-3100

MAYOR  
GENE DOUGET

ALDERMAN  
POS. 1 - BILL OLIPHANT  
POS. 2 - LEONARD McDONALD

August 15, 1985

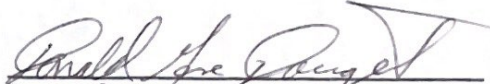
MARSHALL  
MERLE ELLISOR

ALDERMAN  
POS. 3 - JOHN WINTERS  
POS. 4 - Frank Poche  
POS. 5 - JOE WHITE

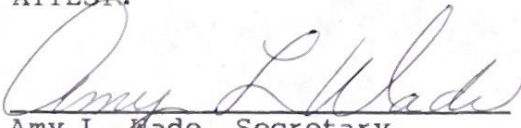
Re: Re-Certification  
Marshall Merle Ellisor & Deputy Marshall Robert Wise

TO WHOM IT MAY CONCERN:

This letter serves as authorization for Marshall Merle Ellisor and Deputy Marshall Robert Wise by the Town Council of Cut and Shoot, Texas to purchase police items for re-certification.

  
Donald Gene Douget, Mayor

ATTEST:

  
Amy L. Wade, Secretary



AGREEMENT

LEASE AGREEMENT:

Cut & Shoot Vol. Fire Dept. Association agrees to lease the community building to the Town of Cut & Shoot for a town hall.

The lease being on a yearly basis beginning March 12, 1970 for Three Hundred (\$300) per year to be payed on regular meeting night in March of that year.

CUT & SHOOT VOL. FIRE DEPT, INC. TOWN OF CUT & SHOOT, TEXAS

BY Charles W. Green  
Charlie Green, President

BY James E. Green  
James Green, Mayor

ATTEST: Willie Mae Wiggins  
Willie Mae Wiggins, Secretary

ATTEST: Mrs. James Buchanan  
Mrs. James Buchanan, City Secretary

SEAL:

SEAL:

THE STATE OF TEXAS

COUNTY OF MONTGOMERY

On this 10 day of September, A. D., 1970, the City Council of the town of Cut & Shoot, Texas, in the above mentioned County, convened in regular session, in the regular meeting place in said Town, the following members thereof, to-wit:

James Green, Mayor

Leonard McDonald, Alderman

Charles W. Green, Alderman

Urban Herbert Otto, Alderman

Raymond Rushing, Alderman

Mrs. James Buchanan, City Secretary

being present and passed the following ordinance:

AN ORDINANCE FIXING REGULATIONS ON SPEED LAWS, LITTERING, DISTURBANCES, NUISANCES, INSIDE THE CORPORATE BOUNDARIES OF THE TOWN OF CUT & SHOOT. SPEED LAWS--THE FOLLOWING SPEED LAWS WERE ESTABLISHED ON THE 10th DAY, SEPTEMBER, 1970 TO BECOME EFFECTED OCTOBER 1, 1970. ALL SPEED LIMIT SIGNS POSTED IN THE CITY LIMITS WILL BE OBSERVED. FINES WILL BE AS FOLLOWS:

RUINING RED LIGHT	\$10.00
BOULEVARD STOP	10.00
SPEEDING	15.00
NO OPERATOR'S OR CHAUFFEUR'S LICENSE	10.00
NO VEHICLE LICENSE	10.00
UNNECESSARY NOISE	5.00
U-TURN WHERE PROHIBITED	5.00
PASSING IN NO PASSING ZONE	5.00
LEFT OR U-TURN IN CENTER OF BLOCK	5.00
TURN FROM WRONG LANE	10.00
FAILURE TO RENDER RIGHT OF WAY	5.00
DRIVING ON LEFT SIDE OF STREET	5.00
CUTTING CORNER	5.00
BLOCKING PEDESTRIAN LANE	5.00
DEFECTIVE MUFFLER	5.00
NO LIGHTS OR DEFECTIVE LIGHTS	10.00
RUNNING OVER FIRE HOSE	10.00
FOLLOWING FIRE TRUCK	5.00
PASSING VEHICLE ON WRONG SIDE	10.00
FAILURE TO REPORT ACCIDENT	
LITTERING--IT SHALL BE UN-LAWFUL TO LITTER ON ANY OF THE PUBLIC	
STREETS IN THE CORPORATE CITY LIMITS. DUMPING OF TRASH ON ROAD	
WAYS IS UN-LAWFUL. PENALTY: ANY PERSON OR PERSONS FOUND GUILTY	

OF LITTERING SHALL BE FINED A MINIMUM OF TEN DOLLARS, TO A MAXIMUM OF TWO HUNDRED DOLLARS.

DISTURBANCES--DISTURBING THE PEACE, FIGHTING, PUBLIC DRUNKNESS, EXCESS NOISES, DISORDERLY CONDUCT, AS WELL AS NOISES AND OTHER DISTURBANCES. PENALTY: ALL PERSONS OR PERSON CONVICTED OF DISTURBING THE PEACE, FIGHTING, PUBLIC DRUNKNESS, EXCESS NOISES, DISORDERLY CONDUCT, AS WELL AS NOISES AND OTHER DISTURBANCES SHALL BE FINED FROM FIVE TO TWENTY FIVE DOLLARS.

NUISANCES--ANY ACTIVITIES IN THE CITY LIMITS OF CUT & SHOOT DECLARED TO BE A NUISANCE BY THE CITY COUNCIL SHALL BE FINED ACCORDING TO STATE LAWS.

IN CASE A WARRANT HAS TO BE ISSUED FOR FAILURE TO PAY FINE OR APPEAR IN COURT, A FEE OF TWO DOLLARS AND FIFTY CENTS WILL BE CHARGED.

Alderman Urban Otto moved that the ordinance be accepted on its first reading; seconded by Alderman Charlie Green and carried by the following votes:

AYES: James Green

Leonard McDonald

Charles W. Green

Urban Herbert Otto

Raymond Ruching

NAYES: None.

PASSED AND APPROVED ON FIRST READING, this 10 day of September, 1970.

James E. Green  
Mayor, City of Cut & Shoot, Texas

ATTEST:

Mrs. James Buchanan  
CITY SECRETARY  
City of Cut & Shoot, Texas



ORDINANCE NO. # 7

Street Rental Charges, or Gross Receipts Tax.

Providing for Street Rental Charges, to be imposed on all utility companies granted a franchise to use the streets, highways, parks, lanes, alleys, and other public areas of Town, present and future.

SECTION 1:

The municipality will require such utility companies to remit two per cent (2%) of their gross receipts, exclusive of sales to: Industrial Consumers, Sales for Government Pumping, or Street Lighting.

SECTION 2:

Each utility company granted a franchise shall pay its Gross Receipts Tax on or before September 1, 1970, and on each September 1st thereafter occurring during the continuance of franchise agreement.

SECTION 3:

Each utility company granted a franchise will comply with State and County regulations as to their respective right of ways.

SECTION 4:

The City Council of the Town of Cut and Shoot herein hereby reserves the right to revise this ordinance by adding to or taking from any Section that proves to be unconstitutional.

*[Signature]*  
Charles Brown

*[Signature]*  
Charles Brown

This ordinance shall be in effect, and binding, on all utilities on the date of signing of franchise agreement with the Town of Cut and Shoot.

On this day, the 12 day of March, A.D. 1970, the Town Council of the Town of Cut and Shoot, Texas, convened in Reg. session, in the regular meeting place, and passed this ordinance.

Alderman Charles Green moved that this ordinance be passed, seconded by Alderman Amos Gregson, and carried or rejected by the following vote: 5 for, 0 against.

This ordinance shall be in force, and effective, from and after the passage of this ordinance on the 12 day of March, A. D. 1970.

TOWN OF CUT AND SHOOT, TEXAS

ATTEST:

BY:

James E. Green  
James Green, Mayor

Mrs. James Buchanan  
Mrs. James Buchanan, City Secretary

ALDERMEN:

Urban H. Otto  
Urban Otto

Leonard McDonald  
Leonard McDonald

Raymond Rushing  
Raymond Rushing

Amos Gregson  
Amos Gregson

Charles Green  
Charles Green



ORDINANCE NUMBER #8

AN ORDINANCE ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ON A PORTION OF STATE HIGHWAY 105 WITHIN THE CITY LIMITS OF CUT AND SHOOT, TEXAS, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

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

WHEREAS, the Texas Highway Department has made it known to the City of Cut and Shoot that operations will begin in the near future for the improvement of State Highway 105 from west of Crystal Creek to east of Hurricane Creek, and,

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

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF CUT AND SHOOT, that a construction speed zone be established along State Highway 105 from 0.234 mile west of Crystal Creek to 0.460 mile east of Hurricane Creek, a distance of approximately 1.080 miles, 45 miles per hour when so signed within said zone.

Necessary signs for posting the speed zone will be furnished, installed, and maintained by direction of the Texas Highway Department's engineer in charge of the project.

Any person violating the provision of this ordinance shall upon conviction be fined in any sum not to exceed Two Hundred Dollars (\$200).

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

PASSED AND APPROVED THIS 12 DAY OF March, 1970

ATTEST:

APPROVED:

Mrs. James Buchanan  
City Secretary

James E. Green  
Mayor



THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

On this 12th day of May, A.D., 1977, the City Council of the town of Cut and Shoot, Texas, in the above mentioned County, convened in regular session, in the regular meeting place in said Town, the following members thereof, to-wit:

RAYMOND RUSHING, MAYOR  
CHARLES W. GREEN, ALDERMAN  
LEONARD MCDONALD, ALDERMAN  
BILL OLIPHANT, ALDERMAN  
BILL MCMILLAN, ALDERMAN  
JOHN MCPHILLIPS, CITY MARSHALL  
AMY L. WADE, CITY SECRETARY

being present and passed the following ordinance:

AN ORDINANCE TO ALLOW COUNCIL MEMBERS TO SERVE TWO YEAR TERM OF OFFICE INSTEAD OF ONE YEAR TERM AS STATED IN CHAPTER 11 OF REGULATIONS.

The motion to enact this ordinance was made by Alderman Bill Oliphant, seconded by Alderman Bill McMillan and carried by the following votes:

AYES: RAYMOND RUSHING  
CHARLES W. GREEN  
BILL OLIPHANT  
LEONARD MCDONALD  
BILL MCMILLAN

NAYES: None.

Passed and Approved this 12th day of May, 1977.



Raymond Rushing

Raymond Rushing, Mayor  
Cut and Shoot, Texas

ATTEST:

Amy L. Wade

Amy L. Wade, City Secretary  
Cut and Shoot, Texas



#10

SPEED ZONE ORDINANCE

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF ARTICLE 6701D, VERNON'S TEXAS CIVIL STATUTES, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF CUT AND SHOOT AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200 FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, Article 6701D, Vernon's Texas Civil Statutes, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway, now, therefore,

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

Section 1. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Article 6701D, Vernon's Texas Civil Statutes, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

- (a) Along SH 105 from Cut and Shoot West City Limit to Cut and Shoot East City Limit, a distance of approximately 4.226 miles, 55 MPH;
- (b) Along SH 105 from a point 0.100 mile east of the Stephen F. Austin Elementary School Entrance to a point 0.100 mile west of the Stephen F. Austin Elementary School Entrance, a distance of approximately 0.200 mile, a school speed zone 35 MPH when so signed.

Section 2. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars (\$200).

PASSED AND APPROVED THIS 13 DAY OF October, 1977.

ATTEST:

APPROVED:

Amy L. Wade  
City Secretary

Raymond Rushing  
Mayor



# 10

# CONSTRUCTION SPEED ZONE ORDINANCE

AN ORDINANCE ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ON A PORTION OF SH 105, FM 1484, & FM 1485 WITHIN THE CORPORATE LIMITS OF CUT AND SHOOT AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

WHEREAS, the State Department of Highways and Public Transportation has made it known to the City of Cut and Shoot that operations will begin in the near future to improve SH 105, FM 1484, and FM 1485 by doing base repair, and asphaltic concrete overlay, and;

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF CUT AND SHOOT that a construction speed zone be established along the following sections of roadway: 1) SH 105, from a point 544 feet east of FM 1485 to the east city limit of Cut and Shoot, a distance of approximately 4.240 mile 35 MPH; 2.) FM 1484, from the intersection of SH 105 to the north city limit of Cut and Shoot, a distance of approximately 3.047 mile 35 MPH, and; 3.) FM 1485, from the intersection of SH 105 to the southeast city limit of Cut and Shoot, a distance of approximately 0.085 mile 35 MPH to be effective when so signed within said zones.

Necessary signs for posting the speed zone will be furnished, installed, and maintained by the direction of the State Department of Highways and Public Transportation engineer in charge of the project.

Any person violating the provisions of this ordinance shall upon conviction be fined in any sum not to exceed Two Hundred Dollars (\$200).

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

PASSED AND APPROVED THIS 22nd DAY OF November, 19 77.

ATTEST:

APPROVED:

Amy L Wade  
City Secretary

Raymond Rushing  
Mayor

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

ORDINANCE #12

On this 7th day of February, A.D., 1978, the City Council of the Town of Cut and Shoot, Texas, in the above mentioned County, convened in regular session, in the regular meeting place in said Town, the following members thereof, to-wit:

RAYMOND RUSHING, MAYOR  
CHARLES W. GREEN, ALDERMAN  
BILL OLIPHANT, ALDERMAN  
BILL MCMILLAN, ALDERMAN  
LEONARD MCDONALD, ALDERMAN  
AMY L. WADE, CITY SECRETARY

being present and passed the following ordinance:

AN ORDINANCE FOR THE CALLING AND HOLDING OF A CITY SALES AND USE TAX ELECTION TO BE HELD AT THE NEXT ELECTION, APRIL 1, 1978. ORDINANCE ADOPTED IN ACCORDANCE WITH CONDITIONS DESCRIBED IN TEXAS MUNICIPAL LAW HANDBOOK AND INDEX, PAGE 246.

The motion to enact this ordinance was made by Alderman Bill McMillan, seconded by Alderman Bill Oliphant and carried by the following votes:

AYES: RAYMOND RUSHING  
BILL OLIPHANT  
BILL MCMILLAN  
LEONARD MCDONALD  
NAYES: CHARLES W. GREEN

Passed and Approved this 7th day of February, 1978.

Raymond Rushing  
Raymond Rushing, Mayor  
Cut and Shoot, Texas

ATTEST:

Amy L. Wade  
Amy L. Wade, City Secretary  
Cut and Shoot, Texas



# 13

SPEED ZONE ORDINANCE

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF ARTICLE 6701D, VERNON'S TEXAS CIVIL STATUTES, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF CUT AND SHOOT AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200 FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, Article 6701D, Vernon's Texas Civil Statutes, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway, now, therefore,

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

Section 1. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Article 6701D, Vernon's Texas Civil Statutes, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

- (a) Along FM 1484 from the Cut and Shoot North City Limit to the intersection of Miller Road, a distance of approximately 1.297 mile, 55 miles per hour; and
- (b) Along FM 1484 from the intersection of Miller Road to the intersection of SH 105, a distance of approximately 1.750 mile, 45 miles per hour.

Section 2. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars (\$200).

PASSED AND APPROVED THIS 9 DAY OF march 19 78.

ATTEST:

APPROVED:

Amy L. Wade  
City Secretary

Raymond Rushing  
Mayor

THE STATE OF TEXAS  
COUNTY OF MONTGOMERY

ORDINANCE # 14

On this the 31st day of August, A.D., 1978, the City Council of the Town of Cut and Shoot, Texas, in the above mentioned County, convened in special called session, in the regular meeting place in said Town, the following members thereof, to-wit:

RAYMOND RUSHING, MAYOR  
BILL CLIPHANT, ALDERMAN  
LEONARD McDONALD, ALDERMAN  
D.L. (TEX) TAYLOR, ALDERMAN  
ROBERT HASSELMEIER, ALDERMAN  
BILL MCMILLAN, ALDERMAN  
AMY L. WADE, CITY SECRETARY

being present and passed the following ordinance:


AN ORDINANCE TO EXEMPT RESIDENTIAL USE OF GAS AND ELECTRICITY FROM THE 1% CITY SALES TAX EFFECTIVE OCTOBER 1, 1978.

The motion to enact this ordinance was made by Alderman Bill Cliphant, seconded by Alderman Robert Hasselmeier and carried by the following votes:

AYES: RAYMOND RUSHING  
BILL CLIPHANT  
LEONARD McDONALD  
D.L. (TEX) TAYLOR  
ROBERT HASSELMEIER  
BILL MCMILLAN

NAYES: NONE

Passed and Approved this 31st day of August, 1978.

  
*Raymond Rushing*  
Raymond Rushing, Mayor  
Cut and Shoot, Texas

ATTEST:

*Amy L. Wade*  
Amy L. Wade, City Secretary  
Cut and Shoot, Texas



AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHARGED BY GULF STATES UTILITIES COMPANY IN THE CITY OF Cut-n-Shoot, TEXAS, PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES, AND PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN.

WHEREAS, on December 30, 1977, Gulf States Utilities Company filed with the City of Cut-n-Shoot a request for an increase in rates to be charged within the City in the amount of \$24,346,000 per annum on a systemwide basis, an increase of approximately 13.5%; and

WHEREAS, the City, having suspended the effective date of such proposed rate increase from February 6, 1978, and having considered the same at a public hearing, is of the opinion and finds that an increase in rates should be approved.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Cut-n-Shoot, TEXAS:

SECTION 1: That an increase in the rates, tariffs and charges of Gulf States Utilities Company for electric power and energy sold within the City be approved in an amount such that the adjusted total systemwide operating revenues for the Company be increased \$712,000 per annum, based on the adjusted test year ending December 31, 1976, which constitutes an increase of approximately .4%. Such Schedule of Rates, as are approved in accordance herewith, are those under which said Company shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy within the corporate limits of the City until such time as said Rate Schedules may be changed, modified, amended or withdrawn, with the approval of the City Council.

SECTION 2: That Gulf States Utilities Company shall, within 10 days from the final passage of this Ordinance, file with the City a revised Schedule of Rates and Tariffs setting forth those rates, tariffs and charges based upon an increase in total operating revenues as prescribed herein. Such Schedule of Rates and Tariffs may be modified or amended by the City Council of the City of Cut-n-Shoot within 20 days from the final passage of this Ordinance, otherwise, same shall be considered approved as filed. Such Schedule of Rates and Tariffs, as same may be modified or amended, shall be effective from and after final passage of this Ordinance and shall apply to all power and energy used by each customer after the final passage of this Ordinance.

SECTION 3: That the action of the City Council of the City of Cut-n-Shoot enacting this Ordinance constitutes, on the date of its final passage, a final determination of rates for Gulf States Utilities Company within the City of Cut-n-Shoot in accordance with Section 43(e) of the Public Utility Regulatory Act.

SECTION 4: Nothing in this Ordinance contained shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of Gulf States Utilities Company.

(Insert waiver, suspension, or emergency provisions, as applicable.)

PASSED AND APPROVED at a Regular meeting of the city council  
of the city of Cut-n-Shoot, Texas, this the 11th  
day of May, 1978.

ATTEST:

Amy P. Wade  
City Secretary

Raymond Rushing  
Mayor

(CITY SEAL)





AN ORDINANCE APPROVING RATE SCHEDULES TO BE CHARGED BY GULF STATES UTILITIES COMPANY IN THE CITY OF CUT AND SHOOT, TEXAS, PROVIDING FOR AN EFFECTIVE DATE FOR SUCH RATE SCHEDULES, AND PROVIDING CONDITIONS UNDER WHICH SUCH RATE SCHEDULES MAY BE CHANGED, MODIFIED, AMENDED OR WITHDRAWN.

WHEREAS, on July 2, 1979, Gulf States Utilities Company filed with the City of Cut & Shoot a request for an increase in rates to be charged within the City in the amount of approximately \$50.4 million per annum on a systemwide basis, an increase of approximately 19.92%; and

WHEREAS, the City having suspended the effective date of such proposed rate increase from July 2, 1979, and having considered the same as required by law, is of the opinion and finds that an increase in rates should be approved.

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

SECTION 1: That an increase in the rates, tariffs and charges of Gulf States Utilities Company for electric power and energy sold within the City be approved in an amount such that the adjusted total systemwide operating revenues for the Company be increased \$20,814,053 per annum, based on the adjusted test year ending December 31, 1978, which constitutes an increase of approximately 8.2%. Such Schedule of Rates, as are approved in accordance herewith, are those under which said Company shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy within the corporate limits of the City until such time as said Rate Schedules may be changed, modified, amended or withdrawn, with the approval of the City Council.

SECTION 2: That Gulf States Utilities Company shall, within 10 days from the final passage of this Ordinance, file with the City a revised Schedule of Rates and Tariffs setting forth those rates, tariffs and charges based upon an increase in total operating revenues as prescribed herein. Such Schedule of Rates and Tariffs may be modified or amended by the City Council of the City of Cut & Shoot within ten (10) days from the final passage of this Ordinance, otherwise, same shall be considered approved as filed. Such Schedule of Rates and Tariffs, as same may be modified or amended, shall be effective from and after final passage of this Ordinance and shall apply to all power and energy used by each customer after November 3, 1979.

SECTION 3: That the action of the City Council of the City of Cut and Shoot enacting this Ordinance constitutes, on the date of its final passage, a final determination of rates for Gulf States Utilities Company within the City of Cut & Shoot in accordance with Section 43(e) of the Public Utility Regulatory Act.

SECTION 4: Nothing in this Ordinance contained shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of Gulf States Utilities Company.

(Insert waiver, suspension, or emergency provisions, as applicable.)



basis, an increase of approximately 12.24%, with

WHEREAS, the City having suspended the effective date of such proposed rate increase from July 2, 1979, and having considered the same as required by law, is of the opinion and finds that an increase in rates should be approved.

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

SECTION 1: That an increase in the rates, tariffs and charges of Gulf States Utilities Company for electric power and energy sold within the City be approved in an amount such that the adjusted total systemwide operating revenues for the Company be increased \$20,814,053 per annum, based on the adjusted test year ending December 31, 1978, which constitutes an increase of approximately 8.2%. Such Schedule of Rates, as are approved in accordance herewith, are those under which said Company shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy within the corporate limits of the City until such time as said Rate Schedules may be changed, modified, amended or withdrawn, with the approval of the City Council.

SECTION 2: That Gulf States Utilities Company shall, within 10 days from the final passage of this Ordinance, file with the City a revised Schedule of Rates and Tariffs setting forth those rates, tariffs and charges based upon an increase in total operating revenues as prescribed herein. Such Schedule of Rates and Tariffs may be modified or amended by the City Council of the City of Cut & Shoot within ten (10) days from the final passage of this Ordinance, otherwise, same shall be considered approved as filed. Such Schedule of Rates and Tariffs, as same may be modified or amended, shall be effective from and after final passage of this Ordinance and shall apply to all power and energy used by each customer after November 3, 1979.

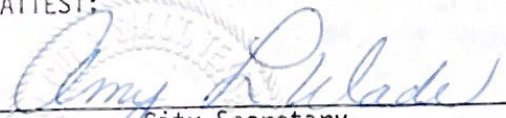
SECTION 3: That the action of the City Council of the City of Cut and Shoot enacting this Ordinance constitutes, on the date of its final passage, a final determination of rates for Gulf States Utilities Company within the City of Cut & Shoot in accordance with Section 43(e) of the Public Utility Regulatory Act.

SECTION 4: Nothing in this Ordinance contained shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of Gulf States Utilities Company.

(Insert waiver, suspension, or emergency provisions, as applicable.)

PASSED AND APPROVED at a Regular/~~Special~~ Meeting of the City Council of the Town of Cut and Shoot, Texas, this the 11th day of October, 1979.

ATTEST:

  
\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

(CITY SEAL)



ORD  
# 17  
in these  
papers

COMMISSION

A. SAM WALDROP, CHAIRMAN  
JEWITT C. GREER  
RAY A. BARNHART

STATE DEPARTMENT OF HIGHWAYS  
AND PUBLIC TRANSPORTATION

P. O. Box 1386  
Houston, Texas 77001

ENGINEER-DIRECTOR  
B. L. DEBERRY

May 5, 1980

IN REPLY REFER TO  
FILE NO.

Highway Traffic Signals -  
Completed Agreement

Montgomery County  
Control 338-4  
Milepost 29.7  
SH 105: At Stephen F. Austin Elementary  
School in Cut and Shoot

Hon. Raymond Rushing  
Mayor, Cut and Shoot  
P. O. Box 364  
Cut and Shoot, Texas 77302

Dear Mayor Rushing:

Attached for your records is a copy of the completed Traffic Signal Agreement executed to cover the State installation, operation and maintenance of school zone signs with flashing beacons at the subject location. This work will be scheduled for completion by State forces at an early date.

If you have any questions concerning the operation of these signals, please let us know.

Very truly yours,

A handwritten signature in cursive script, reading "Omer F. Poorman".

Omer F. Poorman  
District Engineer  
District No. 12

BJB/ww  
Attachment



STATE OF TEXAS

COUNTY OF TRAVIS

This AGREEMENT, dated this 10 day of April, 1980, by and between the State of Texas, hereinafter called the "State," Party of the First Part; and the City of Cut and Shoot, Montgomery County, Texas, acting by and through its duly authorized officers under an Ordinance/~~Resolution~~, passed the 10<sup>th</sup> day of April, 1980, hereinafter called the "City," Party of the Second Part, is made to become effective when fully executed by both parties.

W I T N E S S E T H

WHEREAS, the City has authorized the installation, operation, and maintenance of highway traffic signal(s) by Ordinance/~~Resolution~~ passed on the 10<sup>th</sup> day of April, 1980, at the location(s) shown on EXHIBIT 1, attached hereto and made a part hereof;

A G R E E M E N T

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

1. The State will furnish the necessary funds for the actual construction, prepare plans and specifications, install said highway traffic signal(s), supervise construction, and upon completion of construction, will furnish the power and operate and maintain said highway traffic signal(s).
2. The City hereby consents to the construction of the highway traffic signal(s) shown on EXHIBIT 1 by the approval of the location and manner of construction as

AGREEMENT (TRAFFIC SIGNAL - TYPE 1A)

10-79-764, D-18T

shown on the plans and described in the specifications.


3. The City will exercise no control whatsoever over the operation, maintenance, use, or existence of the highway traffic signal(s) without written authority from the State Department of Highways and Public Transportation.

4. The State shall have the authority to make such changes in the design and operation of the highway traffic signal(s) as it may deem necessary and advisable to promote the safe, convenient, and orderly movement of traffic.

5. The City will be responsible for the police enforcement required for securing obedience to the highway traffic signal(s).

6. In the event the terms of this Agreement are in conflict with the provisions of any other existing Agreements and/or Contracts between the City and the State, this Agreement shall take precedence over the other Agreements and/or Contracts.

Witness my hand and the seal of the State, this 10th day of May, 1974.

By:   
Chief Engineer of Safety  
and Motorist Operations

APPROVED AS TO FORM:   
General Attorney for the City

AGREEMENT (TRAFFIC SIGNAL - TYPE 1A)

10-79-764, D-18T



IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in triplicate on the dates shown hereinbelow.

Executed on behalf of the City, this  
10<sup>th</sup> day of April 19, 80.

ATTEST:

Amy L Wade  
Secretary for City

By: Raymond Rushing  
Mayor

THE STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway and Public Transportation Commission:

Executed on behalf of the State, this  
1<sup>st</sup> day of May 1980.

By: [Signature]  
Chief Engineer of Safety  
and Maintenance Operations

AUTHORITY FOR EXECUTION IS ACCOMPLISHED UNDER  
MINUTE ORDER NO. 20104

APPROVED AS TO FORM:

RECOMMENDED FOR APPROVAL:

[Signature]  
General Attorney for the City

[Signature]  
District Engineer

[Signature]  
Engineer of Traffic

EXHIBIT 1

LOCATION(S)

SH 105 at Stephen F. Austin Elementary School  
in Cut and Shoot

AGREEMENT (TRAFFIC SIGNAL - TYPE 1A)

10-79-764, D-18T

ORDINANCE NO. 17

AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE AGREEMENT DATED 4-10-80 BETWEEN THE STATE OF TEXAS AND THE CITY OF Cut and Shoot, FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE, USE, OPERATION, AND MAINTENANCE OF HIGHWAY SIGNAL PROJECT(S) AT THE LOCATION(S) SHOWN ON EXHIBIT 1, ATTACHED HERETO AND MADE A PART HEREOF, IN THE CITY OF Cut and Shoot; PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Cut and Shoot:

SECTION 1. That the certain agreement dated 4-10-80 between the State of Texas and the City of Cut and Shoot, for the installation, construction, existence, use, operation, and maintenance of certain highway traffic signal(s) at the location(s) shown on EXHIBIT 1, attached hereto and made a part hereof, in the City of Cut and Shoot, be and the same is hereby approved, and PASSED is hereby authorized to execute said agreement on behalf of the City of Cut and Shoot, and to transmit the same to the State of Texas for appropriate action.

SECTION 2. The fact that the improvements contemplated under the above mentioned agreement are needed, creates an emergency which for the immediate preservation of the public peace, health, safety, and general welfare requires that this Ordinance take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED: 4-10-80

APPROVED: 4-10-80

ATTEST:

Amy L. Wade  
Secretary  
City Clerk

Raymond Rushing  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

CITY SECRETARY'S CERTIFICATE

STATE OF TEXAS

COUNTY OF Montgomery

I, Amy L Wade, the duly  
appointed, qualified and acting city secretary of the City of Cut and Shoot,  
Texas, hereby certify that the foregoing pages constitute a true and correct copy of an  
ordinance ~~resolution~~ duly passed by the City Council at a meeting held on 4-10,  
A. D., 19 80, at 8:00 o'clock P. M.

To certify which, witness my hand and seal of the City of Cut and Shoot  
Texas, this 10<sup>th</sup> day of April, 19 80, at  
Cut and Shoot, Texas.

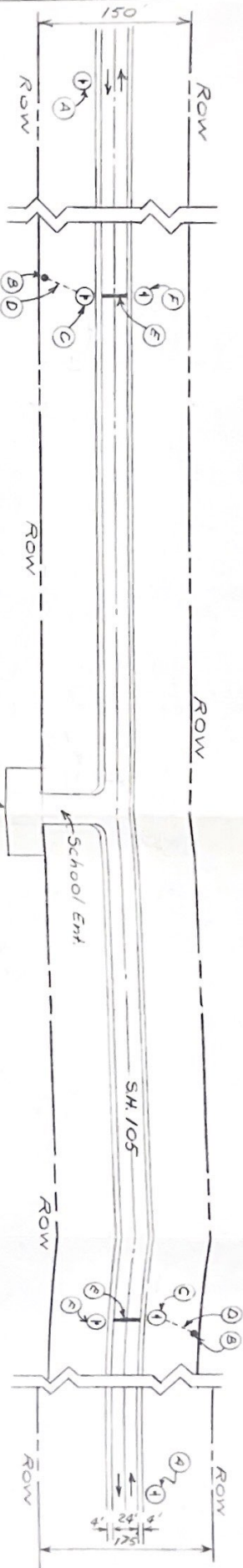
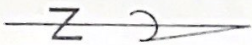
Amy L Wade  
City Secretary of the City of

Cut and Shoot, Texas



# NOTES:

- 1- Exact location of signal poles, signs, etc. to be approved by the Engineer in the field.
- 2- Proposed 48" School - Speed limit 35 When 50 signed signs to be placed 530' East and West of Stephen Austin School Entrance.



- (A) Exist "School Advance" Sign
- (B) Prop. 40' Wood Pole w/ Meter, Safety Switch, Flasher controller and Special Timer
- (C) Prop. 48" School-Speed limit 35 When 50 signed sign w/ 8" Flashing Yellow Beacons
- (D) 1-12/4C 1" condun
- (E) Prop. 18" Solid White Line
- (F) Prop. "Speed limit 35" Sign

S.H. 105 AT STEPHEN F. AUSTIN  
SCHOOL ENTRANCE

SCALE 1" = 100'-0"

QUANTITY	DIST. NO.	HAFT. NO.	TOTAL SHEETS	SHEET NO.
Montgomery	12	SH 105	1	1
CONTROL	335	SECTION	4	NOB

NO. 17-A

ANNEXATION ORDINANCE NO. 1

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

WHEREAS, Petition has been signed by majority of the inhabitants qualified to vote for members of the State Legislature, and who are citizens of the State of Texas and inhabitants of the following described property, to-wit:

BEING out of and a part of the Jos. H. Wood Survey, A-637, and the T. P. Davey Survey, A-162, Montgomery County, Texas; more fully described as follows:

BEGINNING at the point of intersection of the centerline of Rolling Hills Road and the Cut and Shoot City Limits line parallel to the Northwest line of Old State Highway 105;

THENCE: Northeasterly along the present City Limits parallel to the Northwest line of Old Highway 105, 730.0 ft. more or less, to its point of intersection with the Southwest line of the Rosner Subdivision;

THENCE: Northwesterly along the Southwest line of said Subdivision, approximately 2200 ft. to the Northwest line of said Jos. H. Wood Survey line;

THENCE: Southwesterly along said Survey line, approximately 1800 ft. to the Southeast corner of Rolling Hills Subdivision;

THENCE: Northwesterly along the Northeast line of Rolling Hills Subdivision, approximately 3271.5 ft. to the Northeast corner of Lot 30 of said Subdivision;

THENCE: Southwesterly, at 723.6 ft. cross the centerline of Rolling Hills Road and continue in all approximately 1575 ft. to a point in Arthur Youens 15.6 acre tract Northeast line;

THENCE: Southeasterly approximately 2000 ft. to a point in the present City Limits of Cut and Shoot and the centerline of the East Fork of Crystal Creek;

THENCE: Southeasterly along the centerline of Crystal Creek to the City Limits line parallel to the Northwest line of Old Highway 105;

THENCE: Northeasterly 770 ft. more or less, along said City Limit Line to the place of beginning and containing 250 acres of land, more or less.

WHEREAS, said territory is adjoining the City of Cut and Shoot, Texas; and,

WHEREAS, said Petition desiring and requesting the annexation of said territory to said City, has been presented to the City Council, and has attached to it the Affidavit of three of said applicants to the effect that said Petition is signed by a majority of the qualified voters within such property:

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

THAT the following described property, to-wit:

BEING out of and a part of the Jos. H. Wood Survey, A-637, and the T. P. Davey Survey, A-162, Montgomery County, Texas; more fully described as follows:

BEGINNING at the point of intersection of the centerline of Rolling Hills Road and the Cut and Shoot City Limits line parallel to the Northwest line of Old State Highway 105;

THENCE: Northeasterly along the present City Limits parallel to the Northwest line of Old Highway 105, 730.0 ft. more or less, to its point of intersection with the Southwest line of the Rosner Subdivision;

THENCE: Northwesterly along the Southwest line of said Subdivision, approximately 2200 ft. to the Northwest line of said Jos. H. Wood Survey line;

THENCE: Southwesterly along said Survey line, approximately 1800 ft. to the Southeast corner of Rolling Hills Subdivision;

THENCE: Northwesterly along the Northeast line of Rolling Hills Subdivision, approximately 3271.5 ft. to the Northeast corner of Lot 30 of said Subdivision;

THENCE: Southwesterly, at 723.6 ft. cross the centerline of Rolling Hills Road and continue in all approximately 1575 ft. to a point in Arthur Youens 15.6 acre tract Northeast line;

THENCE: Southeasterly approximately 2000 ft. to a point in the present City Limits of Cut and Shoot and the centerline of the East Fork of Crystal Creek;

THENCE: Southeasterly along the centerline of Crystal Creek to the City Limits line parallel to the Northwest line of Old Highway 105;

THENCE: Northeasterly 770 ft. more or less, along said City Limit Line to the place of beginning and containing 250 acres of land, more or less.



be and the same is hereby annexed to the City of Cut and Shoot,  
Montgomery County, Texas, and that the boundary limits of the  
City of Cut and Shoot, Texas, be and the same are hereby extended  
to include the above described territory within the City limits  
of said City of Cut and Shoot, Texas, and same shall hereafter  
be included within the territorial limits of said City, and  
the inhabitants thereof shall hereafter be entitled to all rights  
and privileges of other citizens of the City of Cut and Shoot,  
Texas, and they shall be bound by the acts, Ordinances, Reso-  
lutions and regulations of said City.

PASSED AND APPROVED this the 8th day of October,  
A. D. 1981.



ATTEST:

Ray L. Wade  
City Secretary

Raymond Rusling  
Mayor



NO. 17-B

ANNEXATION ORDINANCE NO. 2

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

WHEREAS, Petition has been signed by majority of the inhabitants qualified to vote for members of the State Legislature, and who are citizens of the State of Texas and inhabitants of the following described property, to-wit:

BEING out of and a part of the T. P. Davy Survey, A-162, Montgomery County, Texas; more fully described as follows:

BEGINNING at the Northeast corner of Lot 30, Rolling Hills Subdivision;

THENCE: Northwesterly along the Northeast line of Rolling Hills Subdivision, approximately 2550.0 ft. to the Northeast corner of Lot 13 of said Subdivision;

THENCE: Southwesterly, at 722.5 ft. cross the centerline of Rolling Hills Road and continue in all approximately 1192.5 ft. to the Northwest corner of Lot 10, Block 2, Crystal Creek Subdivision;

THENCE: Southeasterly, 1060.0 ft. more or less, to a point in the Southeast line of Oak Leaf Road;

THENCE: Southwesterly along the Southeast line of road, 145 ft. more or less, to the Northwest corner of Lot 42, Block 1, Crystal Creek Subdivision;

THENCE: Southeasterly, approximately 1518 ft. to a point in the North line of the Cut and Shoot City Limits;

THENCE: Northeasterly 1330.4 ft. more or less, to the place of beginning and containing 75.4 acres of land, more or less.

WHEREAS, said territory is adjoining the City of Cut and Shoot, Texas; and,

WHEREAS, said Petition desiring and requesting the annexation of said territory to said City, has been presented to the City Council, and has attached to it the Affidavit of three of said applicants to the effect that said Petition is signed by a majority of the qualified voters within such property:

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

THAT the following described property, to-wit:

BEING out of and a part of the T. P. Davy Survey,  
A-162, Montgomery County, Texas; more fully de-  
scribed as follows:

BEGINNING at the Northeast corner of Lot 30, Rolling  
Hills Subdivision;

THENCE: Northwesterly along the Northeast line of  
Rolling Hills Subdivision, approximately 2550.0 ft.  
to the Northeast corner of Lot 13 of said Subdivision;

THENCE: Southwesterly, at 722.5 ft. cross the  
centerline of Rolling Hills Road and continue in  
all approximately 1192.5 ft. to the Northwest corner  
of Lot 10, Block 2, Crystal Creek Subdivision;

THENCE: Southeasterly, 1060.0 ft. more or less, to  
a point in the Southeast line of Oak Leaf Road;

THENCE: Southwesterly along the Southeast line of  
road, 145 ft. more or less, to the Northwest corner  
of Lot 42, Block 1, Crystal Creek Subdivision;

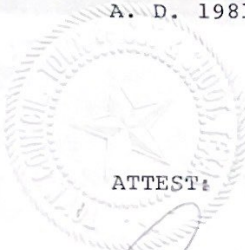
THENCE: Southeasterly, approximately 1518 ft. to a  
point in the North line of the Cut and Shoot City  
Limits;

THENCE: Northeasterly 1330.4 ft. more or less, to  
the place of beginning and containing 75.4 acres of  
land, more or less.

be and the same is hereby annexed to the City of Cut and Shoot,  
Montgomery County, Texas, and that the boundary limits of the  
City of Cut and Shoot, Texas, be and the same are hereby extended  
to include the above described territory within the City limits  
of said City of Cut and Shoot, Texas, and same shall hereafter  
be included within the territorial limits of said City, and  
the inhabitants thereof shall hereafter be entitled to all rights  
and privileges of other citizens of the City of Cut and Shoot,  
Texas, and they shall be bound by the acts, Ordinances, Reso-  
lutions and regulations of said City.

PASSED AND APPROVED this the 10th day of December,

A. D. 1981.



ATTEST:

*Amy L Wade*  
City Secretary

*Raymond Rushing*  
Mayor



NO. 17-C

ANNEXATION ORDINANCE NO. 3

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

WHEREAS, Petition has been signed by majority of the inhabitants qualified to vote for members of the State Legislature, and who are citizens of the State of Texas and inhabitants of the following described property, to-wit:

BEING a 5.38 acre tract out of the T. P. Davey Survey, A-162, and the Josiah Woods Survey, A-637, Montgomery County, Texas, as described in a Deed to Don H. Douget, as recorded in Volume 539, Page 272, Montgomery County Deed Records:

BEGINNING at a point in the North right-of-way line of Old Highway 105, same point being in the West right-of-way line of Gandy Road;

THENCE N. 4-16 W. 261.2 feet along the West right-of-way line of Gandy Road to a point in the North survey line of Josiah Woods Survey, A-637;

THENCE S. 59-06 W. 722.5 feet along survey line to the North right-of-way line of Old Highway 105;

THENCE N. 72-31 E. 259.5 feet, N. 85-16 E. 392.5 feet to point of beginning, containing 5.38 acres.

WHEREAS, said territory is adjoining the City of Cut and Shoot, Texas; and,

WHEREAS, said Petition desiring and requesting the annexation of said territory to said City, has been presented to the City Council, and has attached to it the Affidavit of three of said applicants to the effect that said Petition is signed by a majority of the qualified voters within such property:

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

THAT the following described property, to-wit:

BEING a 5.38 acre tract out of the T. P. Davey Survey, A-162, and the Josiah Woods Survey, A-637, Montgomery County, Texas, as described in a Deed to Don H. Douget, as recorded in Volume 539, Page 272, Montgomery County Deed Records:

BEGINNING at a point in the North right-of-way line of Old Highway 105, same point being in the West right-of-way line of Gandy Road;

THENCE N. 4-16 W. 261.2 feet along the West right-of-way line of Gandy Road to a point in the North survey line of Josiah Woods Survey, A-637;

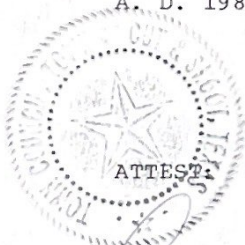
THENCE S. 59-06 W. 722.5 feet along survey line to the North right-of-way line of Old Highway 105;

THENCE N. 72-31 E. 259.5 feet, N. 85-16 E. 392.5 feet to point of beginning, containing 5.38 acres.

be and the same is hereby annexed to the City of Cut and Shoot, Montgomery County, Texas, and that the boundary limits of the City of Cut and Shoot, Texas, be and the same are hereby extended to include the above described territory within the City limits of said City of Cut and Shoot, Texas, and same shall hereafter be included within the territorial limits of said City, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Cut and Shoot, Texas, and they shall be bound by the acts, Ordinances, Resolutions and regulations of said City.

PASSED AND APPROVED this the 10th day of December,

A. D. 1981.



*Chas. L. Wade*  
City Secretary

*Raymond Rushing*  
Mayor



ORDINANCE NO. 18

AN ORDINANCE GRANTING TO MORAN UTILITIES COMPANY RATE INCREASES FOR NATURAL GAS AND NATURAL GAS SERVICE, ESTABLISHING NEW RATES AND TERMS AND CONDITIONS THEREOF, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; TO BE EFFECTIVE ON AND AFTER DECEMBER 11, 1981.

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

SECTION 1: That the Application of Moran Utilities Company for increase in residential and commercial rates for natural gas and natural gas service, which Application was heretofore filed, be, and the same is hereby granted, and, accordingly:

SECTION 2: That rates provided in the Rate Schedule set out below, and as hereafter adjusted in accordance with the Cost of Gas Adjustment Clause herein, be, and are hereby adopted, established and authorized to be charged by Moran Utilities Company as the proper, reasonable and lawful rates for natural gas and natural gas service in Cut and Shoot, upon the terms and conditions for such service hereinafter stated from and after December 11, 1981, until such rates are hereafter adjusted, from time to time, in accordance with the Cost of Gas Adjustment Clause included herein, and, otherwise, until such rates are changed by lawful authority.

RATE SCHEDULE  
RESIDENTIAL AND COMMERCIAL SERVICE  
Effective Date: December 11, 1981

AVAILABILITY:

This schedule is available to any individually metered residential or commercial customer on Moran Utility Company systems for residential or commercial use. Residential use is defined as direct gas usage in a residential dwelling for space heating, lighting, refrigeration, air conditioning, cooking, water heating and other residential purposes. Commercial use is defined as usage by customers engaged primarily in the sale of goods or services, including institutions and government agencies, for other than manufacturing or other industrial uses, or electric power generation. Commercial use includes service to offices, schools, colleges, churches, hospitals and other establishments of a commercial nature. Service is not available under this rate schedule for resale to others or for standby service.

GENERAL MONTHLY RATE:

First 0.4 Mcf	\$4.99
Next 3.6 Mcf, per Mcf	4.13
Next 5.0 Mcf, per Mcf	3.92
Next 10.0 Mcf, per Mcf	3.81
Over 19.0 Mcf, per Mcf	3.75

GAS COST ADJUSTMENT:

Rates are subject to a gas cost adjustment of 100% of the increase or decrease in the 1980 base gas cost of \$2.31 per Mcf.

SERVICE CHARGES

Turn On Fee	\$ 5.00
Turn Off Fee	5.00
Reconnect Fee	5.00
Service Charge, Appliance	14.00/hour with one hour minimum
Welder, if required	25.00/hour
Trencher, if required	25.00/hour

All of the above charges shall be increased 50% for any such services performed after 5:00 p.m., Monday thru Friday, and on Saturdays and Sundays.

The Reconnect Fee is charged in addition to the Turn On Fee.

There is no separate Transfer Fee. The customer will be charged the regular Turn Off and Turn On Fees when locations are changed.

In addition to the above charges, the customer shall be charged for all materials used at the ordinary and customary retail price.

Domestic Consumer Deposit

Initial Service	\$50.00
Restoration of Service After Delinquent Turn Off	1/6 of Estimated Annual Bill Plus Applicable Ser- vice Charges

SECTION 3: That the rates established herein are in lieu of, and supersede, repeal and cancel any rates for residential and commercial natural gas and natural gas service heretofore or currently authorized and charged, and:

SECTION 4: That all ordinances and parts of ordinances in conflict herewith be, and they are hereby repealed.

PASSED AND APPROVED in Regular Council Session on this the 10<sup>th</sup> day of December. 1981.



ATTEST:

Amy L Wade  
City Secretary

Raymond Rushing  
Mayor

CERTIFICATE OF CITY SECRETARY

THE STATE OF TEXAS §  
COUNTY OF MONTGOMERY §  
CITY OF CUT AND SHOOT §

I, Amy L Wade, City Secretary of the  
City of Cut and Shoot, Texas, a municipal corporation, do  
hereby certify that I am the legal custodian of the official  
records of the City of Cut and Shoot, Texas, and that the  
attached and foregoing is a true and correct copy of Ordinance  
No. 18 passed on the 10<sup>th</sup> day of December,  
A.D., 1981, which is of record in Ordinance book —,  
pages — of the official records of the City of Cut and  
Shoot.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 10<sup>th</sup>  
day of December, A.D., 1981.



Amy L Wade  
City Secretary of the  
City of Cut and Shoot, Texas



NO. 18-A

ANNEXATION ORDINANCE NO. 4

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

WHEREAS, Petition has been signed by majority of the inhabitants qualified to vote for members of the State Legislature, and who are citizens of the State of Texas and inhabitants of the following described property, to-wit:

BEING out of and a part of the William Bridges Survey, A-73, and the Bennett Blake Survey, A-4, Montgomery County, Texas; more fully described as follows:

BEGINNING at the point of intersection of the existing Cut and Shoot City Limits line parallel to and North of State Highway 105 and the existing Cut and Shoot City Limits line parallel to and Southeast of Byspot Road;

THENCE: Northeasterly, along the existing Cut and Shoot City Limit line parallel to and Southeast of Byspot Road to its point of intersection with the existing Cut and Shoot City Limit line parallel to and Southwest of F. M. Road 1484;

THENCE: Southeasterly along the existing Cut and Shoot City Limit line parallel to and Southwest of F. M. 1484 to its point of intersection with the existing Cut and Shoot City Limit line parallel to and North of State Highway 105;

THENCE: Westerly, along the existing Cut and Shoot City Limit line parallel to and North of Highway 105 to the place of beginning and containing 318 acres of land, more or less.

WHEREAS, said territory is adjoining the City of Cut and Shoot, Texas; and,

WHEREAS, said Petition desiring and requesting the annexation of said territory to said City, has been presented to the City Council, and has attached to it the Affidavit of three of said applicants to the effect that said Petition is signed by a majority of the qualified voters within such property:

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

THAT the following described property, to-wit:

BEING out of and a part of the William Bridges Survey, A-73, and the Bennett Blake Survey, A-4, Montgomery County, Texas; more fully described as follows:

BEGINNING at the point of intersection of the existing Cut and Shoot City Limits line parallel to and North of State Highway 105 and the existing Cut and Shoot City Limits line parallel to and Southeast of Byspot Road;

THENCE: Northeasterly, along the existing Cut and Shoot City Limit line parallel to and Southeast of Byspot Road to its point of intersection with the existing Cut and Shoot City Limit line parallel to and Southwest of F. M. Road 1484;

THENCE: Southeasterly along the existing Cut and Shoot City Limit line parallel to and Southwest of F. M. 1484 to its point of intersection with the existing Cut and Shoot City Limit line parallel to and North of State Highway 105;

THENCE: Westerly, along the existing Cut and Shoot City Limit line parallel to and North of Highway 105 to the place of beginning and containing 318 acres of land, more or less.

be and the same is hereby annexed to the City of Cut and Shoot, Montgomery County, Texas, and that the boundary limits of the City of Cut and Shoot, Texas, be and the same are hereby extended to include the above described territory within the City limits of said City of Cut and Shoot, Texas, and same shall hereafter be included within the territorial limits of said City, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Cut and Shoot, Texas, and they shall be bound by the acts, Ordinances, Resolutions and regulations of said City.

PASSED AND APPROVED this the 14th day of January,

A. D. 1982.



ATTEST:

*Amey L. Wade*  
City Secretary

*Raymond Rustling*  
Mayor



NO. 18-B

ANNEXATION ORDINANCE NO. 5

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

WHEREAS, Petition has been signed by majority of the inhabitants qualified to vote for members of the State Legislature, and who are citizens of the State of Texas and inhabitants of the following described property, to-wit:

BEING out of and a part of the T. P. Davy Survey, A-162, Montgomery County, Texas; more fully described as follows:

BEGINNING at the Northeast corner of Lot 13, Rolling Hills Subdivision;

THENCE: Northwesterly along the Northeast line of Rolling Hills Subdivision, approximately 2442.8 ft. to the Northeast corner of Lot 58, of said Subdivision;

THENCE: Southwesterly, 406.8 ft. to the Northeast corner of Lot 57, Rolling Hills Subdivision in the West line of a 60 ft. road;

THENCE: Southeasterly along West line of road, 140 ft. to turn in road;

THENCE: Southwesterly along the North line of road, 871.2 ft. more or less, to a point for corner;

THENCE: Southeasterly, at 60 ft. cross the South line of road and continue in all a total distance of 560 ft. to the Southwest corner of Lot 8, of the P. & R. Corporation 118.36 acre tract;

THENCE: Northeasterly 82.6 ft. more or less, to the Northeast corner of Lot 52, Crystal Creek Subdivision;

THENCE: Southeasterly, approximately 1060.1 ft. to the Northwest corner of the Cut & Shoot City Limits;

THENCE: Northeasterly 1330.4 ft. more or less, to the place of beginning and containing 74.1 acres of land, more or less.

WHEREAS, said territory is adjoining the City of Cut and Shoot, Texas; and,

WHEREAS, said Petition desiring and requesting the annexation of said territory to said City, has been presented

to the City Council, and has attached to it the Affidavit of three of said applicants to the effect that said Petition is signed by a majority of the qualified voters within such property:

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

THAT the following described property, to-wit:

BEING out of and a part of the T. P. Davy Survey, A-162, Montgomery County, Texas; more fully described as follows:

BEGINNING at the Northeast corner of Lot 13, Rolling Hills Subdivision;

THENCE: Northwesterly along the Northeast line of Rolling Hills Subdivision, approximately 2442.8 ft. to the Northeast corner of Lot 58, of said Subdivision;

THENCE: Southwesterly, 406.8 ft. to the Northeast corner of Lot 57, Rolling Hills Subdivision in the West line of a 60 ft. road;

THENCE: Southeasterly along West line of road, 140 ft. to turn in road;

THENCE: Southwesterly along the North line of road, 871.2 ft. more or less, to a point for corner;

THENCE: Southeasterly, at 60 ft. cross the South line of road and continue in all a total distance of 560 ft. to the Southwest corner of Lot 8, of the P. & R. Corporation 118.36 acre tract;

THENCE: Northeasterly 82.6 ft. more or less, to the Northeast corner of Lot 52, Crystal Creek Subdivision;

THENCE: Southeasterly, approximately 1060.1 ft. to the Northwest corner of the Cut & Shoot City Limits;

THENCE: Northeasterly 1330.4 ft. more or less, to the place of beginning and containing 74.1 acres of land, more or less.

be and the same is hereby annexed to the City of Cut and Shoot, Montgomery County, Texas, and that the boundary limits of the City of Cut and Shoot, Texas, be and the same are hereby extended to include the above described territory within the City limits of said City of Cut and Shoot, Texas, and same shall hereafter be included within the territorial limits of said City, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Cut and Shoot, Texas, and they shall be bound by the acts, Ordinances, Resolutions and regulations of said City.



PASSED AND APPROVED this the 11th day of February,

A. D. 1982.



Raymond Rushing  
Mayor

Long L. Wade  
City Secretary

# CITY of CUT and SHOOT

P.O. Box 364

Cut and Shoot, Texas 77303

ORDINANCE # 19

## FIREWORKS ORDINANCE

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

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, DECLARING FIREWORKS A NUISANCE; PROVIDING SEIZURE AND DESTRUCTION OF FIREWORKS; AND BANNING THE SALE OF AND THE USE OF FIREWORKS WITHIN THE TOWN AND TERRITORIAL JURISDICTION OF THE CITY.

## PENALTY

That any person, firm, corporation, company or association who shall violate any of the provisions of this ordinance, or suffer or allow the same to be violated shall be deemed guilty of a misdemeanor.

## ENFORCEMENT

Enforcement of this ordinance shall be carried out by the town marshall or any of his duly authorized assistants. That not withstanding any penal provisions hereof, the City Attorney is authorized to file suit on behalf of the City for such injunctive relief as may be necessary to prevent unlawful storage, transportation, keeping or using of Fireworks within the jurisdiction of the city, and to prevent any person from interfering with the seizure and destruction of such Fireworks; provided, however, that it shall not be necessary to obtain such injunctive relief as a prerequisite to such seizure and destruction.

## EFFECTIVE DATE

That this ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this the 11 day of March, A.D. 1982.

  
Raymond Rushing  
Mayor, Raymond Rushing

ATTEST:

Amy L. Wade  
Amy L. Wade, City Secretary

ORDINANCE NO. 20

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE CITY OF Cut And Shoot, Texas; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, on May 28, 1982, Gulf States Utilities Company filed with the City its Statement of Intent to increase its rates for electric utility service in the City of \_\_\_\_\_, effective July 2, 1982; and,

WHEREAS, the City Council has determined that Gulf States Utilities Company's proposed increase in its rates for electric utility service in the City should be suspended to a future date, to-wit: to a time 120 days after the proposed effective date of July 2, 1982, for the following reasons:

(1) The City Council has not had sufficient time to analyze and study the proposed increase;

(2) That in order to reach a determination of the justness, reasonableness, and propriety of such rate increase, it may be necessary to employ rate experts to investigate and analyze such proposed rates; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_:

Section 1. That the proposed increase by Gulf States Utilities Company of its rates for electric service in the City be, and is hereby, suspended for a period of 120 days after the proposed effective date of July 2, 1982.

Section 2. This being an Ordinance not requiring publication it shall take effect and be in force from and after its passage.

READ, ADOPTED, AND APPROVED this 10<sup>th</sup> day of June, A. D. 1982, by the City Council of the City of Cut and Shoot, Texas.

ATTEST:

Amy L Wade  
City Secretary

Raymond Rushing  
, Mayor



NO. 21

ANNEXATION ORDINANCE NO. 6

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

WHEREAS, Petition has been signed by majority of the inhabitants qualified to vote for members of the State Legislature, and who are citizens of the State of Texas and inhabitants of the following described property, to-wit:

BEING a 2.5 acre tract of land out of the Wm. B. Bridges Survey, Abstract No. 73, and described in a Deed to Arthur E. Pratt as filed #149-01-1460, Montgomery County Deed Records:

BEGINNING at a 1/2" iron rod in the Western survey line of the Wm. B. Bridges Survey, Abstract No. 73, 130' S. 00-23-38 W. of a 2" iron pipe located in the Northeast corner of the Arthur Hill 48 acre tract;

THENCE S. 00-23-38 W. 282.4' along Wm. B. Bridges Survey line to a 1" pipe corner;

THENCE S. 67-47-46 E. 244.71' to a 3/8 in. pipe for corner;

THENCE S. 46-23-58 E. 288.31' to a point 200' West of the Willis-Waukegan Road;

THENCE N. 60-21-11 W. 338' parallel to the Willis-Waukegan Road;

THENCE N. 89-22-34 W. 208' to point of beginning, and containing 2.5 acres.

WHEREAS, said territory is adjoining the City of Cut and Shoot, Texas; and,

WHEREAS, said Petition desiring and requesting the annexation of said territory to said City, has been presented to the City Council, and has attached to it the Affidavit of three of said applicants to the effect that said Petition is signed by a majority of the qualified voters within such property:

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



THAT the following described property, to-wit:

BEING a 2.5 acre tract of land out of the Wm. B. Bridges Survey, Abstract No. 73, and described in a Deed to Arthur E. Pratt as filed #149-01-1460, Montgomery County Deed Records:

BEGINNING at a 1/2" iron rod in the Western Survey line of the Wm. B. Bridges Survey, Abstract No. 73, 130' S. 00-23-38 W. of a 2" iron pipe located in the Northeast corner of the Arthur Hill 48 acre tract;

THENCE S. 00-23-38 W. 282.4' along Wm. B. Bridges Survey line to a 1" pipe corner;

THENCE S. 67-47-46 E. 244.71' to a 3/8 in. pipe for corner;

THENCE S. 46-23-58 E. 288.31' to a point 200' West of the Willis-Waukegan Road;

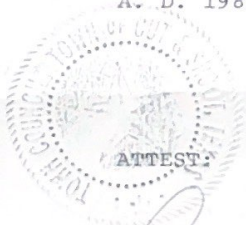
THENCE N. 60-21-11 W. 338' parallel to the Willis-Waukegan Road;

THENCE N. 89-22-34 W. 208' to point of beginning, and containing 2.5 acres.

be and the same is hereby annexed to the City of Cut and Shoot, Montgomery County, Texas, and that the boundary limits of the City of Cut and Shoot, Texas, be and the same are hereby extended to include the above described territory within the City limits of said City of Cut and Shoot, Texas, and same shall hereafter be included within the territorial limits of said City, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Cut and Shoot, Texas, and they shall be bound by the acts, Ordinances, Resolutions and regulations of said City.

PASSED AND APPROVED this the 12th day of August,

A. D. 1982.



ATTEST:

Raymond Rushing  
Mayor

Amey L. Wade  
City Secretary

184-01-2300

NO. 22

ANNEXATION ORDINANCE NO. 7

ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CUT AND SHOOT, MONTGOMERY COUNTY, TEXAS, A GENERAL LAW CITY, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY.

WHEREAS, Petition has been signed by majority of the inhabitants qualified to vote for members of the State Legislature, and who are citizens of the State of Texas and inhabitants of the following described property, to-wit:

Being 13.868 acres of land in Bennette Blake Survey, A-4 Montgomery County, Texas, and being all the area as fenced and claimed by McDonald that lies East of F-M Highway 1484, said 13.868 acres described as follows:

BEGINNING on east edge of F-M Highway 1484 at a stake in north line of McDonald tract, said stake in a used roadway running eastwardly;

THENCE N. 59 degrees 37' E., 618.6 feet with said used roadway to a point in a cattle guard for northeast;

THENCE S. 29 degrees 17' E. with east fence line of McDonald tract a distance of 770 feet to north line of Wahrenberger Est. tract, a fence post for corner;

THENCE S. 60 degrees 29' W., 285.9 feet to a fence post for an inside corner of McDonald tract;

THENCE S. 03 degrees 27' E., with fence 69.7 feet to post for corner;

THENCE S. 62 degrees 13' W. with fence 404 feet to post for corner;

THENCE N. 14 degrees 04' W. with fence 50.5 feet to post for corner;

THENCE S. 59 degrees 46' W. with fence 391.1 feet to post for corner in east edge of said F-M Highway;

and beginning and containing 13.868 acres of land.



THENCE with said Highway east edge as follows:

N. 26 degrees 47' E., 200 feet;  
N. 16 degrees 16' E., 200 feet;  
N. 01 degrees 04' E., 200 feet;  
N. 14 degrees 00' W., 165 feet; and  
N. 21 degrees 27' W., 186 feet to the point of  
beginning and containing 13.868 acres of land.

WHEREAS, said Petition desiring and requesting the annexation of said territory to said City, has been presented to the City Council, and has attached to it the Affidavit of three of said applicants to the effect that said Petition is signed by a majority of the qualified voters within such property:

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

THAT the following described property, to-wit:  
Being 13.868 acres of land in Bennette Blake Survey, A-4 Montgomery County, Texas, and being all the area as fenced and claimed by McDonald that lies East of F-M Highway 1484, said 13.868 acres described as follows:

BEGINNING on east edge of F-M Highway 1484 at a stake in north line of McDonald tract, said stake in a used roadway running eastwardly;

THENCE N. 59 degrees 37' E., 618.6 feet with said used roadway to a point in a cattle guard for northeast;

THENCE S. 29 degrees 17' E. with east fence line of McDonald tract a distance of 770 feet to north line of Wahrenberger Est. tract, a fence post for corner;

THENCE S. 60 degrees 29' W., 285.9 feet to a fence post for an inside corner of McDonald tract;

THENCE S. 03 degrees 27' E., with fence 69.7 feet to post for corner;

THENCE S. 62 degrees 13' W. with fence 404 feet to post for corner;

THENCE N. 14 degrees 04' W. with fence 50.5 feet to post for corner;

THENCE S. 59 degrees 46' W. with fence 391.1 feet to post for corner in east edge of said F-M Highway;

THENCE with said Highway east edge as follows:

N. 26 degrees 47' E., 200 feet;  
N. 16 degrees 16' E., 200 feet;  
N. 01 degrees 04' E., 200 feet;  
N. 14 degrees 00' W., 165 feet and  
N. 21 degrees 27' W., 186 feet to point  
of beginning and containing 13.868 acres of land.

184-01-2302

(3)

Be and the same is hereby annexed to the City of Cut and Shoot, Montgomery County, Texas, and that the boundary limits of the City of Cut and Shoot, Texas be and the same are hereby extended to include the above described territory within the City limits of said City of Cut and Shoot, Texas, and same shall hereafter be included within the territorial limits of said City, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Cut and Shoot, Texas, and they shall be bound by the acts, Ordinances, Resolutions and regulations of said City.

PASSED AND APPROVED this the 13th day of January,  
A.D. 1983.

Raymond Rushing  
Mayor, Cut and Shoot, Texas



Amy L. Wade  
City Secretary, Cut and Shoot, Texas

STATE OF TEXAS  
COUNTY OF MONTGOMERY }  
I hereby certify that this instrument was filed  
in File Number Sequence on the date and at the  
time stamped hereon by me, and was duly RECORDED,  
in the official Public Records of Real Property of  
Montgomery County, Texas.

FEB 10 1983



Roy Harris  
COUNTY CLERK,  
MONTGOMERY COUNTY, TEXAS

FILED FOR RECORD

1983 FEB 10 PM 4:50

Roy Harris  
COUNTY CLERK,  
MONTGOMERY COUNTY, TEXAS



Motion was made by Donald Gene Douget, seconded by  
Bill Oliphant, that the following Ordinance be passed:

NO. 23

AN ORDINANCE BY THE CITY OF CUT AND SHOOT, TEXAS,  
PROVIDING "NO PARKING ANYTIME" ON STATE HIGHWAY NO.  
105, IN CITY LIMITS; PROVIDING FOR SIGNS TO BE PLACED  
THEREON; PROVIDING PENALTY FOR VIOLATION, AND  
EFFECTIVE DATE.

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

I.

That the City Council hereby selects, determines,  
designates and establishes that No Parking Anytime shall be  
permitted on the following street and/or roadway, and that  
"NO PARKING ANYTIME" signs be placed thereon, to-wit:

On State Highway No. 105, as located within the  
Limits of the City of Cut and Shoot.

II.

That any person violating the provisions of this  
Ordinance shall be guilty of a misdemeanor, and upon conviction  
shall be punished by a fine not to exceed Two Hundred (\$200.00)  
Dollars.

III.

That this Ordinance shall take effect from and after  
its passage and it is so enacted.

PASSED AND APPROVED this the 13 day of January,  
A. D. 1983.

Raymond Rushing  
Mayor

ATTEST:

Amy L Wade  
City Secretary

Motion was made by Bill Oliphant, seconded by  
D.L. (Tex) Taylor, that the following Ordinance be passed:

NO. 24

AN ORDINANCE BY THE CITY OF CUT AND SHOOT, TEXAS, PROHIBITING EXHIBITIONS, EXPOSURES AND DISPLAYS TO JUVENILES OF ANY PICTURE, PHOTOGRAPH, DRAWING, SCULPTURE, MOTION PICTURE FILM OR SIMILAR VISUAL REPRESENTATION, OR IMAGE OF ANY BOOK, PAMPHLET, MAGAZINE, PRINTED MATTER OR SOUND RECORDING WHICH DEPICTS NUDITY, SEXUAL CONDUCT OR SADOMASOCHISTIC ABUSE OR DETAILED VERBAL DESCRIPTIONS OR NARRATIVE ACCOUNTS OF SEXUAL EXCITEMENT, SEXUAL CONDUCT OR SADOMASOCHISTIC ABUSE; PROVIDING FOR PENALTY, AND EFFECTIVE DATE.

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

I.

DEFINITIONS

The following definitions are hereby adopted and made a part hereof:

- (1) "Juvenile" means any person less than eighteen years of age.
- (2) "Nudity" means a state of undress, so as to expose the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple; or the depiction of covered or uncovered male genitals in a discernibly turgid state.
- (3) "Sexual Conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's genitals, pubic area, buttocks or, if such be female, the breast.
- (4) "Sexual Excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (5) "Sadomasochistic Abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(6) "Harmful to juveniles" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it: (a) predominantly appeals to the prurient, shameful or morbid interest, (b) is patently offensive to prevailing standards in the adult community, as a whole with respect to what is suitable material for juveniles, and is, when taken as a whole (c) lacking in serious literary, artistic, political, or scientific value.

(7) "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both: (a) the character and content of any material described herein which is reasonably susceptible to examination by the defendant, and (b) the age of the juvenile, provided however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such juvenile.

## II.

### UNLAWFUL ACTS

It shall be unlawful for any person to exhibit, expose or display in public at news stands or any other business or commercial establishment frequented by juveniles or where juveniles are or may be invited as part of the general public:

(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to juveniles, or

(2) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph (1) of this subsection, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to juveniles.



III.

VIOLATIONS AND PENALTIES

(1) Any violation of the provisions of any part of this Ordinance shall be punishable by a fine not to exceed Two Hundred (\$200.00) Dollars.

(2) Failure to remedy any violation of this Ordinance after notice of violation, and each subsequent notice of violation thereafter given prior to the remedy of the violation, shall constitute a separate violation of this Ordinance by the person responsible for the remedy of such violation.

IV.

EFFECTIVE DATE

This Ordinance shall be effective immediately after its passage.

PASSED AND APPROVED this the 13 day of January,  
A. D. 1983.

Raymond Rushing  
Mayor

ATTEST:

Amy L Wade  
City Secretary



Motion was made by Lemuel McDonald, seconded by  
D L (T+) Taylor, that the following Ordinance be passed:

NO. 25

AN ORDINANCE BY THE CITY OF CUT AND SHOOT, TEXAS,  
PROHIBITING THE KEEP, OR PERMIT DANGEROUS, VICIOUS  
OR WILD ANIMALS IN THE CITY; PROVIDING DEFINITIONS,  
PENALTY, AND EFFECTIVE DATE.

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

I.

It shall be unlawful for any person to keep, maintain  
or permit any dangerous, vicious or wild animals of any kind  
in, or to run at large in the City.

II.

DANGEROUS AND VICIOUS ANIMALS - DEFINED.

For purposes of this Ordinance, "Dangerous" or  
"Vicious" animals means and includes any mammal, reptile or  
fowl which are not naturally tame or gentle but are of a wild  
nature or disposition, and which, because of their size, vicious  
nature or other characteristics, would constitute a danger to  
human life or property.

The term "Dangerous Animals" also means and includes  
any domestic reptile or fowl, which, because of the size or  
vicious propensity, or other characteristics, would constitute  
a danger to human life or property.

III.

WILD ANIMAL - DEFINED.

Wild animal means any animal that ordinarily lives  
in a state of nature without the aid or care of man.

IV.

That any person, firm or corporation violating any  
of the provisions of this Ordinance shall be fined not more  
than Two Hundred and No/100 (\$200.00) Dollars for each offense,  
and a separate offense shall be deemed committed on each day  
during, or on which a violation occurs or continues.

V.

That this Ordinance shall become effective on the

15<sup>th</sup> day of May, A. D. 1983.

PASSED AND APPROVED this the 14 day of April,  
~~March~~,

A. D. 1983.

Raymond Rushing  
Mayor

ATTEST:

Amy L. Wade  
City Secretary

**CITY of CUT and SHOOT**

P.O. Box 364  
Cut and Shoot, Texas 77303

AGREEMENT

The Town of Cut and Shoot, Texas agrees to permit Mr. Bill Swain, resident of Cut and Shoot, Texas, to maintain two (2) Asian elephants on his property within the incorporated limits of Cut and Shoot, Texas.

This agreement is an individual matter covering only the two Asian elephants that are on the endangered species list and does not in any way alter City Ordinance #25 or its effect concerning other animals prohibited by said ordinance.

Town of Cut and Shoot, Texas:

Raymond Rushing  
Raymond Rushing, Mayor

Amy L. Wade  
Amy L. Wade, City Secretary

Individual:

Bill Swain  
Bill Swain, Owner of Animals





# Montgomery County Emergency Communication District

P.O. Box 1830 Conroe, Texas 77305-9952 (409) 539-5911 FAX (409) 760-5828

## 1991-92 AND 1992-93 BUDGET

# 26

	<u>91-92</u>	<u>92-93</u>
PROJECTED TELCO REVENUE	622,201	642,034
PROJECTED OTHER INCOME	13,874	26,543
<b>PROJECTED TOTAL INCOME</b>	<b>636,075</b>	<b>668,577</b>
3010 SALARIES	221,736	264,665
3020 OVERTIME	11,500	1,500
3025 SOCIAL SECURITY	18,567	21,677
3030 RETIREMENT & PENSION	7,210	10,143
3035 WORKERS' COMPENSATION	1,649	1,877
3040 EMPLOYEE INSURANCE	33,120	38,708
3050 UNIFORMS	1,710	800
3060 UNINSURED INJURIES	100	100
3070 UNEMPLOYMENT COMPENSATION	2,380	5,419
3080 AUTOMOBILE ALLOWANCE	4,800	4,800
<b>TOTAL PERSONNEL SERVICES</b>	<b>302,772</b>	<b>349,689</b>
4010 OFFICE SUPPLIES	3,988	3,149
4030 BUILDING SUPPLIES	200	250
4100 OTHER OPERATING SUPPLIES	990	2,240
4125 PUBLIC EDUCATION SUPPLIES	6,000	7,500
4150 COMPUTER OPERATING SUPPLIES	4,066	1,788
4200 MAP PROJECT & RURAL ADDRESSING	5,710	3,750
<b>TOTAL SUPPLIES</b>	<b>20,954</b>	<b>18,677</b>
5010 UTILITIES	1,920	5,388
5020 INSURANCE & BONDS	5,678	5,860
5030 LEGAL SERVICES	4,800	3,600
5040 LEASED EQUIPMENT	31,884	34,602
5050 TRAVEL & PROFESSIONAL DEVELOPMENT	6,042	15,482
5060 TELCO CONTRACT SERVICES	149,864	119,976
5065 OTHER CONTRACT SERVICES	35,585	41,223
5080 EQUIPMENT REPAIRS	1,000	2,000
<b>TOTAL CONTRACTUAL</b>	<b>236,773</b>	<b>228,131</b>
6020 BUILDING (Lease)		30,000
6025 BUILDING (Expenses)		14,500
6030 IMPROVEMENTS		[60,000] *
6040 FURNITURE & FIXTURES	2,000	45,000
6050 MACHINERY & EQUIPMENT	16,700	[50,543] *
6055 EQUIPMENT REPLACE/RESERVE	40,000	40,000
<b>TOTAL CAPITAL OUTLAY</b>	<b>58,700</b>	<b>129,500</b>
<b>TOTAL BUDGET EXPENSES</b>	<b>\$ 619,199</b>	<b>\$ 725,997</b>
<b>NET OPERATING INCOME</b>	<b>16,876</b>	<b>&lt;57,420&gt;</b>

\* Expenditures from Reserve Funds

The deficit in NET OPERATING INCOME is due to a reduction in the 1992-93 Service Fee Rate to 5.5%.

ATTACHMENT A



Motion was made by Donald Gene Douget, seconded  
by Bill Oliphant, that the following  
Ordinance be passed:

NO. 27

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS  
PROHIBITING OVERNIGHT CAMPING AND/OR CAMPING  
EQUIPMENT, MOTOR VEHICLES, ALCOHOLIC BEVERAGES,  
ABUSIVE OR OFFENSIVE LANGUAGE, RESPONSIBILITY BY  
THE CITY FOR LOSS OF PERSONAL PROPERTY, LOITERING  
AND/OR DUMPING AT ANY TIME WITHIN BOUNDARIES OF  
CITY OWNED PROPERTY DESIGNATED AS A PUBLIC PARK.

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

I.

It shall be unlawful for any person to keep,  
maintain or permit overnight camping and/or camping equipment,  
motor vehicles of any kind, any and all types of alcoholic  
beverages, abusive or offensive language, responsibility by  
the city for the loss of personal property by any individual,  
loitering and/or dumping at any time within the boundaries  
of city owned property designated as a public park.

II.

That the city council hereby selects, determines,  
designates and establishes that signs be placed prohibiting  
the above mentioned offenses on property designated as a public  
park.

III.

That any person violating the provisions of this  
Ordinance shall be guilty of a misdemeanor and upon conviction  
shall be punished by a fine not to exceed Two Hundred (\$200.00)  
Dollars.

IV.

That enforcement of this Ordinance shall be  
carried out by the Town Marshall or any of his duly authorized  
assistants. That notwithstanding any penal provisions hereof  
the city attorney is authorized to file suit on behalf of the  
city for such injunctive relief as may be necessary to prevent  
violation of this Ordinance.

(2)

V.

That this Ordinance shall take effect from and after its passage and it is so enacted.

PASSED AND APPROVED this the 12 day of January,  
A.D. 1984.

Raymond Rushing Mayor  
Raymond Rushing, Mayor

ATTEST:

Amy L. Wade  
Amy L. Wade, City Secretary

ORDINANCE NO. 28

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE CITY OF \_\_\_\_\_; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, on January 6, 1984, Gulf States Utilities Company filed with the City its Statement of Intent to increase its rates for electric utility service in the City of \_\_\_\_\_, effective February 10, 1984; and,

WHEREAS, the City Council has determined that Gulf States Utilities Company's proposed increase in its rates for electric utility service in the City should be suspended to a future date, to-wit: to a time 90 days after the proposed effective date of February 10, 1984, for the following reasons:

(1) The City Council has not had sufficient time to analyze and study the proposed increase;

(2) That in order to reach a determination of the justness, reasonableness, and propriety of such rate increase, it may be necessary to employ rate experts to investigate and analyze such proposed rates; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_:

Section 1. That the proposed increase by Gulf States Utilities Company of its rates for electric service in the City be, and is hereby, suspended for a period of 90 days after the proposed effective date of February 10, 1984.

Section 2. This being an Ordinance not requiring publication it shall take effect and be in force from and after its passage.

READ, ADOPTED, AND APPROVED this 9<sup>th</sup> day of February, A. D. 1984, by the City Council of the City of Cut and Shoot, Texas.

ATTEST:

Amy L. Wade  
City Secretary

Raymond Rustling  
, Mayor



CONSTRUCTION SPEED ZONE ORDINANCE

ORD # 28 A

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

WHEREAS, the State Department of Highways and Public Transportation has made it known to the City of Cut and Shoot that operations will begin in the near future to widen, pave and install drainage, pavement markings, signalization, signing and delineation along SH 105.

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

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

Along SH 105 from the west city limit to the east city limit, a distance of approximately 3.620 miles, 35 MPH to be effective when so signed within said zone.

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

Any person violating the provisions of this ordinance shall, upon conviction, be fined in any sum not to exceed Two Hundred Dollars (\$200).

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

PASSED AND APPROVED THIS 12 DAY OF July 1984.

ATTEST:

  
City Secretary

APPROVED:

  
Mayor



*Rushing*

TO BE VOTED ON MARCH 2, 1985

ORDINANCE NO. 29

MOBILE HOMES AND MOBILE HOME PARKS

Section 1. Definitions as used in this chapter.

Mobile home means any vehicle or similiar portable structure having no foundation other than wheels, jacks, blocks or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

Mobile home park means any plot of ground upon which five (5) or more mobile homes intended or occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

Mobile home space means a plot of ground within a mobile home park, accommodating one (1) mobile home.

Natural or artificial barrier means any railroad, public road, cyclone fence, or fence constructed of wood, metal or, masonry of at least six (6) feet in height.

Park means mobile home park.

Person means any natural individual, firm, trust, partnership, association or corporation.

Section 2. Purpose and intent of ordinance.

The purpose and intent of this ordinance is:

- (a) To provide certain minimum standards, provisions and requirements for safe, sanitary and suitable methods of construction and operation of present and future mobile home parks within the town.
- (b) To assure that mobile home parks shall not become a menace to public health, morals, safety or welfare.
- (c) To provide proper locations, sanitary and healthful conditions and facilities for mobile home units.

Section 3. Permit.

It shall be unlawful for any person to maintain or operate within the limits of the Town of Cut and Shoot, Texas, any mobile

home park unless such person shall first obtain a permit therefor. All mobile home parks in existence upon MAR. 15, 1985, shall within ninety (90) days thereafter obtain such a permit and in all other respects comply fully with the requirements of this chapter. However, a fee shall be charged for the transferring of a permit for a mobile home park.

#### Section 4. Permit fees.

The annual permit fee for each mobile home park shall be twenty-five dollars (\$25.00) plus two dollars (\$2.00) for each mobile home or travel trailer parking space available for use in the mobile home park. Said permit fee shall be due and payable on January 1 each year and all mobile home park owners shall obtain said permit within thirty (30) days thereafter, and in all other respects comply fully with requirements as set forth in this ordinance. However, those mobile home parks having a change in ownership during a current year, or opened during a current year, or opened after July 1 of a current year, shall be required to pay an amount of not less than twenty-five dollars (\$25.00) plus one dollar (\$1.00) per mobile home space available as said permit fee. If the permit fees are not paid by the end of thirty (30) days as set forth, above shall be considered in violation of this ordinance.

#### Section 5. Application for permit; contents.

Applications for a mobile home park shall be filed with the town secretary. The town secretary shall present the application to the town council for consideration and upon approval, the town secretary shall issue the permit. Applications shall be in writing, signed by the applicant and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the mobile home park.
- (c) A complete plan of the park showing compliance with Section 7.
- (d) Plans and specifications of all buildings and other improvements constructed, or to be constructed with the mobile home park.
- (e) Such further information as may be requested by the town council to enable it to determine if the mobile home park will comply with legal requirements.



The application and all accompanying plans and specifications shall be filed in triplicate. The town council or designated appointee shall investigate the applicant and the proposed plans and specifications, and make their recommendations thereon. The town council may approve the application contingent upon the completion of the park according to plans and specifications submitted with the application.

The town secretary at the direction of the town council shall issue the permit.

#### Section 6. Park owners to furnish town secretary certain information.

All owners of mobile home parks shall keep and maintain a register and within five (5) days after a mobile home unit has been located in said mobile home park, furnish to the town secretary the name of said owner, date of arrival, make, model, and year of the mobile home unit, license number, the state issuing the license, location of unit, park, and departure date, if known.

#### Section 7. Park plans.

The mobile home park shall conform to the following requirements:

- (a) The park shall be located on a well drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Mobile home spaces shall be provided in an orderly manner, consisting of a minimum space as to allow at least thirty (30) feet between units in width. No mobile home shall be parked end to end such that a minimum of thirty (30) feet does not exist between units. No mobile home shall be located closer than twenty (20) feet from a property line.
- (c) Mobile home spaces shall abut upon a roadway within the park, which has unobstructed access to a public street, alley or highway. All roadways within the park shall be no less than twenty (20) feet in width and if parking is allowed along the roadway, twenty eight (28) feet in width. Driveways to mobile home spaces shall be no less than twelve (12) feet in width. Roadways and driveways shall be surfaced with suitable materials so as to allow for travel in inclement weather.



- (d) A minimum of one (1) parking space for each mobile home shall be provided.
- (e) No mobile home situated in a mobile home park or elsewhere shall be placed within twenty five (25) feet of the curb or street boundary line of a lot or parcel of land.

Section 8. Location; distance from permanent residential buildings.

Each boundary of the mobile home park must be no closer than one hundred (100) feet from any permanent residential building located outside the park, unless separated therefrom by a natural or artificial barrier, as herein defined, or unless a majority of the property owners within said one hundred (100) foot area, consent in writing to the establishment of the park; provided, however, that the provisions of this section shall not apply to mobile home parks already in existence and in operation at the time of the passage of this ordinance.

Section 9. Maintenance.

Every person owning a mobile home park shall maintain such park and any facilities, fixtures, and permanent equipment in connection therewith in a clean and sanitary condition and shall keep and maintain said equipment in a state of good repair.

Section 10. Office building.

Each mobile home park shall be provided with a building to be known as the office in which shall be kept copies of all records pertaining to the management and supervision of the park as well as rules and regulations of the park and such records, rules and regulations to be available for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained therein.

Section 11. Rules and regulation of park.

It shall be the duty of the owner of the mobile home park to prescribe rules and regulations for management of the park; and to subscribe to any and all subsequent rules and regulations which may be adopted for the management of such park. Copies of all such rules and regulations shall be furnished to the town secretary. In addition thereto, it shall be the duty of the owner of the mobile home park to comply with the following:

- (a) Provide for regular inspection of water and sanitary conveniences.
- (b) Provide for the collection and removal of garbage and other waste material.
- (c) Prohibit the placing or storage of unsightly material or vehicles of any kind.
- (d) Provide for the regular cleaning, painting, repairing and disinfecting of all units as needed.
- (e) Take such other measures as may be deemed to be necessary by the Town of Cut and Shoot to preserve the health, comfort and safety of all persons residing in the park and the general public.
- (f) Notify all persons when locating a mobile home unit in their mobile home park that within five (5) days from said date, the Town of Cut and Shoot requires a permit to be obtained upon said mobile home, as provided in Section 20.
- (g) Report immediately to the town marshall of the Town of Cut and Shoot or the Montgomery County Sheriff Department, all acts of disorderly conduct committed by any person or persons inside the park.
- (h) See that all rules and regulations are made known to patrons of the park.

#### Section 12. Management of park.

Each mobile home park shall be under the direct management of the owner or his agent or representative, for whose acts the mobile home park owner shall be fully responsible. The name of the person entrusted with the direct management of a park shall be filed for reference with the town secretary.

#### Section 13. Mobile homes owned and operated outside the park area.

It shall be unlawful for any person to own and maintain a mobile home or homes in any place in the Town of Cut and Shoot, Texas, unless said person shall first secure a permit which shall be permanent until cancelled for good cause by the Town of Cut and Shoot.

#### Section 14. Unlawful to park mobile home except in mobile home park.



It shall be unlawful for any person to park a mobile home in the corporate limits of the Town of Cut and Shoot, Texas for a longer period of time than forty-eight (48) hours, except in an approved mobile home park as provided in this ordinance.

Section 15. Exceptions to Section 14.

The provisions of Section 14 shall not apply to:

- (a) Mobile home owners, who place a unit upon a plot of ground in the Town of Cut and Shoot, Texas,
  - (1) containing enough area so as to accommodate up to four (4) units while complying with current State of Texas and Montgomery County septic tank sewer requirements, and also complying with the minimum footage requirements for spacing between improvements and property lines as required in Section 7 of this ordinance.

after first obtaining a permanent mobile home permit on each such unit, as required herein.
- (b) Mobile home parked upon a lot where homes are manufactured or sold and where no person occupies such mobile home as a dwelling or sleeping place.
- (c) Mobile homes temporarily parked upon a lot as a temporary construction office and where no person occupies such mobile home as a dwelling or sleeping place.
- (d) Mobile homes temporarily parked upon a lot or tract of land for sales and display purposes and where no person occupies same as a dwelling or sleeping place.

Section 16. Additional construction; exception.

It shall be unlawful for any person operating a mobile home park to construct or permit to be constructed in such park or in connection with such mobile home any additional structure, building or shelter in connection with or attached to a mobile home unless approved by the Cut and Shoot Town Council; except, however, awnings of canvas or metals of suitable construction may be attached to said mobile home provided a minimum of thirty (30) feet exists between the outer most portions of the awning and the adjacent mobile home. Approval for additional structures, building or shelter in conjunction with said mobile home shall be granted if minimum spacing requirements of Section 7 herein are met.



Section 17. Mobile home park utilities and other services.

It shall be the responsibility of the mobile home park owner, to provide water and sewer and electrical services. If applicable, natural gas or liquified petroleum gas (LPG) shall be provided for each mobile home space as set forth in this section.

1. Water

The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per mobile home. Above ground level water storage tank containing a minimum of two thousand (2000) gallons of water shall be provided.

(a) The water distribution system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds and more than eighty (80) pounds per square inch under normal operating conditions at each mobile home.

(b) The water distribution system shall be so designed as to provide for water supply to fire hydrants as prescribed in Section 19. Water supply to fire hydrants shall provide for water discharge from two <sup>one and one-half</sup> 1½ inch hose streams. Each of two nozzles, held four (4) feet above ground, shall deliver at least seventy five (75) gallons of water per minute at a flowing pressure of at least twenty (20) pounds per square inch at highest point of development for fire hydrant. Water supply main line to fire hydrants shall be no less than eight (8) inches in diameter.

2. Electrical

All electrical installations in mobile home parks shall be designed and constructed in accordance with applicable National Electrical Code. Service conductors and service equipment and feeder circuit conductors in mobile home parks shall have an adequate capacity for the loads supplied and shall be rated not less than 100 amperes at 120/240 volts for each mobile home.

3. Sewer

Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service within the mobile home shall be discharged into a State of Texas

approved sewer system. Each mobile home space shall be provided with a trapped sewer at least four (4) inches in diameter which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, slop sink and laundries of the mobile home harbored in such space and having any and all such facilities. The trapped sewer in each mobile home space shall be connected to discharge the mobile home waste into a sewer system in compliance with applicable State of Texas regulations.

4. If the owner provides natural gas or liquified petroleum gas (LPG), the following minimum standards are required.

Each mobile home space shall be provided with the minimum hourly amount of natural or LPG gas.

- (a) The minimum hourly amount of natural or LPG gas shall be calculated as follows:

- (1) For the most remote mobile home site outlet on any branch or main

Natural: 125CFH LPG: 50CFH

- (2) For the second most remote outlet on any branch or main

Natural: 100CFH LPG: 40CFH

- (3) For the third most remote outlet on any branch or main

Natural: 75CFH LPG: 30CFH

After the third most remote outlet subsequent branch or main line loadings may be computed using a value of 50 cubic feet per hour for natural gas and 20 cubic feet per hour for liquified petroleum gas.

- (b) Installation.

All gas piping installed below ground shall have a minimum earth cover of eighteen (18) inches.



- (1) System shutoff valve. A readily accessible and identified shutoff valve controlling the flow of the gas to the entire gas piping system shall be installed near to point of connection to the service piping or supply connection of the liquified petroleum gas tank.
- (2) Mobile home site shutoff valve. Each mobile home site shall have an approved gas shutoff valve installed upstream of the mobile home site gas outlet and located on the outlet riser at a height of not less than four inches above grade. Such valve shall not be located under any mobile home. Whenever the mobile home site outlet is not in use, the outlet shall be equipped with an approved cap or plug to prevent accidental discharge of gas.

Section 18. It shall be the responsibility of the mobile home park owner to provide garbage receptacles.

Tightly covered metal or approved similar type garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not further than two hundred (200) feet from any mobile home space. The cans shall be kept in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

Section 19. Fire protection.

It shall be the responsibility of the mobile home park owner to provide fire hydrants as outlined in Section 17-1(b) herein; fire hydrants shall meet local Cut and Shoot Volunteer Fire Department specifications; same to be located not further than five hundred (500) feet from each mobile home space. No open fires shall be permitted at any place which would endanger life or property.



Section 20. Permits for mobile homes in and outside of mobile home parks.

The following regulations shall be applicable to the obtaining of permits for mobile homes located in the Town of Cut and Shoot, Texas.

- (a) After MARCH 15, 1985, a permit shall be issued to the owners of all mobile homes situated and located in the corporate limits of the Town of Cut and Shoot, Texas.
  - (1) Mobile homes located in the Town of Cut and Shoot, Texas, prior to MARCH 15, 85, shall be issued a permit without charge.
- (b) A period of sixty (60) days from MARCH 15, 1985, shall be allowed all owners of mobile homes to obtain such permit, which shall be permanent.
- (c) It shall be the responsibility of the owner of the mobile home park or property on which the mobile home is parked, to see that no mobile home is parked upon said property for more than five (5) days without a permit.
- (d) The permit shall, upon request, be made available for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained on the permit.
- (e) From and after MARCH 15, 1985, all mobile homes moving into and locating in a mobile home park, or on a lot, or parcel of land in the Town of Cut and Shoot, Texas, or existing mobile home owners in the Town of Cut and Shoot, Texas, who have failed to comply with Section 20(b) above, shall be required to obtain a permit at a cost of twelve dollars (\$12.00) which shall be permanent. Five (5) days from date of entry shall be allowed within which to obtain such permit.
- (f) The application for permit shall contain the name of the mobile home owner, his address (mailing), a description of the mobile home as to make, model, size and serial number and any other information required by the Town.
- (g) Any mobile home park owner of property upon which a mobile home is parked shall be held in violation of this ordinance and subject to the penalties herein if he violates the requirements of his responsibility in this section.

- (h) A mobile home permit as herein defined may be revoked for violation of any portion of this ordinance.
- (i) The permits will be issued for a specific location, are nontransferable, and if lost, will not be duplicated or reissued. In such instance, a new permit will have to be obtained at a fee set out in (e) above.

#### Section 21. Register of occupants; inspection.

It shall be the duty of the permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:

- (a) The name and address of each occupant.
- (b) The make, model and year of all mobile homes.
- (c) The license number and owner of each mobile home and automobile, if any, by which it is towed.
- (d) The state issuing such license.
- (e) The date of arrival and of departure of each mobile home.
- (f) Whether or not each mobile home is self-contained or dependent on park facilities.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

#### Section 22. Supervision.

The owner of a mobile home park shall be responsible for keeping the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition and he shall be answerable, for any violation of the provisions of this ordinance.

#### Section 23. Public inspection, revocation or suspension of permit.



Duly authorized representatives of the Town of Cut and Shoot, Texas, shall be permitted access to the mobile home park, the street, utilities lines and connections and structures thereon, when performing town business and for inspection purposes, as a condition of permit issuance.

Upon the inspection, if it shall be found that the permit holder has violated any provision of this ordinance, or any provision of any sanitary or health measure of ordinance the said authority shall have the power to revoke or suspend any permit and notify the holder of such permit of such violation and the suspension of the permit. Unless such violation or violations have been corrected within ten (10) days from such notice, such authority or the town council shall have the power to revoke the permit.

Section 24. Ordinance applicable to mobile homes and mobile home parks.

The provisions of this ordinance, where applicable, shall apply to all mobile homes and mobile home parks situated within the limits of the Town of Cut and Shoot, Texas.

Section 25. Town council appeal.

Within ten (10) days after a permit request, duly presented, has been denied, the applicant may file a written notice of appeal to the town council, setting forth the prior actions on the application or plat, the objections thereto, and the action desired by the applicant, with the town secretary.

The town council will set a date for hearing the appeal, act thereon and its action will be final.

Section 26. Penalty for violations.

Any person, firm, trust, partnership, association or corporation violating any provision of this ordinance, whether or not such violation shall be found sufficient for revocation of any permit or license, may be punished by a fine of not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00).

Every violation of this ordinance shall be considered a separate offense and each day such mobile home parking is continued and each day that said mobile home or mobile home park is operated without a permit shall constitute a separate offense.



Motion was made by John Winters, seconded by Leonard McDonald that the following Ordinance be passed:

NO. 29

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, FINDING TRAFFIC BRIDGE ON MILMAC ROAD OVER CANEY CREEK IN THE TOWN LIMITS TO BE UNSAFE; PROVIDING FOR CLOSING THE ROAD, ERECTING FENCES, AND PLACING WARNING SIGNS ON EACH SIDE; DECLARING IT UNLAWFUL TO DAMAGE THE FENCES AND SIGNS; PROVIDING FOR PENALTY, AND EFFECTIVE DATE.

I.

WHEREAS, the following described roadway traverses the limits of Cut and Shoot, a legally organized and existing municipality in Montgomery County, Texas, to-wit:

BEING originally a part of old State Highway 105, which now branches off of State Highway 105, within the Town of Cut and Shoot, as presently located therein; now known as Milmac Road;

THENCE in an Easterly direction through Cut and Shoot, and terminating at FM 1484.

II.

WHEREAS, Caney Creek flows in a Southerly direction through the Town of Cut and Shoot, was bridged, and said bridge served as a traffic crossing for said Milmac Road;

III.

WHEREAS, said bridge is now broken down, incapable of use, will have to be replaced, and no funds are available for such purpose;

IV.

WHEREAS, Council is of the opinion and finds that said bridge over Caney Creek cannot be used as a crossing for traffic, is a continuing hazard, is dangerous, and for the protection of its inhabitants and the general public, the roadway at such location should be closed:

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

V.

(1) That the roadway at said bridge, and as above described, over and across Caney Creek, for the reasons set out, be closed.

(2) That a fence, as a barrier, be erected across the roadway at the terminus, on each side and adjacent to Caney Creek.

(3) That proper Warning signs be placed on each side of Caney Creek, at least ten (10) feet from the fence, in the middle of the road, with the following wording placed thereon:

WARNING  
ROAD CLOSED  
BRIDGE OUT  
By Order Cut and Shoot Town Council

(4) That the letters composing said words shall be at least four (4") inches high.

VI.

It shall be unlawful for any person to damage, tear down, remove or destroy the fences and warning signs, or any part thereof, as described herein.

VII.

Any violation of the provisions of, or any part of this Ordinance, shall be punishable by a fine not to exceed Two Hundred (\$200.00) Dollars.

VIII.

That this Ordinance shall be effective on and after the date of its passage.

PASSED AND APPROVED this the 8<sup>th</sup> day of August,

A. D. 1985.



ATTEST:

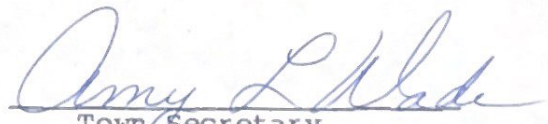
Amy L. Wade  
Town Secretary

Gene D. Dugan  
Mayor

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS,  
FINDING TRAFFIC BRIDGE ON MILMAC ROAD OVER CANEY  
CREEK IN THE TOWN LIMITS TO BE UNSAFE; PROVIDING  
FOR CLOSING THE ROAD, ERECTING FENCES, AND PLACING  
WARNING SIGNS ON EACH SIDE; DECLARING IT UNLAWFUL  
TO DAMAGE THE FENCES AND SIGNS; PROVIDING FOR PEN-  
ALTY AND EFFECTIVE DATE.

THE STATE OF TEXAS +  
COUNTY OF MONTGOMERY +  
TOWN OF CUT AND SHOOT +

I, Amy L. Wade, Town Secretary of the Town of Cut  
and Shoot, Texas, do hereby certify that the above and fore-  
going is a true and exact copy of the caption of an Ordinance  
duly passed and approved by the Town Council of the Town of  
Cut and Shoot, Texas, on the 8<sup>th</sup> day of August,  
A. D. 1985.

  
  
Town Secretary



OFFICER'S RETURN

CAME TO HAND on the 19<sup>th</sup> day of August, 1985,  
and executed by causing a properly executed copy of the within  
Ordinance caption to be posted at the following places, to-wit:

Cut and Shoot Post Office  
Cut and Shoot Mercantile  
Groceville General Store

on the 19 day of August, A. D. 1985.

WITNESS MY HAND, this the 19th day of August,  
A. D. 1985, at Cut and Shoot, Texas.

Amy L. Wade  
Town Secretary

I, Amy L. Wade, Town Secretary of the Town of Cut  
and Shoot, Texas, do hereby certify that the above and fore-  
going is a true and exact copy of the caption of an Ordinance  
duly passed and approved by the Town Council of the Town of  
Cut and Shoot, Texas, on the 19<sup>th</sup> day of August,  
A. D. 1985.

Amy L. Wade  
Town Secretary



Motion was made by Frank Pochu, seconded by John Winters, that the following Ordinance be passed:

NO. 30

ORDINANCE

AN ORDINANCE PROVIDING FOR THE REGULATION OF MOBILE HOMES AND MOBILE HOME PARKS IN THE TOWN OF CUT AND SHOOT, TEXAS; DEFINING TERMS; PROVIDING FOR THE ISSUANCE OF MOBILE HOME PERMITS AND MOBILE HOME PARK PERMITS; PROVIDING FOR REVOCATION; PROVIDING FOR FEES; PROVIDING FOR CERTAIN DATA TO BE FURNISHED TOWN SECRETARY; PROHIBITING THE USE OF MOBILE HOMES WITHOUT A PERMIT; PROVIDING FOR HEARING, SAVINGS CLAUSE, PENALTY, AND EFFECTIVE DATE.

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

SECTION I.

DEFINITIONS

That as used in this Ordinance:

- (a) "Mobile Home" means any vehicle or similar portable structure having no foundation other than wheels, jacks, blocks or skirtings, and so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
- (b) "Mobile Home Park" means any plot of ground upon which ~~THREE~~ (3) or more mobile homes intended or occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- (c) "Mobile Home Space" means a plot of ground within a Mobile Home Park, accommodating one (1) mobile home.
- (d) "Natural or Artificial Barrier" means any railroad, public road, cyclone fence, or fence constructed of wood, metal, or masonry of at least six (6) feet in height.
- (e) "Park" means Mobile Home Park.
- (f) "Person" means any natural individual, firm, trust, partnership, association or corporation.

SECTION II.

PURPOSE AND INTENT OF ORDINANCE

That the purpose and intent of this Ordinance is:

- (a) To provide certain minimum standards, provisions and requirements for safe, sanitary and suitable methods of construction and operation of present and future Mobile Home Parks within the Town.
- (b) To assure that Mobile Home Parks shall not become a menace to public health, morals, safety or welfare.
- (c) To provide proper locations, sanitary and healthful conditions and facilities for mobile home units.

### SECTION III.

#### PERMIT

It shall be unlawful for any person to maintain or operate within the limits of the Town of Cut and Shoot, Texas, any Mobile Home Park unless such person shall first obtain a permit therefor. All Mobile Home Parks in existence upon the effective date of this Ordinance shall, within ninety (90) days thereafter, obtain such a permit and in all other respects comply fully with the requirements of this chapter. However, a fee shall be charged for the transferring of a permit for a Mobile Home Park.

### SECTION IV.

#### PERMIT FEES

The annual permit fee for each Mobile Home Park shall be Twenty-Five and No/100 (\$25.00) Dollars, plus Two and No/100 (\$2.00) Dollars for each mobile home or travel trailer parking space available for use in the Mobile Home Park. Said permit fee shall be due and payable on January 1 of each year, and all Mobile Home Park owners shall obtain said permit thirty (30) days thereafter, and in all other respects comply fully with requirements as set forth in this Ordinance. However, those Mobile Home Parks having a change in ownership during a current year, or opened during a current year, or opened after July 1 of a current year, shall be required to pay an amount of not less than Twenty-Five and No/100 (\$25.00) Dollars, plus One and No/100 (\$1.00) Dollar per mobile home space available as said permit fee. If the permit fees are not paid by the end of thirty (30) days as set forth, the owner shall be considered in violation of this Ordinance.

### SECTION V.

#### APPLICATION FOR PERMIT; CONTENTS

1. Applications for a Mobile Home Park shall be filed with the Town Secretary. The Town Secretary shall present the application to the Town Council for consideration, and upon approval, the Town Secretary shall issue the permit. Applications shall be in writing, signed by the applicant, and shall contain the following:



- (a) The name and address of the applicant.
- (b) The location and legal description of the Mobile Home Park.
- (c) A complete plan of the park showing compliance with Section VII.
- (d) Plans and specifications of all buildings and other improvements constructed, or to be constructed with the Mobile Home Park.
- (e) Such further information as may be requested by the Town Council to enable it to determine if the Mobile Home Park will comply with legal requirements.

2. The Application and all accompanying plans and specifications shall be filed in triplicate. The Town Council or designated appointee shall investigate the applicant and the proposed plans and specifications, and make their recommendations thereon. The Town Council may approve the Application, contingent upon the completion of the Park according to plans and specifications submitted with the Application.

3. The Town Secretary, at the direction of the Town Council, shall issue the Permit.

#### SECTION VI.

##### MOBILE HOME PARK OWNERS TO FURNISH TOWN SECRETARY CERTAIN INFORMATION

All owners of Mobile Home Parks shall keep and maintain a register, and within five (5) days after a mobile home unit has been located in said Mobile Home Park, furnish to the Town Secretary the name of said owner, date of arrival, make, model and year of the mobile home unit, license number, the State issuing the license, location of unit in Park, and departure date, if known.

#### SECTION VII.

##### MOBILE HOME PARK PLANS

The Mobile Home Park shall conform to the following requirements:

- (a) The Park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Mobile home spaces shall be provided in an orderly manner, consisting of a minimum space as to allow at least thirty (30) feet between units in width. No mobile home shall be parked end to end such that

a minimum of thirty (30) feet does not exist between units. No mobile home shall be located closer than twenty (20) feet from a property line.

(c) Mobile home spaces shall abut upon a roadway within the Park, which has unobstructed access to a public street, alley or highway. All roadways within the Park shall be no less than twenty (20) feet in width, and if parking is allowed along the roadway, twenty-eight (28) feet in width. Driveways to mobile home spaces shall be no less than twelve (12) feet in width. Roadways and driveways shall be surfaced with suitable materials so as to allow for travel in inclement weather.

(d) A minimum of one (1) parking space for each mobile home shall be provided.

(e) No mobile home situated in a Mobile Home Park or elsewhere shall be placed within twenty-five (25) feet of the curb or street boundary line of a lot or parcel of land.

#### SECTION VIII.

##### LOCATION; DISTANCE FROM PERMANENT RESIDENTIAL BUILDINGS

Each boundary of the Mobile Home Park must be no closer than one hundred (100) feet from any permanent residential building located outside the Park, unless separated therefrom by a natural or artificial barrier, as herein defined, or unless a majority of the property owners within said one hundred (100) foot area consent, in writing to the establishment of the Park; provided, however, that the provisions of this Section shall not apply to Mobile Home Parks already in existence and in operation at the time of the passage of this Ordinance.

#### SECTION IX.

##### MAINTENANCE

Every person owning a Mobile Home Park shall maintain such Park and any facilities, fixtures, and permanent equipment in connection therewith in a clean and sanitary condition, and shall keep and maintain said equipment in a state of good repair.

#### SECTION X.

##### OFFICE BUILDING

Each Mobile Home Park shall be provided with a building to be known as the office in which shall be kept copies of all records pertaining to the management and supervision of the Park, as well as rules and regulations of the Park, and such records, rules and



regulations to be available for inspection by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained therein.

#### SECTION XI.

##### RULES AND REGULATIONS OF PARK

It shall be the duty of the Owner of the Mobile Home Park to prescribe rules and regulations for management of the Park; and to subscribe to any and all subsequent rules and regulations which may be adopted for the management of such Park. Copies of all such rules and regulations shall be furnished to the Town Secretary. In addition thereto, it shall be the duty of the Owner of the Mobile Home Park to comply with the following:

- (a) Provide for regular inspection of water and sanitary conveniences.
- (b) Provide for the collection and removal of garbage and other waste material.
- (c) Prohibit the placing or storage of unsightly material or vehicles of any kind.
- (d) Provide for the regular cleaning, painting, repairing and disinfecting of all units as needed.
- (e) Take such other measures as may be deemed to be necessary by the Town of Cut and Shoot to preserve the health, comfort and safety of all persons residing in the Park and the general public.
- (f) Notify all persons when locating a mobile home unit in their Mobile Home Park that within five (5) days from said date, the Town of Cut and Shoot requires a permit to be obtained upon said mobile home, as provided in Section XX.
- (g) Report immediately to the Town Marshall of the Town of Cut and Shoot, or the Montgomery County Sheriff Department, all acts of disorderly conduct committed by any person or persons inside the Park.
- (h) See that all rules and regulations are made known to patrons of the Park.

#### SECTION XII.

##### MANAGEMENT OF MOBILE HOME PARK

Each Mobile Home Park shall be under the direct management of the Owner or his agent or representative, for whose acts the Mobile Home Park Owner shall be fully responsible. The name of the person entrusted with the direct management of a Park shall be filed for reference with the Town Secretary



SECTION XIII.

MOBILE HOMES OWNED AND OPERATED  
OUTSIDE THE PARK AREA

It shall be unlawful for any person to own and maintain a mobile home or homes in any place in the Town of Cut and Shoot, Texas, unless said person shall first secure a Permit, which shall be permanent until cancelled for good cause by the Town of Cut and Shoot, Texas.

SECTION XIV.

UNLAWFUL TO PARK MOBILE HOME  
EXCEPT IN MOBILE HOME PARK

It shall be unlawful for any person to park a mobile home in the corporate limits of the Town of Cut and Shoot, Texas, for a longer period of time than forty-eight (48) hours, except in an approved Mobile Home Park as provided in this Ordinance.

SECTION XV.

EXCEPTIONS TO SECTION XIV

The provisions of Section XIV shall not apply to:

- (a) Mobile home owners who place a unit upon a lot or plot of ground in the Town of Cut and Shoot, Texas, containing enough area so as to accommodate up to *Two (2)* units, while complying with current State of Texas and Montgomery County septic tank sewer requirements, and also complying with the minimum footage requirements for spacing between improvements and property lines as required in Section VII of this Ordinance, after first obtaining a permanent Mobile Home Permit on each such unit, as required herein.
- (b) Mobile home parked upon a lot or plot where homes are manufactured or sold and where no person occupies such mobile home as a dwelling or sleeping place.
- (c) Mobile homes temporarily parked upon a lot as a temporary construction office and where no person occupies such mobile home as a dwelling or sleeping place.
- (d) Mobile homes temporarily parked upon a lot or tract of land for sales and display purposes and where no person occupies same as a dwelling or sleeping place.

SECTION XVI.

ADDITIONAL CONSTRUCTION; EXCEPTION

It shall be unlawful for any person operating a Mobile Home Park to construct or permit to be constructed in such Park or in connection with such mobile home, any additional structure, building or shelter in connection with or attached to a mobile home,

unless approved by the Cut and Shoot Town Council; except, however, awnings of canvas or metals of suitable construction may be attached to said mobile home, provided a minimum of thirty (30) feet exists between the outermost portions of the awning and the adjacent mobile home. Approval for additional structures, building or shelter in conjunction with said mobile home shall be granted, if minimum spacing requirements of Section VII herein are met.

#### SECTION XVII.

##### MOBILE HOME PARK UTILITIES AND OTHER SERVICES

It shall be the responsibility of the Mobile Home Park Owner to provide water and sewer and electrical services. If applicable, natural gas or liquefied petroleum gas (LPG) shall be provided for each mobile home space as set forth in this Section.

#### 1. WATER

- (a) The water supply shall be capable of supplying a minimum of one hundred fifty (150) gallons per day per mobile home. Above ground level water storage tank containing a minimum of two thousand (2,000) gallons of water shall be provided.
- (b) The water distribution system shall be so designed and maintained as to provide a pressure of not less than twenty (20) pounds and more than eighty (80) pounds per square inch under normal operating conditions at each mobile home.
- (c) The water distribution system shall be so designed as to provide for water supply to fire hydrants as prescribed in Section XIX. Water supply to fire hydrants shall provide for water discharge from two one and one-half (1-1/2) inch hose streams. Each of the two nozzles, held four (4) feet above ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least twenty (20) pounds per square inch at highest point of development for fire hydrant. Water supply main line to fire hydrants shall be no less than eight (8) inches in diameter.

#### 2. ELECTRICAL

All electrical installations in Mobile Home Parks shall be designed and constructed in accordance with applicable National Electrical Code. Service conductors and service equipment and feeder circuit conductors in Mobile Home Parks shall have an adequate capacity for the loads supplied, and shall be rated not less than 100 amperes at 120/240 volts for each mobile home.



### 3. SEWER

Waste from showers, bathtubs, flush toilets, urinals, lavatories, slop sinks and laundries in service within the mobile home shall be discharged into a State of Texas approved sewer system. Each mobile home space shall be provided with a trapped sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory, slop sink and laundries of the mobile home harbored in such space and having any and all such facilities. The trapped sewer in each mobile home space shall be connected to discharge the mobile home waste into a sewer system in compliance with applicable State of Texas regulations.

### 4. NATURAL OR LIQUEFIED GAS

If and when the Owner provides natural gas or liquefied petroleum gas (LPG), the following minimum standards are required:

(a) Each mobile home space shall be provided with the minimum hourly amount of natural or LPG gas.

(b) The minimum hourly amount of natural or LPG gas shall be calculated as follows:

(1) For the most remote mobile home site outlet on any branch or main:

Natural: 125CFH    LPG: 50CFH

(2) For the second most remote outlet on any branch or main:

Natural: 100CFH    LPG: 40CFH

(3) For the third most remote outlet on any branch or main:

Natural: 75CFH    LPG: 30CFH

(c) After the third most remote outlet subsequent branch or main line, loadings may be computed using a value of 50 cubic feet per hour for natural gas and 20 cubic feet per hour for liquefied petroleum gas.

### 5. INSTALLATION

(a) All gas piping installed below ground shall have a minimum earth cover of eighteen (18) inches.

(b) System Shutoff Valve. A readily accessible and identified shutoff valve controlling the flow of the gas to the entire gas piping system shall be installed near to point of connection to the service piping or supply connection of the liquefied petroleum gas tank.



- (c) Mobile Home Site Shutoff Valve. Each mobile home site shall have an approved gas shutoff valve installed upstream of the mobile home site gas outlet and located on the outlet riser at a height of not less than four (4) inches above grade. Such valve shall not be located under any mobile home. Whenever the mobile home site outlet is not in use, the outlet shall be equipped with an approved cap or plug to prevent accidental discharge of gas.

#### SECTION XVIII.

##### MOBILE HOME PARK OWNER TO PROVIDE GARBAGE RECEPTACLES

Tightly covered metal or approved similar type garbage cans shall be provided by Owner in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not further than two hundred (200) feet from any mobile home space. The cans shall be kept in sanitary conditions at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

#### SECTION XIX.

##### FIRE PROTECTION

1. It shall be the responsibility of the Mobile Home Park Owner to provide fire hydrants as outlined in Section XVII-1(c) herein; fire hydrants shall meet local Cut and Shoot Volunteer Fire Department specifications; same to be located not further than five hundred (500) feet from each mobile home space.
2. No open fires shall be permitted at any place which would endanger life or property.

#### SECTION XX.

##### PERMITS FOR MOBILE HOMES IN AND OUTSIDE OF MOBILE HOME PARKS

The following regulations shall be applicable to the obtaining of Permits for mobile homes located within the boundaires of the Town of Cut and Shoot, Texas:

- (a) After the date of passage of this Ordinance, a Permit shall be issued to the Owners of all mobile homes situated and located in the corporate limits of the Town of Cut and Shoot, Texas.
  - (1) Mobile homes located in the Town of Cut and Shoot, Texas, prior to \_\_\_\_\_ shall be issued a Permit without charge.

- (b) A period of sixty (60) days from \_\_\_\_\_ shall be allowed all Owners of mobile homes to obtain such Permit, which shall be permanent.
- (c) It shall be the responsibility of the Owner of the Mobile Home Park, or property on which the mobile home is parked, to see that no mobile home is parked upon said property for more than five (5) days, without a Permit.
- (d) The Permit shall, upon request, be made available for inspection by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained on the Permit.
- (e) From and after \_\_\_\_\_ all mobile homes moving into and locating in a Mobile Home Park, or on a lot, or parcel of land in the Town of Cut and Shoot, Texas, or existing mobile home owners in the Town of Cut and Shoot, Texas, who have failed to comply with Section XX(b), above, shall be required to obtain a Permit at a cost of Twelve and No/100 (\$12.00) Dollars, which shall be permanent. Five (5) days from date of entry shall be allowed within which to obtain such Permit.
- (f) The application for Permit shall contain the name of the mobile home owner, his/her address (mailing), a description of the mobile home, as to make, model, size and serial number, and any other information required by the Town.
- (g) Any Mobile Home Park Owner of property upon which a mobile home is parked shall be held in violation of this Ordinance and subject to the penalties herein if he violates the requirements of his responsibility in this Section.
- (h) A mobile home Permit, as herein defined, may be revoked for violation of any of the provisions of this Ordinance.
- (i) The Permits will be issued for a specific location, are non-transferable, and, if lost, will not be duplicated or reissued. In such instance, a new Permit will have to be obtained at a fee set out in (e), above.

#### SECTION XXI.

##### REGISTER OF OCCUPANTS; INSPECTION

1. It shall be the duty of the permittee to keep a register containing a record of all mobile home owners and occupants located within the Park. The register shall contain the following information:

- (a) The name and address of each occupant.
- (b) The make, model and year of all mobile homes.
- (c) The license number and owner of each mobile home and automobile, if any, by which it is towed.

- (d) The State issuing such license.
- (e) The date of arrival and of departure of each mobile home.
- (f) Whether or not each mobile home is self-contained or dependent on park facilities.

2. The Park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

#### SECTION XXII.

##### SUPERVISION

The Owner of a Mobile Home Park shall be responsible for keeping the Mobile Home Park, its facilities and equipment, in a clean, orderly and sanitary condition, and he shall be answerable for any violation of the provisions of this Ordinance.

#### SECTION XXIII.

##### PUBLIC INSPECTION, REVOCATION OR SUSPENSION OF PERMIT

1. Duly authorized representatives of the Town of Cut and Shoot, Texas, shall be permitted access to the Mobile Home Park, the street, utility lines and connections and structures thereon, when performing Town business and for inspection purposes, as a condition of Permit issuance.

2. Upon the inspection, if it shall be found that the Permit holder has violated any provision of this Ordinance, or any provision of any sanitary or health measure or Ordinance, the said authority shall have the power to revoke or suspend any Permit and notify the holder of such Permit of such violation and the suspension of the Permit. Unless such violation or violations have been corrected within ten (10) days from such notice, such authority or the Town Council shall have the power to revoke the Permit.



SECTION XXIV.

ORDINANCE APPLICABLE TO MOBILE HOMES  
AND MOBILE HOME PARKS

The provisions of this Ordinance, where applicable, shall apply to all mobile homes and Mobile Home Parks situated within the limits of the Town of Cut and Shoot, Texas.

SECTION XXV.

TOWN COUNCIL APPEAL

1. Within ten (10) days after a Permit request, duly presented, has been denied, the Applicant may file a written notice of appeal to the Town Council, setting forth the prior actions on the Application or Plat, the objections thereto, and the action desired by the Applicant, from the Town Secretary.

2. The Town Council will set a date for hearing the appeal, act thereon, and its action will be final.

SECTION XXVI.

PENALTY FOR VIOLATIONS

1. Any person, firm, trust, partnership, association, or corporation violating any provision of this Ordinance, whether or not such violation shall be found sufficient for revocation of any Permit or license, may be punished by a fine of not less than Five and No/100 (\$5.00) Dollars nor more than Two Hundred and No/100 (\$200.00) Dollars.

2. Every violation of this Ordinance shall be considered a separate offense, and each day such mobile home parking is continued, and each day that said mobile home or Mobile Home Park is operated without a Permit shall constitute a separate offense.

SECTION XXVII.

SAVINGS CLAUSE

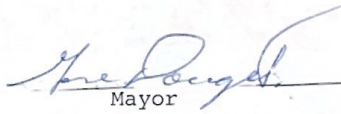
That if any clause, phrase, sentence or paragraph of this Ordinance shall be held void or unconstitutional for any reason, same shall not affect the other parts of this Ordinance.

SECTION XXVIII.

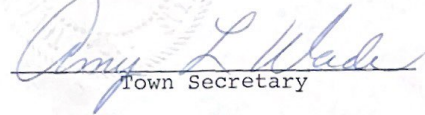
EFFECTIVE DATE

That this Ordinance and each section hereof shall take effect and be in full force from and after its passage.

PASSED AND APPROVED this 8<sup>th</sup> day of August, A.D. 1985.

  
Mayor

ATTEST:

  
Town Secretary

THILLERS TAILORS

COTTON CONTENT



COMMISSION

ROBERT C. LANIER, CHAIRMAN  
ROBERT H. DEDMAN  
JOHN R. BUTLER, JR.

STATE DEPARTMENT OF HIGHWAYS  
AND PUBLIC TRANSPORTATION

P. O. Box 1386  
Houston, Texas 77251

ENGINEER-DIRECTOR  
MARK G. GOODE

March 5, 1985

IN REPLY REFER TO  
FILE NO. DDE

Highway Traffic Signals - Completed Agreement

County: Montgomery  
Project: HES 000S(182)  
Control: 338-4-44  
Milepost: 26.5  
PD: 6950  
Location: SH 105 at FM 1485 in Cut and Shoot

Hon. Raymond Rushing  
Mayor, City of Cut and Shoot  
P. O. Box 7364  
Cut and Shoot, Texas 77303

Dear Mayor Rushing:

Attached for your records is a copy of the completed Traffic Signal Agreement executed to cover the State installation, operation and maintenance of a traffic signal at the subject location. It is anticipated that this project will be let for contract in March.

If you have any questions concerning the operation of this signal, please let us know.

Very truly yours,

*M. F. Poorman*  
For Omer F. Poorman  
District Engineer  
District No. 12

Attachments





STATE OF TEXAS       §  
COUNTY OF TRAVIS   §

This AGREEMENT, dated this 10 day of Jan, 1985, by and between the State of Texas, hereinafter called the "State," Party of the First Part; and the City of Cut and Shoot, Montgomery County, Texas, acting by and through its duly authorized officers under an Ordinance/~~Resolution~~, passed the 10 day of Jan, 1985, hereinafter called the "City," Party of the Second Part, is made to become effective when fully executed by both parties.

W I T N E S S E T H

WHEREAS, the City has authorized the installation, operation, and maintenance of highway traffic signal(~~s~~) by Ordinance/~~Resolution~~, passed on the 10<sup>th</sup> day of Jan, 1985, at the location(~~s~~) shown on EXHIBIT 1, attached hereto and made a part hereof;

A G R E E M E N T

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, it is agreed as follows:

1. The State will furnish the necessary funds for the actual construction, prepare plans and specifications, install said highway traffic signal(~~s~~), supervise construction, and upon completion of construction, will furnish the power and operate and maintain said highway traffic signal(~~s~~).

2. The City hereby consents to the construction of the highway traffic signal(~~s~~) shown on EXHIBIT 1 by the approval of the location and manner of construction as shown on the plans and described in the specifications.

3. The City will exercise no control whatsoever over the operation, maintenance, use, or existence of the highway traffic signal(s) without written authority from the State Department of Highways and Public Transportation.

4. The State shall have the authority to make such changes in the design and operation of the highway traffic signal(s) as it may deem necessary and advisable to promote the safe, convenient, and orderly movement of traffic.

5. The City will be responsible for the police enforcement required for securing obedience to the highway traffic signal(s).

6. In the event the signal(s) installed in accordance with this Agreement become unnecessary or are removed for any reason, this Agreement shall terminate.

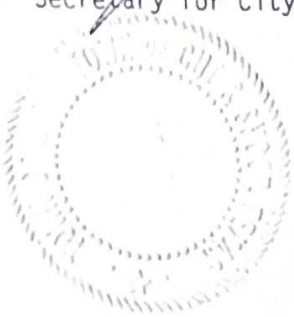
7. The State will not incur any financial obligation to the City as a result of this Agreement.

#### AGREEMENT

IN TESTIMONY WHEREOF, the parties hereto have caused these presents to be executed in triplicate on the dates shown hereinbelow.

Executed on behalf of the City, this  
10 day of JAN. 19, 85.

ATTEST:

  
Amy L. White  
Secretary for City

By: Raymond Rushing  
Mayor

THE STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies, or work programs heretofore approved and authorized by the State Highway and Public Transportation Commission:

APPROVED:

By: [Signature]  
Chief Engineer of Safety  
and Maintenance Operations

DATE: 2/13/85

AGREEMENT (TRAFFIC SIGNAL - TYPE 1A)



EXHIBIT 1

LOCATION(S)

SH 105 and FM 1485 in Cut and Shoot

EXHIBIT 1

ORDINANCE NO. 30

AN ORDINANCE PROVIDING FOR THE APPROVAL OF THE AGREEMENT DATED 1-10-85 BETWEEN THE STATE OF TEXAS AND THE CITY OF Cut and Shoot, FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE, USE, OPERATION, AND MAINTENANCE OF HIGHWAY TRAFFIC SIGNALS/ILLUMINATION AT THE LOCATION(S) SHOWN ON EXHIBIT 1, ATTACHED HERETO AND MADE A PART HEREOF, IN THE CITY OF Cut and Shoot; PROVIDING FOR THE EXECUTION OF SAID AGREEMENT: AND DECLARING AN EMERGENCY.

BE IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF Cut and Shoot:

SECTION 1. That the certain agreement dated 1-10-85 between the State of Texas and the City of Cut and Shoot, for the installation, construction, existence, use, operation, and maintenance of certain highway traffic signals/illumination at the location(X) shown on EXHIBIT 1, attached hereto and made a part hereof, in the City of Cut and Shoot, be and the same is hereby approved, and \_\_\_\_\_ is hereby authorized to execute said agreement on behalf of the City of Cut and Shoot, and to transmit the same to the State of Texas for appropriate action.

SECTION 2. The fact that the improvements contemplated under the above mentioned agreement are needed, creates an emergency which for the immediate preservation of the public peace, health, safety, and general welfare requires that this Ordinance take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Raymond Rushing  
Mayor

ATTEST:

Amy L. Uda  
Secretary

City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ORDINANCE (TRAFFIC SIGNAL/ILLUMINATION)

STATE OF TEXAS

COUNTY OF Montgomery

I, Amy L Wade, the duly appointed,  
qualified and acting city secretary of the City of Cut and Shoot,  
Texas, hereby certify that the foregoing pages constitute a true and correct  
copy of an ordinance ~~resolution~~ duly passed by the City Council at a meeting  
held on 1-10, A.D., 1985, at 8:00 o'clock P. M.

To certify which, witness my hand and seal of the City of Cut and Shoot  
Texas, this 10<sup>th</sup> day of January, 1985, at \_\_\_\_\_  
Cut and Shoot, Texas.



Amy L Wade  
City Secretary of the City of

Cut and Shoot, Texas



LOOP DETECTOR CHART

[illegible]

ELECTRICAL CHART

- [illegible]

**TOWN OF CUT AND SHOOT**  
P.O. BOX 7364  
CUT AND SHOOT, TEXAS 77303  
409-264-3100

MAYOR  
GENE DOUGET

ALDERMAN  
POS. 1 - BILL OLIPHANT  
POS. 2 - LEONARD McDONALD

MARSHALL  
MERLE ELLISOR

ALDERMAN  
POS. 3 - JOHN WINTERS  
POS. 4 -  
POS. 5 - JOE WHITE

Motion was made by JOHN WINTERS, seconded by  
BILL OLIPHANT, that the following Ordinance be passed:

SPEED ZONE ORDINANCE  
Ordinance # 31

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT ESTABLISHING  
SPEED LIMIT OF 30 M.P.H. WITHIN THE CORPORATE LIMITS  
OF CUT AND SHOOT, TEXAS UNLESS OTHERWISE SPECIFIED BY  
SPEED ZONE SIGNS.

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

WHEREAS, Upon the basis of a study by the Town Marshall  
and Council members hereby determined and declared to be  
reasonable and safe are hereby fixed at the rate of speed  
indicated for vehicles traveling upon the streets and highways,  
or parts thereof, described as Follows:

- (a) All roadways within the corporate limits of the  
Town of Cut and Shoot, Texas unless specified by  
posted speed zone signs.

WHEREAS, Any Person Violating the provisions of this  
Ordinance shall be deemed guilty of a misdemeanor and shall  
upon conviction, be fined in any sum not to exceed Two Hundred  
Dollars (\$200).

EFFECTIVE DATE

That this ordinance shall take effect and be in force from  
and after its passage.

PASSED AND APPROVED THIS 8th DAY OF August,  
1985.

ATTEST:

  
City Secretary

APPROVED:

  
Mayor



AN ORDINANCE BY THE TOWN OF CUT AND SHOOT  
ESTABLISHING SPEED LIMIT OF 30 M.P.H. WITHIN  
THE CORPORATE LIMITS OF CUT AND SHOOT, TEXAS  
UNLESS OTHERWISE SPECIFIED BY SPEED ZONE SIGNS.

THE STATE OF TEXAS

+

COUNTY OF MONTGOMERY

+

TOWN OF CUT AND SHOOT

+

I, Amy L. Wade, Town Secretary of the Town of Cut  
and Shoot, Texas, do hereby certify that the above and fore-  
going is a true and exact copy of the caption of an Ordinance  
duly passed and approved by the Town Council of the Town of  
Cut and Shoot, Texas, on the 8<sup>th</sup> day of August, A. D.  
1985.



Amy L Wade  
Town Secretary



OFFICERS RETURN

CAME TO HAND on the 20<sup>th</sup> day of August, 1985,  
and executed by causing a properly executed copy of the within  
Ordinance caption to be posted at the following places, to-wit:

Cut and Shoot Post Office  
Cut and Shoot Mercantile  
Graceville General Store

on the 20 day of August, A. D. 1985.

WITNESS MY HAND, this the 19<sup>th</sup> day of August,  
A. D. 1985, at Cut and Shoot, Texas.

Amy L Wade  
Town Secretary



ORDINANCE NO. 32

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE CITY OF ; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1985, Gulf States Utilities Company filed with the City its Statement of Intent to increase its rates for electric utility service in the City of , effective November 5, 1985; and,

WHEREAS, the City Council has determined that Gulf States Utilities Company's proposed increase in its rates for electric utility service in the City should be suspended to a future date, to-wit: to a time 90 days after the proposed effective date of November 5, 1985, for the following reasons:

(1) The City Council has not had sufficient time to analyze and study the proposed increase;

(2) That in order to reach a determination of the justness, reasonableness, and propriety of such rate increase, it may be necessary to employ rate experts to investigate and analyze such proposed rates; now, therefore,


BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF :


Section 1. That the proposed increase by Gulf States Utilities Company of its rates for electric service in the City be, and is hereby, suspended for a period of 90 days after the proposed effective date of November 5, 1985.

Section 2. This being an Ordinance not requiring publication it shall take effect and be in force from and after its passage.

READ, ADOPTED, AND APPROVED this 14 day of CLT AND SHOOT, A. D. 1985, by the City Council of the City of , Texas.

ATTEST:

  
City Secretary

  
Mayor



Motion was made by John Winters seconded by Frank Poche  
that the following Ordinance be passed:

NO. 33

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE TOWN OF CUT AND SHOOT , TEXAS; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE.

WHEREAS, on December 11, 1986, Gulf States Utilities Company filed with the City its Statement of Intent to increase its rates for electric utility service in the Town of Cut and Shoot , Texas, effective December 23, 1986; and

WHEREAS, the City Council has determined that Gulf States Utilities Company's proposed increase in its rates for electric utility service in the City should be suspended to a future date, to-wit: to a time 90 days after the proposed effective date of December 23, 1986, for the following reasons:

- (1) The City Council has not had sufficient time to analyze and study the proposed increase;
- (2) That in order to reach a determination of the justness, reasonableness, and propriety of such rate increase, it will be necessary to employ rate experts to investigate and analyze such proposed rates:


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

Section 1: That the proposed increase by Gulf States Utilities Company of its rates for electric service in the City be, and is hereby suspended for a period of 90 days after the proposed effective date of December 23, 1986.

Section 2. This being an Ordinance not requiring publication it shall take effect and be in force from and after its passage.

PASSED AND APPROVED this the 11th day of December, A. D. 1986.

ATTEST:

  
City Secretary

  
Mayor



Motion was made by John Winters . seconded by Frank Poche  
that the following Ordinance be passed:

NO. 33

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE TOWN OF CUT AND SHOOT , TEXAS; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE.

WHEREAS, on December 11 , 1986, Gulf States Utilities Company filed with the City its Statement of Intent to increase its rates for electric utility service in the Town of Cut and Shoot , Texas, effective December 23, 1986 ; and

WHEREAS, the City Council has determined that Gulf States Utilities Company's proposed increase in its rates for electric utility service in the City should be suspended to a future date, to-wit: to a time 90 days after the proposed effective date of December 23, 1986 , for the following reasons:

- (1) The City Council has not had sufficient time to analyze and study the proposed increase;
- (2) That in order to reach a determination of the justness, reasonableness, and propriety of such rate increase, it will be necessary to employ rate experts to investigate and analyze such proposes rates:

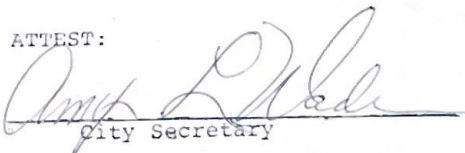
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF CUT AND SHOOT , TEXAS:

Section 1: That the proposed increase by Gulf States Utilities Company of its rates for electric service in the City be, and is hereby suspended for a period of 90 days after the proposed effective date of December 23, 1986 .

Section 2. This being an Ordinance not requiring publication it shall take effect and be in force from and after its passage.

PASSED AND APPROVED this the 11th day of December, A. D. 1986.

ATTEST:

  
City Secretary

  
Mayor

ORDINANCE NO. **35-A**

TOWN OF CUT AND SHOOT, TEXAS

CABLE TELEVISION FRANCHISE RENEWAL ORDINANCE

WHEREAS, the Town Council of the Town of Cut and Shoot, Texas, acting for and on behalf of the Town (the "Town"), does hereby ordain as follows:

Section 1. Title. This Ordinance shall be known as the "Cable Television Franchise Renewal Ordinance" and shall be referred to herein as "this Ordinance."

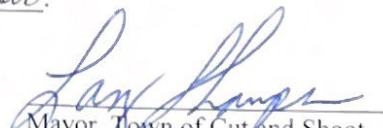
Section 2. Background. On April 9, 1987, the Town, by Ordinance No. 35, granted to DBJ Cable TV, L.P. ("DBJ") a franchise to construct, operate, maintain, repair, replace and upgrade a cable television system for the provision of cable television, video programming and other programming and related services in the Town (the "Franchise"). On August 3, 1988, DBJ assigned and transferred all of its right, title and interest in and to the Franchise to Hillsboro Cable TV, Limited Partnership ("HCTLP"). On October 12, 1995, by Ordinance No. 61, the Town granted the assignment of the Franchise from HCTLP to Northland Cable Properties Four Limited Partnership ("NCP-Four"). On October 31, 1995, NCP-Four assigned and transferred all of its right, title and interest in and to the Franchise to Northland Cable Properties, Inc. ("Northland"). On December 12, 1996, by Resolution No. 41, the Town granted the assignment of the Franchise from NCP-Four to Northland. By letter dated May 24, 1999, Northland notified the Town of its intent to renew the Franchise pursuant to federal law. The Town, after due consideration of Northland's renewal request and following public hearings on the matter, has determined it is appropriate and in the best interest of the residents of the Town to grant such renewal.

Section 3. Extension of the Franchise Term. The term of the Franchise is hereby extended for a period of fifteen (15) years, commencing May 9, 2002 and expiring May 8, 2017.

Section 4. Clarification of the Franchise. The Franchise allows the grantee under the Franchise to assign and transfer the Franchise from time to time (i) to its lender(s) for security purposes, and (ii) to its affiliates.

Section 5. Effect of this Ordinance. Except as specifically set forth in this Ordinance and each of the documents referenced in Section 2 of this Ordinance, the Franchise shall remain in full force and effect in accordance with its terms.

THIS ORDINANCE HAS BEEN APPROVED AND ADOPTED AND SHALL BE DEEMED EFFECTIVE this 2nd day of February, 2000.

  
Mayor, Town of Cut and Shoot

Attest:  
  
Town Clerk



TOWN OF CUT AND SHOOT  
P.O. BOX 7364  
CUT AND SHOOT, TEXAS 77303  
409-264-3100

MAYOR  
GENE DOUGET

ALDERMAN  
POS. 1 - BILL OLIPHANT  
POS. 2 - LEONARD McDONALD

ORDINANCE # 36

MARSHALL  
MERLE ELLISOR

ALDERMAN  
POS. 3 - JOHN WINTERS  
POS. 4 - Frank Poche  
POS. 5 - JOE WHITE

FLOOD PLAIN ORDINANCE

AN ORDINANCE ADOPTING LAND USE AND CONTROL MEASURES NECESSARY TO QUALIFY AREAS WITHIN THE TOWN OF CUT AND SHOOT FOR FEDERAL FLOOD INSURANCE, SETTING FORTH DEFINITIONS, DESIGNATING CONTROLLING MAPS AND DATA AND THEIR LOCATION, DESIGNATING REGULATORY FLOODWAY, AREAS TO BE REGULATED, PROHIBITING INCREASE IN WATER SURFACE ELEVATIONS, ESTABLISHING ELEVATIONS OF NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS OF BOTH RESIDENTIAL AND NON-RESIDENTIAL STRUCTURES, REQUIRING CERTIFICATE OF FLOODPROOFING AND MAINTENANCE OF RECORDS THEREOF, PROVIDING FOR SUBDIVISION AND OTHER NEW DEVELOPMENT APPROVAL, ESTABLISHING REQUIREMENTS FOR MOBILE HOMES, MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS WITHIN REGULATORY FLOODWAY, PROVIDING FOR CHANGE IN USE, LANDFILL AND BUILDING PERMITS, PROVIDING FOR NON-EXPANSION OF EXISTING USES AND PROHIBITING FILL OR ENCROACHMENT IN FLOODWAY, SPECIFYING REQUIREMENTS FOR MAJOR REPAIR TO STRUCTURES AND NEW OR REPLACEMENT WATER SUPPLY AND SANITARY SEWER FACILITIES WITHIN THE REGULATORY FLOODWAY, PROVIDING FOR ALTERATION OR RELOCATION OF A WATERCOURSE, PROVIDING FOR ADMINISTRATION OF THE ORDINANCE BY CITY BUILDING OFFICIAL, PROVIDING FOR VARIANCES AND EXCEPTIONS, PROVIDING FOR APPEALS, PROVIDING FOR WARNINGS AND DISCLAIMER OF LIABILITIES, PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN ALDERMEN OF CUT AND SHOOT, TEXAS.



## SECTION 1. PURPOSE

The purpose of this ordinance is to provide "land use and control measures" necessary to qualify areas within the corporate limits of the Town of Cut and Shoot, Texas, for flood insurance under the requirements of the National Flood Insurance Act of 1968, as amended.

## SECTION 2. DEFINITIONS.

"ACT" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"ADMINISTRATOR" means the Federal Insurance Administrator, to whom the Secretary of Housing and Urban Development has delegated the administration of the Program.

"BASE FLOOD" means the flood having a one percent chance of being equalled or exceeded in any given year.

"BUILDING" ---See "STRUCTURE".

"CHIEF EXECUTIVE OFFICER" of the Community ("CEO") means the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

"COMMUNITY" means the corporate limits of the Town of Cut and Shoot, Montgomery County, Texas, which has the authority to adopt and enforce flood plain management regulations within its jurisdiction.

"CRITERIA" means the comprehensive criteria for land management and use for flood-prone areas.

"DEVELOPMENT" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, plving, excavation or drilling operations.

"ELIGIBLE COMMUNITY" or "PARTICIPATING COMMUNITY" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program.

"EXCEPTION" means a waiver from the requirements of a rule, regulation, order or other determination made or issued pursuant to the Act.

"EXISTING CONSTRUCTION" means structures for which the "start of construction" commenced before the effective date of the FIRM.

"Existing construction" may also be referred to as "Existing Structures"



"EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION", means a parcel (or contiguous parcels) or land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of flood plain managements regulations adopted by a community.

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

"EXISTING STRUCTURES" means those structures in existence or on which construction or substantial improvement was started prior to the effective date of this ordinance. "Existing Structures" may also be referred to as "Existing Construction".

"FLOOD" or "FLOODING" means a general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other inland waters.

"FLOOD ELEVATIONS DETERMINATION" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"FLOOD ELEVATION STUDY" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"FLOOD HAZARD BOUNDARY MAP" (FHBM) means an official map or plat of the community, issued by the Administrator, on which the boundaries of the flood plain areas having special hazards have been drawn.

"FLOOD INSURANCE RATE MAP" (FIRM) means an official map of the community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY"---See "FLOOD ELEVATION STUDY"

"FLOOD PLAIN" or "FLOOD-PRONE AREA" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

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

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



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

"FLOODWAY"---See "REGULATORY FLOOD-WAY".

"FLOODWAY ENCROACHMENT LINES" mean the lines marking the limits of floodways on Federal, State and local flood plain maps.

"HABITABLE FLOOR" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "Habitable Floor".

"MAP" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for the community issued by the Federal Insurance Administration.

"MEAN SEA LEVEL" means the average height of the sea for all stages of the tide.

"MOBILE HOME" means a structure, transportable in one or more sections which is built on a permanent chassis and designated to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers. The term includes, but is not limited to, the definition of "Mobile Home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3282.7 (a) ).

"MOBILE HOME PARK OR MOBILE HOME SUBDIVISION"---See "EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION" or "NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION".

"NEW CONSTRUCTION" means, for the purpose of determining insurance rates, structures for which the "Start of Construction" commenced on or after the effective date of the community's FIRM. For flood plain management purposes, "New Construction" means structures for which the "Start of Construction" commenced on or after the effective date of a flood plain management regulation adopted by the community.

"NEW MOBILE HOME PARK OR MOBILE HOME SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of flood plain management regulations adopted by the community.

"100-YEAR FLOOD"---See "BASE FLOOD".

"PERSON" includes any individual or group of individuals, corporations, partnership, association, or any entity, including State and local governments and agencies.



"PROGRAM" means the National Flood Insurance Program.

"PROJECT COST" means the total financial cost of a flood protection system (including design, land acquisition, construction, fees, overhead, and profits), unless the Federal Insurance Administrator determines a given "cost" not to be a part of such project cost.

"REGULATORY FLOODWAY" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

"RIVERINE" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc..

"SPECIAL FLOOD HAZARD AREA" means the maximum area of the flood plain that, on the average, is likely to be flooded once every 100 years, i.e. will be flooded during a base flood.

"START OF CONSTRUCTION" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "Start of Construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "Start of Construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "Start of Construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"STATE" means any State, District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the Trust Territory of the Pacific Islands.



"STRUCTURE" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home. The term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"SUBSTANTIAL IMPROVEMENT" means any repair reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of a structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"VARIANCE" means a grant of relief by a community from the terms of a flood plain management regulation permitting construction in a manner otherwise prohibited by this ordinance and where enforcement would result in unnecessary hardship.

"WATER SURFACE ELEVATION" means the projected heights in relation to Mean Sea Level reached by floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

### SECTION 3. OFFICIAL CONTROLLING MAPS AND DATA.

Flood Hazard Boundary Maps, Community Number <sup>481279</sup>~~481279~~, effective date ~~1971-84~~, water-surface elevations above mean sea level (msl) of a flood with a one percent chance of occurring during any year, either shown on flood hazard boundary maps, Flood Insurance Rate Maps, or as otherwise provided, and floodway data to establish limits of encroachment of floodflow-restricting development, as provided by the Federal Insurance Administration (FIA) shall be controlling in administration of this ordinance. Both maps and data, by reference, are made a part of this ordinance. Revisions of maps and data, issued officially by FIA shall automatically replace prior issuances. They shall become official on their effective dates but shall not be applied retroactively in administering this ordinance.

#### SECTION 4. LOCATION OF MAPS AND DATA.

All official maps with controlling elevation and floodway data, after issuance, and available for public inspection at the offices of the Town Secretary, Mann Road, Montgomery County, Texas 77303. Phone 409-264-3100.

#### SECTION 5. DESIGNATION OF REGULATORY FLOODWAY.

The Town does hereby adopt a regulatory floodway, from data on the community's FIRM as provided by the Administrator, and shall prohibit encroachment, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway that would result in increase in water surface elevations within the community during the occurrence of the base flood discharge.

#### SECTION 6. AREAS TO BE REGULATED.

Certain Special Flood Hazard Areas of the Town which are to be regulated, at a minimum by this ordinance, are identified as Crystal Creek West Fork; Crystal Creek Tributary #3; Crystal Creek Tributary #4; and Caney Creek. Special Flood Hazard Areas are further identified by the Town Flood Insurance Rate Map (FIRM).

#### SECTION 7. INCREASE OF WATER SURFACE ELEVATIONS.

No use, including landfill, may be permitted within the adopted regulatory floodway having special flood hazards unless the applicant for the land use has demonstrated that the proposed use will carry the waters of the base flood, without increasing the water surface elevations.

#### SECTION 8. ELEVATION OF NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS OF RESIDENTIAL STRUCTURES.

New construction and substantial improvements of residential structures within the community's FIRM shall be required to have the lowest floor (including basement) elevated to or above the base flood level.



SECTION 9. ELEVATIONS OR FLOODPROOFING OF NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS OF NON-RESIDENTIAL STRUCTURES.

New construction or substantial improvements of non-residential structures within the community's FIRM shall be required to have the lowest floor (including basement) elevated to or above the base flood level, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 10. CERTIFICATE OF FLOODPROOFING AND MAINTENANCE OF RECORDS THEREOF.

Where floodproofing is utilized for a particular structure, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official controlling maps and data as identified in Section 3 of this ordinance.

SECTION 11. SUBDIVISION PROPOSALS AND OTHER NEW DEVELOPMENT.

All subdivision proposals, including those in the ~~town's~~ extraterritorial jurisdiction, embracing proposed development of portions of any areas officially identified as having special flood hazards must be approved prior to start of construction. Approval shall indicate that the requirements of this ordinance have been met unless, for supportable reasons, variances or exceptions have been granted by the ~~Town~~ following the appeal and adjustment procedures provided herein. Subdivisions or other proposed new development shall be required to be consistent with the need to minimize flood damage, locate, elevate, and construct all public utilities and facilities, such as sewer, gas, electrical and water systems, to minimize or eliminate flood damage, and to provide adequate drainage so as to reduce exposure to flood hazards; as a part of subdivision plat approval, water supply and sanitary sewage systems shall be designed and installed to minimize or eliminate infiltration of floodwaters into water systems and discharges from sewage systems into flood waters. Plats with planned on-site waste disposal systems shall be approved only where the system can be designed, located, and constructed so as to avoid impairment of these or contamination from these during flooding. All subdivision proposals and other proposed new development greater than 50 lots or five (5) acres, whichever is the less, shall include within such proposals base flood elevation data as identified on the community's FIRM.



#### SECTION 12. MOBILE HOMES IN REGULATORY FLOODWAY.

The placement of any mobile home is prohibited within the regulatory floodway except in an existing mobile home park or mobile home subdivision. All mobile homes placed within the City's regulatory floodway shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side, that frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side, that all components of the anchoring system be capable of carrying a force of 4,800 pounds and that any additions to the mobile home be similarly anchored.

#### SECTION 13. MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS WITHIN REGULATORY FLOODWAY.

The ~~City~~<sup>TOWN</sup> shall require within the Regulatory Floodway as identified on the community's FIRM for new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions, and for existing mobile home parks and mobile home subdivisions where the repair, construction or improvements of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvements have commenced, that stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level, that adequate surface drainage and access for a hauler is provided, that in the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than ten feet apart, and reinforcement is provided for pilings more than six feet above the ground level, and that an evacuation plan indicating alternate vehicular access and escape routes be filed with appropriate Disaster Preparedness Authorities.

#### SECTION 14. CHANGE OF USE, LANDFILL AND BUILDING PERMITS.

Permits shall be required prior to start of construction or new use for all new construction or substantial improvements, change of use, or landfill within any officially identified special flood hazard area. ~~Issuance of permission to build~~ shall indicate that the requirements of this ordinance have been met, unless, for supportable reasons, variances or exceptions have been granted by the ~~City~~<sup>TOWN</sup> following the appeal and adjustment procedures herein provided.



SECTION 15. NON-EXPANSION OF EXISTING USES IN REGULATORY FLOODWAY.

No existing nonconforming floodflow-restricting uses in the regulatory floodway shall be expanded. Modification, alteration, or repair may be permitted to incorporate floodproofing provided such measures will not raise the water-surface elevation at any point of a flood with a one percent chance of occurring during any year.

SECTION 16. PROHIBITION OF FILL OR ENCROACHMENTS IN REGULATORY FLOODWAY.

No fill or other encroachment shall be permitted within a designated floodway that will impair the ability of the floodway area between encroachment lines to carry and discharge the floodflow of a flood with a one percent chance of occurring during any year unless the effects of such fill or encroachment shall be fully offset by stream improvements. No unpermitted fill, encroaching development, or change of use within a designated floodway shall be made.

SECTION 17. MAJOR REPAIRS TO STRUCTURES.

Major repairs to structures shall use construction materials and utility equipment that are resistant to flood damage, and use construction methods and practices that will minimize flood damage.

SECTION 18. NEW OR REPLACEMENT WATER SUPPLY AND SANITARY SEWAGE FACILITIES.

New or replacement water supply and sanitary sewage facilities, in connection with building permits, shall be designed and installed to minimize or eliminate infiltration of floodwaters into water systems and discharges from sewage systems into floodwaters. On-site waste disposal systems, where use is permitted, shall be designed, located, and constructed so as to avoid impairment of them or contamination from them during flooding.

SECTION 19. ALTERATION OR RELOCATION OF A WATERCOURSE.

In administering this ordinance, the ~~TOWN~~ will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse and submit copies of such notification to the administrator to assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.



## SECTION 20. ADMINISTRATION BY CITY BUILDING OFFICIAL.

The Mayor, Town Marshal, or authorized representative, is charged with the administration and enforcement of this ordinance, and with the consent and approval of the Town Council shall have the authority to promulgate, publish and apply such guidelines and standards as may be required in the uniform administration of this ordinance. Such guidelines and standards, if any are so promulgated and published, shall be available for public inspection at offices located Town Hall, Highway 105 East or with City Secretary, Cut & Shoot, Montgomery County, Texas 77303. Application for permission to build hereunder shall be made to him and all permits hereunder shall be issued by him. He shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. He shall have authority to make reasonable inspections of all new construction and of all substantial improvement, both prior to and after starting construction, and of all other areas and matters pertaining to this ordinance. He shall collect all fees set by the Town Council necessary to recover costs incurred in meeting the requirements of this ordinance, shall enforce all regulations contained in this ordinance, and shall perform all of the duties necessary to carry out the requirements of this ordinance.

## SECTION 21. VARIANCES AND EXCEPTIONS.

Any person desiring a variance or exception to any requirement of this ordinance shall file a written statement with the Town Council of Cut and Shoot stating the nature of such requested variance or exception and the reason why same should be granted. Thereupon, the Town Council shall review such request based upon the criteria for granting variances and exceptions as set forth by the Administration. Within 30 days from the date of the applicant's request, the Mayor, Town Marshal or authorized representative shall notify the applicant in writing either granting or denying the request.

If the request for the variance or exception is denied, the authority shall include in his reply to the applicant the reason for his denial. Upon denial of such request, the applicant shall then have the right to appeal as provided for in this ordinance.

If the request for a variance or exception is granted, the authority shall promptly submit same to the Town Council for their approval.



The Town Aldermen may take exception to the granting of a variance or exception by calling a hearing to be held within 30 days from the date they first received notice of the granting of the variance or exception and render their decision either affirming or reversing the decision or action of the Mayor, Town Marshal or authorized representative. If a hearing is not held within said 30 days, approval for such variance and exception shall be issued to the applicant in writing by the authority stating that his request has been approved, that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates, the fact that the proposed structure is located in a flood prone area and that such construction below the base flood level increases risks of life and property. A copy of such notice shall also be attached to permission to build in order to make the builder and other parties involved aware of the risk.

#### SECTION 22. APPEALS.

If any person feels aggrieved by any action of the Mayor, Town Marshal or his duly authorized representative, in the denial or suspension of any permit hereunder or in any other matter pertaining to this ordinance, such person may appeal to the Town Council by filing written appeal with such Council within 30 days thereafter, stating the grounds for such appeal. Thereupon, promptly thereafter, the Town Aldermen shall conduct a hearing and render their decision either affirming or reversing the decision of the Mayor, Town Marshal or authorized representative.

#### SECTION 23. ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where the administration of the terms of this ordinance will impose greater restrictions, the provisions of this ordinance shall prevail. This ordinance shall take precedences over any conflicting laws, ordinances or codes, and all other laws, ordinances, codes or regulations inconsistent with the provisions of this ordinance are hereby repealed to the extent of the inconsistency only.

#### SECTION 24. WARNING AND DISCLAIMER OF LIABILITIES.

The flood protection required by this ordinance is based on a flood plain that, on the average, is likely to be flooded once every

100 years (i.e., that has a one percent chance of being flooded each year). However, larger floods than that of one percent chance of occurring in any year may occur on rare occasions or under unusual conditions. Flood heights may be higher than computed, due to man-made or natural causes which inhibit discharge of flood waters. This ordinance does not imply that areas outside of designated areas of special flood hazards or that usage permitted within delineation will be free of flooding or flood damage. This ordinance shall not create liability on the part of the City or any officer or employee thereof for any personal liability, death, or property damage from flooding that may result from reliance on this ordinance or on any administrative decision lawfully made hereunder.

SECTION 25. PENALTIES.

Any person violating any portion or portions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding Two Hundred Dollars (\$200.00) for each violation hereof.

SECTION 26. SEVERABILITY.

The provisions of this ordinance are severable. If any word, phrase, clause, sentence, section, provision or part of this ordinance should be held invalid or unconstitutional, it shall not effect the validity of the remaining portions hereof, and it is hereby declared to be the intent of the Town Council that this ordinance would have been adopted as to the remaining portions, regardless of the invalidity of any part.

SECTION 27. DECLARING AN EMERGENCY.

The fact that the Town of Cut and Shoot, Texas, is in immediate need of the passage of this flood insurance ordinance in order to continue the availability of flood insurance to the citizens of the Town creates a public emergency requiring that this ordinance be passed finally on the date of its introduction, and, the Mayor having declared the existence of such emergency and requesting such passage, this ordinance shall be passed finally and take effect and be in force and after its passage, it being passed this the 11th day of June, 1987.

Donald "Gene" Douget  
Donald Gene Douget, Mayor

Amy L. Wade  
Amy L. Wade, City Secretary



*Marked copy*

FLOOD DAMAGE PREVENTION ORDINANCE

OUTLINE

*Attachment to  
Ordinance #36*

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## ARTICLE I

## STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in \_\_\_\_\_  
(state) (statutes)  
delegated the responsibility to local governmental units to adopt regulations  
designed to minimize flood losses. Therefore, the Town Council  
(governing body)  
of Cut and Shoot, Texas, does ordain as  
(local unit) (state)  
follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Cut and Shoot, Tx. are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

In order to accomplish its purposes, this ordinance uses the following methods:



## ARTICLE 2

### DEFINITIONS

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

**APPEAL** - means a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance or a request for a variance.

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

**AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, AI-99, VO, VI-30, VE or V.

**BASE FLOOD** - means the flood having a one percent chance of being equalled or exceeded in any given year.

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

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

**ELEVATED BUILDING** - means a nonbasement building (i) built, in the case of a building in Zones AI-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones VI-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the the unimpeded movement of flood waters. In the case of Zones VI-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

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

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

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

**FLOOD INSURANCE STUDY** - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

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

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

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

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

**HABITABLE FLOOR** - means any floor usable for the following purposes; which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

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

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

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



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

**MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**NEW CONSTRUCTION** - means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

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

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

**SUBSTANTIAL IMPROVEMENT** - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.



VARIANCE - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

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

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

#### SECTION 4. DEVELOPMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure compliance with the provisions of this ordinance.

#### SECTION 5. COMPLIANCE

An applicant for a permit shall demonstrate compliance with the requirements of this ordinance and the National Flood Insurance Program regulations.

#### SECTION 6. APPROPRIATE AND GREATER RESTRICTIONS

This ordinance is not intended to restrict, supersede, or preempt any existing laws, ordinances, or rules of any other governmental entity. If any other law, ordinance, or rule is more stringent than this ordinance, the more stringent restrictions shall prevail.

#### SECTION 7. INTERPRETATION

In the interpretation and application of this ordinance, the provisions shall be construed to achieve the purpose of the ordinance in favor of the governing body, and the intent shall be to fill and repeal any other laws, ordinances, or rules that conflict with this ordinance.

#### SECTION 8. ADDITIONAL PROVISIONS TO SECTION 7

The provisions of this ordinance shall be interpreted and applied in a manner that is consistent with the purpose and intent of the ordinance, and the intent shall be to fill and repeal any other laws, ordinances, or rules that conflict with this ordinance.

ARTICLE 3  
GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of \_\_\_\_\_  
(local unit)

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for \_\_\_\_\_," dated \_\_\_\_\_, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE 4  
ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Mayor & Town Council is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

→ (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether proposed building site will be reasonable safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is \_\_\_\_\_, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

→ (8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

→ (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

→ SECTION C. PERMIT PROCEDURES

(1) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:



a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

e. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

(2) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area.

#### SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(10) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.



## ARTICLE 5

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements;

→ (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

→ (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

→ (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(4), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.



(3) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

a. Require that all manufactured homes to be placed within Zone A, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. All manufactured homes shall be in compliance with Article 5, Section B (1).

c. Require that all manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of Section B(4) of this Article.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

#### SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply;

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements—of nonresidential structures;

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1)a., are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

#### SECTION E. FLOODWAYS

Floodways - Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply;

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

### CERTIFICATION

It is hereby found and declared by Cut and Shoot TX that  
(local unit)

severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: Ronald McRough  
(local official)

PASSED: Jan 14, 1988  
(date)

### CERTIFICATE

I, the undersigned, Amy L Wade, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Team of Cut & Shoot, at a regular meeting duly convened  
(local unit)

on Jan 14, 1988  
(date)

Amy L Wade  
(Secretary or responsible person)





MOTION WAS MADE BY ROBERT MOORE, SECONDED BY  
GIF DALHAUS, THAT THE FOLLOWING ORDINANCE BE PASSED:

ORDINANCE NO. 36-A

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS, FOR FLOOD DAMAGE PREVENTION IN ACCORDANCE WITH THE TEXAS WATER CODE AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ADOPTING THE FLOOD PLAIN MANAGEMENT REGULATIONS OF THE FEMA THAT MEET THE STANDARDS OF THE NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS; PROVIDING FOR ENFORCEMENT OF SAME BY CRIMINAL PENALTIES FOR VIOLATING THIS ORDINANCE; PROVIDING FOR INJUNCTIVE RELIEF; REPEALING ORDINANCES IN CONFLICT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PASSAGE.

WHEREAS, the Town Council of the Town of Cut and Shoot, Texas, has received from the Federal Emergency Management Agency (FEMA) preliminary copies of the Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) for Montgomery County, Texas, and the incorporated areas of the Town of Cut and Shoot, for the Town Council's review and comment; and

WHEREAS, the effective FIRM identifies the Special Flood Hazard Areas (SFHAs) for the Cut and Shoot community; and

WHEREAS, under Section 1361 of the National Flood Insurance Act of 1968, as amended, prior to December 19, 1996, the Town of Cut and Shoot is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of Section 60.3(d) of the NFIP regulations (44 CFR 59, et seq); and

WHEREAS, the Town Council of the Town of Cut and Shoot, Texas, believes that it is in the best interest of the citizens of Cut and Shoot, Texas, that these flood plain management regulations be adopted;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE Town of Cut and Shoot, TEXAS, THAT:

I.

The Town of Cut and Shoot hereby adopts in total the Flood Damage Prevention Ordinance which is attached hereto and incorporated herewith for all purposes as Exhibit "A".

II.

It shall be unlawful for any person or entity to violate any of the terms, provisions or requirements of the Flood Damage Prevention Ordinance and any such violation shall be punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500.00). Each day that any such violation continues shall constitute a separate offense. In addition to the enforcement of penalties the Town shall have the right to file suit in the District or County Courts of Montgomery County, Texas, to seek equitable relief against violators in the form of Temporary Restraining Orders, Temporary Injunctions, Permanent Injunctions, and/or Mandatory Injunctions. In any such cause of action, if the Town of Cut and Shoot is the prevailing party, it shall be entitled to recover all damages, reasonable attorney's fees as established by the Court, costs of Court and expenses from the defendant(s) therein.

III.

All Ordinances, amendments to Ordinances, and parts of Ordinances in conflict herewith are hereby repealed.

  
LARRY C. FOUST, Town Attorney

VI.

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


V.

This Ordinance shall be effective as of the date ten (10) days after the publishing by the Town Secretary as the law provides.

PASSED AND APPROVED this the 14<sup>th</sup> day of November, 1996.

  
MARK PATTERSON, Mayor

ATTEST:

  
AMY WADE, Town Secretary

APPROVED:

  
LARRY L. FOERSTER, Town Attorney



FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas has in Section 16.315 of the (statutes) Texas Water Code delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Council of Town of Cut and Shoot,  
(governing body) (community)  
Texas, does ordain as follows:  
(state)

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of Town of Cut and Shoot are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

#### SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## ARTICLE 2

### DEFINITIONS

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

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

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

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

**AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

**BASE FLOOD** - means the flood having a one percent chance of being equalled or exceeded in any given year.

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

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

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



**ELEVATED BUILDING** - means a nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e) (5) of the National Flood Insurance Program regulations.

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

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

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

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

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

**FLOOD INSURANCE STUDY** - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

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

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

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

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

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

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

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

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

**HISTORIC STRUCTURE** - means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or;

(2) Directly by the Secretary of the Interior in states without approved programs.



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

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

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

**MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

**MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

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

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



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

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

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

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

**VARIANCE** - is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

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

**WATER SURFACE ELEVATION** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

### ARTICLE 3

#### GENERAL PROVISIONS

##### SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of Town of Cut and Shoot.  
(community)

##### SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Montgomery County, Texas," dated 12-19-96, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

##### SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

##### SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

##### SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

##### SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

##### SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.



## ARTICLE 4

### ADMINISTRATION

#### SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Town of Cut and Shoot is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

#### SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is TNRCC, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
- (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.



(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

#### SECTION C. PERMIT PROCEDURES

(1) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);

d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

e. Maintain a record of all such information in accordance with Article 4, Section (B) (1).

(2) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area.

#### SECTION D. VARIANCE PROCEDURES

(1) The appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.



b. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.



## ARTICLE 5

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.



(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### **SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

#### **SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of non-residential structures;

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.



(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1)a., are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

#### SECTION E. FLOODWAYS

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

CERTIFICATION

It is hereby found and declared by Town of Cut and Shoot  
(community)

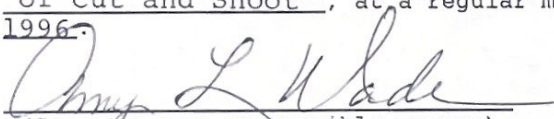
that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED:   
(community official)

PASSED: 11-14-96  
(date)

I, the undersigned, Amy L. Wade, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the Town of Cut and Shoot, at a regular meeting duly convened on 11-14-  
1996.

  
(Secretary or responsible person)

(SEAL)



## **ORDINANCE NO. 36-B**

### **FLOOD DAMAGE PREVENTION ORDINANCE**

#### **ARTICLE 1**

##### **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

###### **SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulation designed to minimize flood losses. Therefore, the City Council of Cut and Shoot, Texas does ordain as follows:

###### **SECTION B. FINDINGS OF FACT**

(1) The flood hazard areas of the City of Cut and Shoot are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

###### **SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;



(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Insure that potential buyers are notified that property is in a flood area. **SECTION**

#### **D. METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## ARTICLE 2

### DEFINITIONS

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

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

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

**FLOOD INSURANCE STUDY (FIS)** - see *Flood Elevation Study*

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

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

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

**FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the

extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

**FLOODWAY** - see *Regulatory Floodway*

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

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

**HISTORIC STRUCTURE** - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:



(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

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

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

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

**MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

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

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



which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

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

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

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

**RIVERINE** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

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



For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

## ARTICLE 3

### GENERAL PROVISIONS

#### SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of the City of Cut and Shoot, Texas.

#### SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Montgomery County and incorporated areas dated August 18, 2014 and accompanying Flood Insurance Rate Maps (FIRM) dated August 18, 2014 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

#### SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

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A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

#### SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

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#### SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.



## **SECTION F. INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

## **SECTION G. WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

## **ARTICLE 4**

### **ADMINISTRATION**

#### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Alderman Position 1 of the Cut and Shoot City Council is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance National Flood Insurance Program Regulations) pertaining to floodplain management.

#### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.



(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

### **SECTION C. PERMIT PROCEDURES**

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section (B)(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;



(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

#### **SECTION D. VARIANCE PROCEDURES**

(1) The Appeal Board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the

State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1 / 2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the 1 / 2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

[10] Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.



(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## **ARTICLE 5**

### **PROVISIONS FOR FLOOD HAZARD REDUCTION**

#### **SECTION A. GENERAL STANDARDS**

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;



(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

## **SECTION B. SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

**(1) Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

**(2) Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

**(3) Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:



(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### **(4) Manufactured Homes -**

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

### **SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.



#### **SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of **residential** structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(2) All new construction and substantial improvements of **non-residential** structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

#### **SECTION E. FLOODWAYS**

Floodways - located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an

extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

#### **SECTION F. SEVERABILITY**

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

#### **SECTION G. PENALTIES FOR NON COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 500 for each violation, and in addition shall pay all cost and expense involved in the case. Nothing herein contained shall prevent the City of Cut and Shoot City Council from taking such other lawful action as is necessary to prevent or remedy any violation.



**SECTION H. CERTIFICATION OF ADOPTION**

APPROVED: Regular Council Meeting

PASSED: August 14, 2014  
(adoption date)

ORDINANCE BECOMES EFFECTIVE: Aug 14 2014  
(effective date)

I, the undersigned, Lang Thompson, Mayor do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City Council of Cut and Shoot, Texas at a regular meeting duly convened on August 14, 2014

Lang Thompson  
Lang Thompson, Mayor



Seal



CONSTRUCTION SPEED ZONE ORDINANCE  
ORDINANCE # 37

AN ORDINANCE ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ON A PORTION OF FM 1484 WITHIN THE CORPORATE LIMITS OF CUT AND SHOOT AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

WHEREAS, the State Department of Highways and Public Transportation has made it known to the City of Cut and Shoot that operations will begin in the near future to make improvements along FM 1484; and

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

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

Along FM 1484 from Cut and Shoot North City Limit to SH 105, a distance of approximately 3.047 miles, 40 mph, to be effective when so signed within said zone.

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

Any person violating the provisions of this ordinance shall, upon conviction, be fined in any sum not to exceed Two Hundred Dollars (\$200).

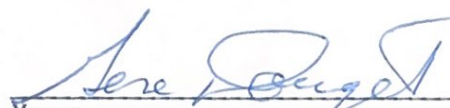
This ordinance shall be in effect only during the period of construction, and completion of this project shall automatically cancel the speed zones.

PASSED AND APPROVED THIS 8th DAY OF October 19 87.

ATTEST:

APPROVED:

  
  
City Secretary

  
Mayor

JOINT EMERGENCY MANAGEMENT PLAN

ORDINANCE # 38

AN ORDINANCE BY THE TOWN COUNCIL OF CUT AND SHOOT  
TO JOIN INTO AN EMERGENCY MANAGEMENT PLAN WITH THE  
COUNTY OF MONTGOMERY UNINCORPORATED AREAS.

WHEREAS, The Town Council of Cut and Shoot, Texas met in regular session on the 12th day of May, 1988 and passed an ordinance to join with Montgomery County in an emergency management organization whose purpose is comprehensive emergency management which includes the mitigation, preparedness response and recovery phases of emergency management; and

WHEREAS, The Town of Cut and Shoot and Montgomery County find that vulnerability to many potential hazards is shared by residents of Cut and Shoot and the unincorporated portions of Montgomery County; and

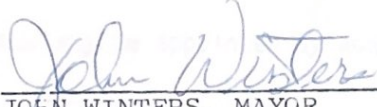
WHEREAS, The Town of Cut and Shoot and Montgomery County further finds that the common goal of emergency management can best be achieved through an organization which shares the combined resources of the Town and the County; and

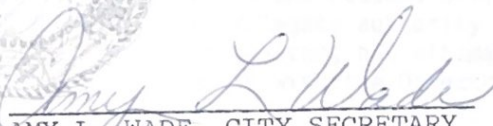
WHEREAS, The contemplated action is specifically authorized by the aforementioned ordinance and court order;

THEREFORE, BE IT RESOLVED that there is hereby established the Montgomery County Emergency Management organization which shall consist of the officers and employees of the City and of the County as designated in a joint emergency management plan, together with such organized volunteer group as that plan may specify.

PASSED AND APPROVED this 12th day of May  
1988.



  
JOHN WINTERS, MAYOR

  
AMY L. WADE, CITY SECRETARY



AN ORDINANCE ESTABLISHING A PROGRAM INCLUDING MITIGATION, PREPAREDNESS, RESPONSE AND RECOVERY PHASES OF COMPREHENSIVE EMERGENCY MANAGEMENT; ACKNOWLEDGING THE OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; AUTHORIZING THE APPOINTMENT OF AN EMERGENCY MANAGEMENT COORDINATOR; AND PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THOSE OFFICES; IDENTIFYING AN OPERATIONAL ORGANIZATION; GRANTING NECESSARY POWERS TO COPE WITH ALL PHASES OF EMERGENCY MANAGEMENT WHICH THREATEN LIFE AND PROPERTY IN THE CITY OF Cut and Shoot, TX; AUTHORIZING COOPERATIVE AND MUTUAL AID AGREEMENTS FOR RELIEF WORK BETWEEN THIS AND OTHER CITIES OR COUNTIES AND FOR RELATED PURPOSES; PROHIBITING UNAUTHORIZED WARNING AND ALL-CLEAR SIGNALS AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT TO EXCEED \$\_\_\_\_\_.

WHEREAS, the City Council of the City of Cut and Shoot, TX finds that the identification of potential hazards and the prevention or mitigation of their effects must be an on-going concern of the City if the lives and property of the populace are to be protected; and

WHEREAS, the City Council hereby declares that the preparation of a Comprehensive Emergency Management plan, and the means for its implementation, for the protection of lives and property in the City of Cut and Shoot from natural or man-caused disasters or threat thereof is immediately essential; and

WHEREAS, the City Council further finds that in times of disasters which may imperil the safety of the inhabitants of the City, or their property, it becomes necessary to effectuate and place into operation the preconceived plans and preparations with a minimum of delay; and

WHEREAS, the City Council finds, therefore, that the preparation, and implementation of such plans are now imperative;  
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Cut and Shoot, TX :

#### Section 1. ORGANIZATION

There exists the office of Emergency Management Director of the City of Cut and Shoot, TX, which shall be held by the Mayor in accordance with state law.

- (a) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director;
- (b) The Director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this ordinance. He/she may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for such execution shall remain with the Director.



- (c) The operational Emergency Management organization of the City of Cut and Shoot shall consist of the officers and employees of the City so designated by the Director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan.

## Section 2. EMERGENCY MANAGEMENT DIRECTOR - POWERS AND DUTIES

The duties and responsibilities of the Emergency Management Director shall include the following:

- (a) Conduct an on-going survey of actual or potential hazards which threaten life and property within the city and an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur.
- (b) Supervision of the development and approval of an emergency management plan for the City of Cut and Shoot, and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan.
- (c) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the City Council. Any order or proclamation declaring, continuing, or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- (d) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this ordinance. Such proclamations, regulations, or directives shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary.
- (e) Direction and control of the operations of the Cut and Shoot Emergency Management organization as well as the training of Emergency Management personnel.
- (f) Determination of all questions of authority and responsibility that may arise within the Emergency Management organization of the City.
- (g) Maintenance of liaison with other municipal, county, district, state, regional or federal, Emergency Management organizations.
- (h) Marshaling of all necessary personnel, equipment or supplies from any department of the City to aid in the carrying out of the provisions of the emergency management plan.



- (i) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which said city is located and with other municipalities within the county, for the county-wide coordination of Emergency Management efforts.
- (j) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving Emergency Management within the City.
- (k) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes.
- (l) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein.
- (m) Other requirements as specified in Texas Disaster Act 1975 (V.T.C.S. Article 6889-7).

### Section 3. EMERGENCY MANAGEMENT PLAN

A comprehensive Emergency Management Plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization, establish and designate divisions and functions, assign responsibilities, tasks, duties, and powers, and designate officers and employees to carry out the provisions of this ordinance. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Division of Emergency Management. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this ordinance and have the effect of law during the time of a disaster.

### Section 4. INTERJURISDICTIONAL PROGRAM

The Mayor is hereby authorized to join with the County Judge of the County of Montgomery and the mayors of the other cities in said county in the formation of an Emergency Management Council for the County of Montgomery and shall have the authority to cooperate in the preparation of a joint emergency management plan and in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as said program may affect the City of Cut And Shoot.

## Section 5. OVERRIDE

At all times when the orders, rules, and regulations made and promulgated pursuant to this ordinance shall be in effect, they shall supersede and override all existing ordinances, orders, rules, and regulations insofar as the latter may be inconsistent therewith.

## Section 6. LIABILITY

This ordinance is an exercise by the City of its governmental functions for the protection of the public peace, health, and safety and neither the City of Cut and Shoot TX, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule, or regulation promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons as the result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the City of Cut and Shoot a license of privilege, or otherwise permits the City to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or man-made disaster shall, together with his successors in interest, if any, not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of, or damage to, the property of such person.

## Section 7. COMMITMENT OF FUNDS

No person shall have the right to expend any public funds of the City in carrying out any Emergency Management activity authorized by this ordinance without prior approval by the City Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life, or property.

## Section 8. OFFENSES; PENALTIES

- (a) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Management organization in the enforcement of any rule or regulation issued pursuant to this ordinance, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this ordinance.
- (b) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the Emergency Management organization of the City of Cut and Shoot, unless authority to do so has been granted to such person by the proper officials.



- (c) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this ordinance and shall be subject to the penalties imposed by this ordinance.
- (d) Convictions for violations of the provisions of this ordinance shall be punishable by fine not to exceed \_\_\_\_\_ dollars (\$\_\_\_\_\_).

#### Section 9. SEVERABILITY

If any portion of this ordinance shall, for any reason, be declared invalid such, invalidity shall not affect the remaining provisions thereof.

#### Section 10. LIMITATIONS

This ordinance shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

#### Section 11. REPEALER

All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

READ AND APPROVED on first reading this the 11<sup>th</sup> day of

May, 1989.

READ, APPROVED AND ADOPTED on second reading this the 11<sup>th</sup>

day of May, 1989.

John Winters  
JOHN WINTERS, Mayor  
City of Cut And Shoot, Texas

ATTEST:

Amy L Wade  
Cut And Shoot, TX, City Secretary  
Amy L. Wade

## SPEED ZONE ORDINANCE

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF ARTICLE 6701D, VERNON'S TEXAS CIVIL STATUTES, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF CUT AND SHOOT, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200 FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, Article 6701D, Vernon's Texas Civil Statutes, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway, now therefore,

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

Section 1. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Article 6701D, Vernon's Texas Civil Statutes, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

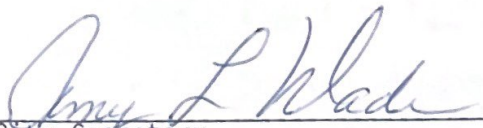
- (a) Along FM 1485 from the intersection of SH 105 to Cut and Shoot Southeast City limit, a distance of approximately 0.096 mile, 50 MPH.

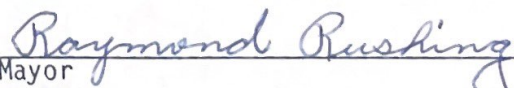
Section 2. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars (\$200).

PASSED AND APPROVED THIS 8<sup>th</sup> day of April, 19 82.

ATTEST:

APPROVED:

  
City Secretary

  
Mayor



STATE OF TEXAS

COUNTY OF MONTGOMERY

X  
X  
X  
ORDINANCE # 39  
ORDER DE-ANNEXATION

On this 9th day of March, 1989, the City Council of Cut and Shoot, Texas met in a regular meeting at the City Hall at Cut and Shoot, Texas. Under motion # \_\_\_\_\_ by Council member Leonard McDonald, which was seconded by Council member Mary Burt, the Roy Harris Homestead Property which is described in Volume 566, Page 377 and 378, of Deed Records of Montgomery County, Texas was de-annexed or excluded from the City limits of Cut and Shoot, Texas. A quorum of the City Council members were present. A record of their vote on this motion is shown as follows.

De-annexation

1. <del>Council</del> Member	<u>BILL OLIPHANT</u>	<u>ABSTAINED VOTE</u>
2. Council Member	<u>LEONARD McDONALD</u>	<u>VOTING FOR</u>
3. Council Member	<u>MARK PATTERSON</u>	<u>VOTING FOR</u>
4. Council Member	<u>FERN PRATT</u>	<u>VOTING FOR</u>
5. Council Member	<u>MARY BURT</u>	<u>VOTING FOR</u>

Amy L. Wade  
AMY WADE  
CITY SECRETARY OF  
CUT AND SHOOT, TEXAS

John Winters  
MAYOR  
OF CUT AND SHOOT, TEXAS



## The State of Texas

COUNTY OF MONTGOMERY

} Know all Men by These Presents:

THAT we, HALLET E. WORTHINGTON and wife, ESTELLE H. WORTHINGTON,  
(Grantors herein),

of the County of Harris State of Texas for and in consideration  
of the sum of Sixteen Thousand, Five Hundred & no/100 (\$16,500.00)

DOLLARS

to us paid, and secured to be paid, by ROY HARRIS and wife, JEAN GROCE HARRIS,

as follows:

The sum of Four Thousand, One Hundred Twenty-five & no/100 (\$4,125.00) Dollars has this day been paid in cash to us by Roy Harris and wife, Jean Groce Harris, receipt of which is here acknowledged, and the balance of Twelve Thousand, Three Hundred Seventy-five (\$12,375.00) Dollars to be paid in accordance with the terms of that one certain promissory installment vendor's lien note in the principal sum of Twelve Thousand, Three Hundred Seventy-five (\$12,375.00) Dollars, of even date herewith, executed by the said Roy Harris and wife, Jean Groce Harris, payable to the order of Hallet E. Worthington and wife, Estelle H. Worthington, at Houston, in Harris County, Texas, bearing interest from date at the rate of six per cent per annum; the principal of said note payable in three annual installments of Four Thousand, One Hundred Twenty-five (\$4,125.00) Dollars each; the first of which shall become due and payable on or before the 22<sup>nd</sup> day of May, 1965, and a like installment of \$4,125.00 due and payable on or before the 22<sup>nd</sup> day of May of each succeeding year thereafter until the full amount of said principal is paid; the interest on said note being due and payable annually, in addition to the principal, on the balance owing on said indebtedness, on the maturity date of the principal installments; said note containing the usual and customary attorney fee and accelerating maturity clause, and being further secured by deed of trust of even date herewith to J. F. Millard, of Houston, Harris County, Texas, or his Successor, Trustee, for the use and benefit of the holder and owner of said note and indebtedness;

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said

Roy Harris and wife, Jean Groce Harris, (Grantees herein)

of the County of Montgomery State of Texas all that certain tract of land, being 31.66 acres, more or less, out of a tract of 34.66 acres out of the Risher 90.3 acre Lot Twelve (12) in the Wm. Bridges Survey Abstract 73, Montgomery County, Texas, said 34.66 acres being described in deed from Mrs. Anne Risher Cartwright and husband, C. J. Cartwright, to us, dated the 19th day of April, 1963, recorded in Volume 540, page 438, of the Deed Records of Montgomery County, Texas, to which reference is here made for all purposes; said 31.66 acres, more or less, being described by metes and bounds as follows:  
BEGINNING at the Northeast corner of that certain 7.329 acre tract of land conveyed to Conroe Independent School District by deed dated March 16, 1942, recorded in Volume 228, page 457, of the Deed Records of Montgomery County Texas, in the South boundary line of State Highway No. 105;

THENCE South 89 deg. 51' East 951 feet, more or less, to the west boundary line of a County Road;  
 THENCE Southerly along the west boundary line of said County Road following its curvature to the intersection of the west boundary line of said County Road with the south line of said 34.66 acre tract for corner;  
 THENCE North 85 deg. 50' West 1510.15 feet, more or less, to the southwest corner of said 34.66 acre tract;  
 THENCE North 0 deg. 44' East 184.3 feet for corner;  
 THENCE South 89 deg. 10' East 382.5 feet to an iron pipe for corner;  
 THENCE North 0 deg. 10' West 833.0 feet to the place of beginning, containing, as aforesaid, 31.66 acres; more or less;  
 WITH THE EXCEPTION of all of the oil, gas, casinghead gas and all minerals and royalty reserved in deed from Mrs. Anne Risher Cartwright and husband C. J. Cartwright, to us, Hallet E. Worthington and wife, Estelle H. Worthington, in the deed dated the 19th day of April 1963, and recorded in Volume 540, page 438, Deed Records of Montgomery County, Texas;

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Roy Harris and wife, Jean Grace Harris, their heirs and assigns forever and we do hereby bind ourselves, our heirs, executors and administrators to Warrant and Forever Defend, all and singular the said premises unto the said Roy Harris and wife, Jean Grace Harris, their

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, except taxes as to 1964, which are pro-rated to date of this deed.

But it is expressly agreed and stipulated that the Vendor's Lien is retained against the above described property, premises and improvements, until the above described note, and all interest thereon are fully paid according to its face and tenor, effect and reading, when this deed shall become absolute.

WITNESS our hands at Houston, Texas  
 this 22<sup>nd</sup> day of May 1964.



*Hallet E. Worthington*  
 Hallet E. Worthington

Estelle H. Worthington

*Estelle H. Worthington*



Motion was made by Fern Pratt, seconded by Bill Oliphant, that the following Ordinance be passed:

NO. 39-A

#### ORDINANCE

AN ORDINANCE PROVIDING FOR THE REGULATION OF HOURS OF OPERATION OF THE TOWN PARK; PROHIBITING THE USE OF THE TOWN PARK AFTER IT IS CLOSED; PROVIDING FOR A PENALTY FOR VIOLATIONS; A SAVINGS CLAUSE; AND AN EFFECTIVE DATE.

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

#### I.

##### PURPOSE

The purpose of this Ordinance is to provide rules and regulations for the hours of operation of the town park.

#### II.

##### HOURS OF OPERATION

The park shall be open daily during each year from sunrise to 10:00 p.m., of any one day. Except as authorized in writing by the town mayor or town council member, or their designated representative, no person or persons (other than city personnel conducting city business therein) shall be permitted to occupy or be present in the town park during the hours the park is closed. The park shall be closed between 10:00 p.m. and sunrise of the following day. Closing hours shall be posted at the town park.

#### III.

##### PENALTY FOR VIOLATIONS

1. Any person violating any provision of this Ordinance may be punished by a fine of not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00).

2. Every violation of the Ordinance shall be considered a separate offense, and each day that any person or persons occupy or are present in the town park during the hours it is closed shall constitute a separate offense.



IV.

SAVINGS CLAUSE

If any clause, phrase, sentence or paragraph of this Ordinance shall be held void or unconstitutional for any reason, same shall not affect the other parts of this Ordinance.

V.

EFFECTIVE DATE

This Ordinance and each paragraph hereof shall take effect and be in full force from and after its passage.

PASSED AND APPROVED this 10<sup>th</sup> day of November, A.D. 1988.

John Winters  
Mayor

ATTEST:

Angie L. Wade  
Town Secretary

Gilbert bond

ORDINANCE NO. 40

AN ORDINANCE SUSPENDING THE PROPOSED RATE INCREASE BY GULF STATES UTILITIES COMPANY OF THE RATES FOR ELECTRIC UTILITY SERVICES IN THE CITY OF CUT & SHOOT, TX; PROVIDING THE REASONS THEREFOR; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, on March 21, 1989, Gulf States Utilities Company filed with the City its Statement of Intent to increase its rates for electric utility service in the City of CUT & SHOOT, TX, effective April 25, 1989; and,

WHEREAS, the City Council has determined that Gulf States Utilities Company's proposed increase in its rates for electric utility service in the City should be suspended to a future date, to-wit: to a time 90 days after the proposed effective date of April 25, 1989, for the following reasons:

(1) The City Council has not had sufficient time to analyze and study the proposed increase;

(2) That in order to reach a determination of the justness, reasonableness, and propriety of such rate increase, it may be necessary to employ rate experts to investigate and analyze such proposed rates; now, therefore,

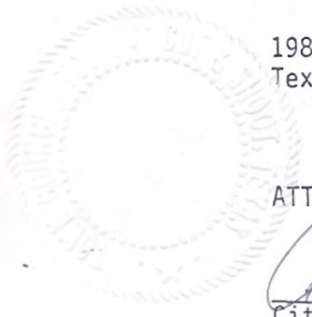
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUT & SHOOT

Section 1. That the proposed increase by Gulf States Utilities Company of its rates for electric service in the City be, and is hereby, suspended for a period of 90 days after the proposed effective date of April 25, 1989.

Section 2. This being an Ordinance not requiring publication it shall take effect and be in force from and after its passage.

READ, ADOPTED, AND APPROVED this 13 day of April, 1989, by the City Council of the City of CUT AND SHOOT, Texas.

ATTEST:

  
Amy L Wade  
City Secretary

John Winters  
Mayor

ORDINANCE NO. 41

AN ORDINANCE DECREASING RATES TO BE CHARGED BY GULF STATES UTILITIES COMPANY IN THE CITY OF CUT AND SHOOT, TEXAS, FINDING EXISTING RATES TO BE UNREASONABLE AND EXCESSIVE, FINDING THE RATES APPROVED HEREIN WILL PROVIDE REVENUES AS REQUIRED BY LAW, PROVIDING AN EFFECTIVE DATE, PROVIDING FOR SCHEDULES, CONDITIONS, AND REPEAL OF CONFLICTING ORDINANCES.

WHEREAS, on March 21, 1989, Gulf States Utilities Company ("GSU" or "Company") filed with the City of CUT AND SHOOT, TX. a request for an increase in electric utility rates to be charged within the City in the amount of \$88,004,846 per annum on a Texas retail basis, representing the first year of a eight and one-half year phase-in plan, or the equivalent of an approximately \$252.5 million annual increase on a traditional, one time basis, and;

WHEREAS, the City, having suspended the effective date of such proposed increase from April 25, 1989, and having considered the same after reasonable notice and public hearing, is of the opinion and finds that the rates of GSU should be adjusted;

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

PART 1: That the base rates, tariffs, and charges, exclusive of fuel costs, of GSU for electric power and energy sold within the City be revised to decrease annual revenues by \$14,399,707 on a Texas retail basis, amounting to a base rate decrease of approximately 3.5%. Such Schedules of Rates, as are approved in accordance herewith, are those under which said



Company shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy within the corporate limits of the City until such time as said Rate Schedules may be changed, modified, amended, or withdrawn, with the approval of the City Council.

PART 2: It is hereby found and determined that the existing rates charged by the Company within the City are excessive and unreasonable and that the rates established hereby are just and reasonable.

PART 3: The rates approved hereby fix the overall revenues of the Company at a level which will permit GSU a reasonable opportunity to earn a reasonable return on its invested capital used and useful in rendering service to the public over and above the Company's reasonable and necessary operating expenses.

PART 4: The rates approved hereby shall be effective and in force as of the date hereof and shall be charged and observed thereafter until revised according to law. Billings for periods of consumption which include consumption both under the Company's existing rate and the rate established hereby shall be prorated, based on the days within each such period, as though daily consumption was equal on each day throughout both such periods.

PART 5: That GSU shall file with the City within ten (10) days hereof a revised Schedule of Rates and Tariffs setting forth those rates, tariffs, and charges based upon such increase in total operating revenues as prescribed herein. The rate design

implemented by such schedules and tariffs shall be in accord with the rate design filed by GSU. Such Schedule of Rates and Tariffs may be modified or amended by the City Council within ten (10) days from the date of filing with the City, otherwise the same shall be considered approved as filed. Should GSU fail to file such revised schedule of rates and tariffs within such ten (10) day period all existing base rates shall be reduced across the board by 3.5%. Each customer bill shall reflect and each customer shall be charged a base rate charge equal to 96.5% of each such customer's base rate bill under the existing rate, all as provided herein.

PART 6: That the action of the City Council of the City of CUT AND SHOOT, TX enacting this Ordinance constitutes, on the date of its final passage, a final determination of rates for GSU within the City of CUT AND SHOOT, TX. in accordance with Section 43(e) of the Public Utility Regulatory Act.

PART 7: Nothing in this Ordinance contained shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of GSU.

PART 8: That all Ordinances, Resolutions, or parts thereof, in conflict herewith are repealed to the extent of such conflict.

PASSED FINALLY ON THIS 21 day of July, A.D. 1989.

ATTEST:

  
CITY SECRETARY

  
MAYOR

Motion was made by Leonard McDonald, seconded by Mary Burt, that the following Ordinance be passed:

NO. 42

ORDINANCE

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT ESTABLISHING A SPEED LIMIT OF 20 M.P.H. ON A PORTION OF MILLMAC ROAD THAT INCLUDES A CURVE AND BRIDGES AND PROVIDING FOR THE VIOLATION THEREOF.

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

WHEREAS, Upon the basis of a study by the Town Marshal and Town Council be it hereby determined and declared to be in the best interest of all to reduce the rate of speed of all vehicles traveling upon this designated strip of roadway.

Necessary signs for posting the speed zone will be furnished, installed, and maintained within this area.

Any person violating the provisions of this ordinance shall, upon conviction, be fined in any sum not to exceed Two Hundred Dollars (\$200).

EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED THIS 14 DAY OF September, 1989.

APPROVED:

John Winters  
John Winters, Mayor

ATTEST:

Amy L Wade  
Amy L. Wade, City Secretary



(Motion was made by Mary Burt, seconded by Fern  
Pratt, that the following Ordinance be passed:)

ORDINANCE NO. 44

AN ORDINANCE AUTHORIZING THE TOWN OF CUT AND SHOOT, TEXAS, PURSUANT TO THE TEXAS LOCAL GOVERNMENT RECORDS ACT, TO ESTABLISH AN ACTIVE AND CONTINUING RECORDS MANAGEMENT PROGRAM; DEFINING TOWN RECORDS; PROVIDING DEFINITIONS OF TERMS; DECLARING ALL TOWN RECORDS AS PUBLIC PROPERTY; ESTABLISHING A POLICY FOR THE MANAGEMENT OF PUBLIC RECORDS; DESIGNATING THE TOWN SECRETARY AS THE RECORDS MANAGEMENT OFFICER; DESIGNATING THE TOWN OF CUT AND SHOOT TOWN COUNCIL AS THE RECORDS MANAGEMENT COMMITTEE WITH ESTABLISHED DUTIES; DEVELOPING A RECORDS MANAGEMENT PLAN; ESTABLISHING THE DUTIES OF THE RECORDS MANAGEMENT OFFICER AND DEPARTMENT HEADS; DESIGNATING RECORDS LIAISON OFFICERS WITH DUTIES AND RESPONSIBILITIES; SETTING POLICIES FOR DEVELOPING AND FILING RECORDS CONTROL SCHEDULES; POLICY FOR DESTRUCTION OF SCHEDULED AND UNSCHEDULED RECORDS; THE RECORDS CENTER; MICROGRAPHICS; PROVIDING SAVING CLAUSE; REPEALING CLAUSE; AND EFFECTIVE DATE.

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act) provides that a city must establish by Ordinance an active and continuing records management program to be administered by a Records Management Officer; and

WHEREAS, the TOWN OF CUT AND SHOOT desires to adopt an Ordinance for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; NOW THEREFORE:

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

#### SECTION I

##### DEFINITION OF TOWN RECORDS

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the Town of Cut and Shoot or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the Town of Cut and Shoot and shall be created, maintained, and disposed of in accordance with the provisions of this Ordinance or procedures authorized by it and in no other manner.

## SECTION II

### ADDITIONAL DEFINITIONS

(1) "Department head" means the officer who by ordinance, order, or administrative policy is in charge of an office of the Town of Cut and Shoot that creates or receives records.

(2) "Essential record" means any record of the Town of Cut and Shoot necessary to the resumption or continuation of operations of the Town in an emergency or disaster, to the re-creation of the legal and financial status of the Town, or to the protection and fulfillment of obligations to the people of the State.

(3) "Permanent record" means any record of the Town of Cut and Shoot for which the retention period on a records control schedule is given as permanent.

(4) "Records control schedule" means a document prepared by or under the authority of the Records Management Officer listing the records maintained by the Town of Cut and Shoot records management program may require.

(5) "Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems.

(6) "Records liaison officers" mean the persons designated under Section 10 of this Ordinance.

(7) "Records management committee" means the committee established in Section 6 of this Ordinance.

(8) "Records management officer" means the person designated in Section 5 of this Ordinance.

(9) "Records management plan" means the plan developed under Section 7 of this Ordinance.

(10) "Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

### SECTION III

#### TOWN RECORDS DECLARED PUBLIC PROPERTY

All Town records as defined in Section I of this Ordinance are hereby declared to be the property of the Town of Cut and Shoot. No Town official or employee has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

### SECTION IV

#### POLICY

It is hereby declared to be the policy of the Town of Cut and Shoot to provide for efficient, economical, and effective controls over the creation distribution, organization, maintenance, use, and disposition of all Town records through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Texas Local Government Records Act and accepted records management practice.

### SECTION V

#### DESIGNATION OF RECORDS MANAGEMENT OFFICER

The Town Secretary and the successive holders of said office, shall serve as Records Management Officer for the Town of Cut and Shoot. As provided by state law, each successive holder of the office shall file his or her name with the director and librarian of the Texas State Library within thirty days of the initial designation or of taking up the office, as applicable.



## SECTION VI

### ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES

A Records Management Committee consisting of the elected members of the Town Council is hereby established. The committee shall:

- (a) assist the Records Management Officer in the development of policies and procedures governing the records management program;
- (b) review the performance of the program on a regular basis and propose changes and improvements if needed;
- (c) review and approve records control schedules submitted by the Records Management Officer;
- (d) give final approval to the destruction of records in accordance with approved records control schedules; and
- (e) actively support and promote the records management program throughout the Town of Cut and Shoot.

## SECTION VII

### RECORDS MANAGEMENT PLAN TO BE DEVELOPED; APPROVAL OF PLAN; AUTHORITY OF PLAN

(a) The Records Management Officer and the Records Management Committee shall develop a records management plan for the Town of Cut and Shoot. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of recordkeeping, to adequately protect the essential records of the Town, and to properly preserve those records of the Town that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this Ordinance effectively.

(b) Once approved by the Town Council the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the Town of Cut and Shoot and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

(c) State law relating to the duties, other responsibilities, or recordkeeping requirements of a department head do not exempt the department head or the records in the department head's care from the application of this Ordinance and the records management plan adopted

under it and may not be used by the department head as a basis for refusal to participate in the records management program of the Town of Cut and Shoot.

#### SECTION VIII

##### DUTIES OF RECORDS MANAGEMENT OFFICER

In addition to other duties assigned in this Ordinance, the Records Management Officer shall:

- (1) administer the records management program and provide assistance to department heads in its implementation;
- (2) plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- (3) in cooperation with department heads identify essential records and establish a disaster plan for each Town office and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- (4) develop procedures to ensure the permanent preservation of the historically valuable records of the Town;
- (5) establish standards for filing and storage equipment and for recordkeeping supplies;
- (6) study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for the Town of Cut and Shoot;
- (7) provide records management advice and assistance to all Town departments by preparation of a manual or manuals of procedure and policy and by on-site consultation;
- (8) monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and the Town's records control schedules are in compliance with state regulations;
- (9) disseminate to the Town Council and department heads information concerning state laws and administrative rules relating to local government records;
- (10) instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their

duties in the records management program;

(11) direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this Ordinance;

(12) ensure that the maintenance, preservation, microfilming, destruction, or other disposition of town records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;

(13) maintain records on the volume of records destroyed under approved records control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;

(14) report annually to the Town Council on the implementation of the records management plan in each department of the Town of Cut and Shoot, including summaries of the statistical and fiscal data compiled under Subsection (13); and

(15) bring to the attention of the Town Council non-compliance by department heads or other town personnel with the policies and procedures of the records management program of the Local Government Records Act.

#### SECTION IX

##### DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS

In addition to other duties assigned in this Ordinance, department heads shall:

(1) cooperate with the Records Management Office in carrying out the policies and procedures established in the Town of Cut and Shoot for the efficient and economical management of records and in carrying out the requirements of this Ordinance;

(2) adequately document the transaction of government business and the services, programs, and duties for which the department head and his or her staff are responsible; and

(3) maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records



management program of the Town of Cut and Shoot and the requirements of this Ordinance.

#### SECTION X

##### DESIGNATION OF RECORDS LIAISON OFFICERS

Each department head shall designate a member of his or her staff to serve as Records Liaison Officer for the implementation of the records management program in the department. If the Records Management Officer determines that in the best interests of the records management program more than one Records Liaison Officer should be designated for a department, the department head shall designate the number of Records Liaison Officers specified by the Records Management Officer. Persons designated as Records Liaison Officers shall be thoroughly familiar with all the records created and maintained by the department and shall have full access to all records of the Town of Cut and Shoot maintained by the department. In the event of the resignation, retirement, dismissal, or removal by action of the department head of a person designated as a Records Liaison Officer, the department head shall promptly designate another person to fill the vacancy. A department head may serve as Records Liaison Officer for his or her department.

#### SECTION XI

##### DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS

In addition to other duties assigned in this Ordinance, Records Liaison Officers shall:

- (a) conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
- (b) in cooperation with the Records Management Officer coordinate and implement the policies and procedures of the records management program in their departments; and
- (c) disseminate information to department staff concerning the records management program.

## SECTION XII

### RECORDS CONTROL SCHEDULES TO BE DEVELOPED; APPROVAL; FILING WITH STATE

(a) The Records Management Officer, in cooperation with department heads and Records Liaison Officers, shall prepare records control schedules on a department by department basis listing all records created or received by the department and the retention period for each record. Records control schedules shall also contain such other information regarding the disposition of Town records as the records management plan may require.

(b) Each records control schedule shall be monitored and amended as needed by the Records Management Officer on a regular basis to ensure that it is in compliance with records retention schedules issued by the state and that it continues to reflect the recordkeeping procedures and needs of the department and the records management program of the Town of Cut and Shoot.

(c) Before its adoption a records control schedule or amended schedule for a department must be approved by the department head and the members of the Records Management Committee.

(d) Before its adoption a records control schedule must be submitted to and accepted for filing by the director and librarian as provided by state law. If a schedule is not accepted for filing, the schedule shall be amended to make it acceptable for filing. The Records Management Officer shall submit the records control schedules to the director and librarian.

## SECTION XIII

### IMPLEMENTATION OF RECORDS CONTROL SCHEDULES; DESTRUCTION OF RECORDS UNDER SCHEDULE

(a) A records control schedule for a department that has been approved and adopted under Section 7 shall be implemented by department heads and Records Liaison Officers according to the policies and procedures of the records management plan.

(b) A record whose retention period has expired on a records control schedules shall be destroyed unless an open records request is pending on the record, the subject matter of the record is pertinent to a pending law suit, or the department head requests in

writing to the Records Management Committee that the record be retained for an additional period.

(c) Prior to the destruction of a record under an approved records control schedule, authorization for the destruction must be obtained by the Records Management Officer from the Records Management Committee.

#### SECTION XIV

##### DESTRUCTION OF UNSCHEDULED RECORDS

A record that has not yet been listed on an approved records control schedule may be destroyed if its destruction has been approved in the same manner as a record destroyed under an approved schedule and the Records Management Officer has submitted to and received back from the director the librarian an approved destruction authorization request.

#### SECTION XV

##### RECORDS CENTER

A records center, developed pursuant to the plan required by Section 7, shall be under the direct control and supervision of the Records Management Office. Policies and procedures regulating the operations and use of the records center shall be contained in the records management plan developed under Section 7.

#### SECTION XVI

##### MICROGRAPHICS

Where a micrographics program in a department is specifically ordered by the Cut and Shoot Town Council, all microfilming of records will be centralized and under the direct supervision of the Records Management Officer. The records management plan will establish policies and procedures for the microfilming of town records, including policies to ensure that all microfilming is done in accordance with standards and procedures for the microfilming of local government records established in rules of the Texas State Library and Archives Commission. The plan will also establish criteria for determining the eligibility of records for microfilming and protocols for ensuring that a microfilming program that is exempted from the centralized operations is, nevertheless, subject



to periodic review by the records management officer as to cost-effectiveness, administrative efficiency, and compliance with commission rules.

#### SECTION XVII

##### SAVINGS CLAUSE

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

#### SECTION XVIII

##### REPEALING CLAUSE

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

#### SECTION XIX

##### PUBLICATION

This Ordinance and each section hereof shall take effect and be in full force from and after its passage and proper notice if given.

PASSED AND APPROVED this the 14<sup>th</sup> day of March,  
A.D. 1991.

John Winters  
Mayor

ATTEST:

Amy L Wade  
Town Secretary

Ray G. Smith  
Town Attorney

MOTION WAS MADE BY MARY Burt, SECONDED BY LEONARD McDONALD  
THAT THE FOLLOWING ORDINANCE BE PASSED:

ORDINANCE NO. 45

AN ORDINANCE BY THE TOWN OF CUT AND SHOOT, TEXAS,  
TO ESTABLISH A POLICY FOR THE INSTALLATION OF  
DRIVEWAY CULVERTS WITHIN THE TOWN; TO PROVIDE  
PENALTY FOR VIOLATION OF THE ORDINANCE; AND TO  
ESTABLISH AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Cut and Shoot believes  
that it is in the best interest of all the town residents that  
uniform standards be established for the installation of driveway  
culverts along town streets and roadways; and

WHEREAS, by Article 1016, Revised Civil Statutes of Texas, any  
city or town is given exclusive control and power over the streets,  
alleys and public grounds and highways of the city or town; and

WHEREAS, the Town of Cut and Shoot has entered into an  
Interlocal Agreement with Montgomery County, Texas whereby the  
County, through its Precinct 4 County Commissioner, agrees to install  
culverts within the Town provided that the Town of Cut and Shoot  
reimburse the County for the County's costs of installation, and  
further provided that the Town and its residents comply with the  
County's Culvert Policy;

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

1. That the Town of Cut and Shoot establish a driveway culvert  
policy in accordance with the standards set out by the Montgomery  
County Culvert Policy. The current Montgomery County Culvert Policy,  
effective January 1, 1992, is attached hereto as an exhibit, adopted  
and incorporated herein.

2. That the Town of Cut and Shoot will bill each property  
owner for the culvert installation charges invoiced to the Town by  
the County. The property owner must pay the amount of the bill  
within thirty (30) days of the date of invoice.

3. That it should be unlawful for any person, firm or  
corporation, to install a driveway culvert along any street or  
roadway in the Town without using Montgomery County unless otherwise  
approved in writing by the Town of Cut and Shoot.

4. That any person, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than \$500.00 for each offense.

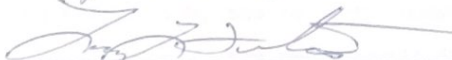
5. This Ordinance and each section hereof shall take effect and be in full force from and after its passage and proper notice is given.

PASSED AND APPROVED this the 13<sup>th</sup> day of February,  
A.D. 1992.

  
Mayor

ATTEST:

  
Town Secretary

  
Town Attorney



### MONTGOMERY COUNTY CULVERT POLICY

In order for driveway culverts to be installed by Montgomery County on all town streets, the following conditions must be met:

- a. The driveway location must be located on a town or county-maintained street or roadway in the Town of Cut and Shoot.
- b. Culverts must be purchased by the property owner, and delivered to the driveway location. Any additional materials required to install the culvert (bolts, bands, etc.) must also be provided by the property owner.
- c. The culverts must be a minimum of 18" in diameter, unless otherwise approved by Montgomery County. The culverts may be concrete, corrugated metal, heavy wall steel, or plastic pipe designed for drainage.
- d. The location of desired pipe placement must be staked on each end by the property owner.
- e. The County will install a maximum of 24' of pipe. If additional pipe is desired, it must be provided and installed by the owner. Montgomery County requires that clean-outs (surface grates) be installed in any pipe run of 40' or more. Clean-outs must be installed at a maximum of 40' intervals.
- f. Montgomery County will place excavated material over the pipe after it is installed. Base material (iron ore, limestone, etc.) will be the responsibility of the owner. If base material is provided while County machinery is on-site, the County will spread the material over the pipe.
- g. Driveways and driveway culverts, and the maintenance thereof are the responsibility of the property owner. Repair or replacement of culverts may be arranged with the County subject to the conditions above.
- h. The placement of driveway culverts is performed by the County as a convenience to residents of the Town of Cut and Shoot to allow access to their property. Placement of culverts for landscaping, beautification, or other aesthetic reasons is the sole responsibility of the owner.
- i. Damaged or deteriorated pipe will not be installed. Substandard culverts on Town street right-of-way may be removed by Montgomery County or the Town of Cut and Shoot.

#### MONTGOMERY COUNTY CULVERT POLICY

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- a. The driveway location must be located on a town or county-maintained street or roadway in the Town of Cut and Shoot.
- b. Culverts must be purchased by the property owner, and delivered to the driveway location. Any additional materials required to install the culvert (bolts, bands, etc.) must also be provided by the property owner.
- c. The culverts must be a minimum of 18" in diameter, unless otherwise approved by Montgomery County. The culverts may be concrete, corrugated metal, heavy wall steel, or plastic pipe designed for drainage.
- d. The location of desired pipe placement must be staked on each end by the property owner.
- e. The County will install a maximum of 24' of pipe. If additional pipe is desired, it must be provided and installed by the owner. Montgomery County requires that clean-outs (surface grates) be installed in any pipe run of 40' or more. Clean-outs must be installed at a maximum of 40' intervals.
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- g. Driveways and driveway culverts, and the maintenance thereof are the responsibility of the property owner. Repair or replacement of culverts may be arranged with the County subject to the conditions above.
- h. The placement of driveway culverts is performed by the County as a convenience to residents of the Town of Cut and Shoot to allow access to their property. Placement of culverts for landscaping, beautification, or other aesthetic reasons is the sole responsibility of the owner.
- i. Damaged or deteriorated pipe will not be installed. Substandard culverts on Town street right-of-way may be removed by Montgomery County or the Town of Cut and Shoot.

4. That any person, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than \$500.00 for each offense.

5. This Ordinance and each section hereof shall take effect and be in full force from and after its passage and proper notice is given.

PASSED AND APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_,  
A.D. 1992.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Secretary

\_\_\_\_\_  
Town Attorney



STATE OF TEXAS  
COUNTY OF MONTGOMERY

X  
X  
X

PETITION TO DE ANNEX

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Now comes Roy Harris and asks the City Council to remove his homestead from the city limits of Cut and Shoot, Texas.

It has come to my attention that a homestead within a city limits in Texas can consist of only one (1) acre. My homestead consists of 31.66 acres as shown in the document attached hereto and marked Exhibit A.

I therefore ask that my homestead be excluded from the City of Cut and Shoot by motion of the City Council.

My Homestead designation is recorded under file # 8900843 in the real property records of Montgomery County, Texas.

Respectfully yours,

Roy Harris  
ROY HARRIS

9348442

REAL PROPERTY RECORDS  
98  
4

MOTION WAS MADE BY Robert Moore, SECONDED BY Davis White,  
THAT THE FOLLOWING ORDINANCE BE PASSED:

ORDINANCE NO. 48

AN ORDINANCE BY THE CITY COUNCIL OF THE TOWN OF  
CUT AND SHOOT, TEXAS, TO DISANNEX 100 ACRES  
OF LAND WITHIN THE TOWN OF CUT AND SHOOT.

WHEREAS, there exists within the Town of Cut and Shoot, Texas,  
a sparsely populated area of approximately 100 acres in size; and

WHEREAS, certain residents within this area have petitioned the  
Mayor and Town Council of the Town of Cut and Shoot, Texas, to  
disannex this acreage so that road maintenance can be assumed by  
Montgomery County, Texas; and

WHEREAS, the Mayor and Town Council have been advised that the  
Precinct 4 County Commissioner will assume road maintenance of the  
roads within the disannexed area; and

WHEREAS, the Town Council finds that the proposed disannexed  
area consists of more than 10 acres contiguous to the Town and is  
inhabited by fewer than one occupied residence or business structure  
for every two acres, and fewer than three occupied residences or  
business structures on any one acre therein; and

WHEREAS, the Mayor and Town Council believe that this  
disannexation is in the best interest of the citizens of the Town of  
Cut and Shoot, Texas;

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

1. In accordance with Section 43.114 of the Texas Local  
Government Code, the Town Council of the Town of Cut and Shoot,  
Texas, ordains that a 100-acre portion of land presently within  
the Town of Cut and Shoot, more particularly described by metes and  
bounds on Exhibit "A" attached hereto and incorporated herewith, is  
hereby disannexed from the Town.

2. The Mayor of the Town of Cut and Shoot is directed to enter  
in the minutes of the Town Council an order discontinuing this area,  
whereupon the area will cease to be a part of the Town of Cut and  
Shoot from the date of the entry of the order.

908-01-1158

3. The Mayor is authorized to execute all documents necessary for recording this disannexation in the public records of Montgomery County, Texas.

PASSED AND APPROVED this the 8 day of July,  
A.D. 1993.

Mark Patterson  
Mayor

ATTEST:

Amy L. Wade  
Town Secretary

[Signature]  
Town Attorney

(Acknowledgment)

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 8th day of July, 19 93, by Mark Patterson, Mayor of the Town of Cut and Shoot, Texas, on behalf of the Town of Cut and Shoot, Texas.



Amy L. Wade  
Notary Public in and for the  
State of Texas

ORIGINAL ILLEGIBLE

MARK PATTERSON  
305 E. DAVIS  
CONROE, TEX 77301



908-01-1159

Cut-N-Shoot

COMMENCING: From the point of intersection of the Centerline of State Highway 105 and the Centerline of Farm to Market Road 1485;

THENCE: Northerly at right angles with Hwy 105, 300 feet; more or less;

THENCE: Easterly, parallel and 300 feet, North of the Centerline of State Hwy 105 to a point which is in a direct line with an extension of the West Line of road leading to the Gandy Property and being the POINT OF BEGINNING:

THENCE: Northerly, crossing old Hwy 105 to a point being the intersection of the North Right-of-Way Line of Old Highway 105 and the West Right-of-Way Line of Gandy Road; also being the Southwest corner of said Tract 3, being 5.38 acres;

THENCE: S 85 deg. 16' W, 392.5 feet, more or less and S 72 deg. 31' W, 259.5 feet, more or less along the North Line of Old Highway 105 now called Douget Road; also being the Southwest corner of said Tract 3;

THENCE: N 59 deg. 06' E, 722.5 feet, more or less to the West Line of Gandy Road; being the Northeast corner of said Tract 3;

THENCE: Northerly along the West Line of Gandy Road to the South Line of Gandy Property;

THENCE: Easterly along the Gandy property to the West corner of the Clarence Mizell 30 acre tract; being the most Southerly corner of the Gandy Property in the East Line of Gandy Road;

THENCE: Easterly along the Northline of the Clarence Mizell 30 acre tract to the intersection of a branch being the West Line of the 30 acre tract;

THENCE: Northeasterly along the branch on the West Line of the Mizell 30 acres to its point of intersection with the center of the East Fork of Crystal Creek;

THENCE: Southeasterly down Crystal Creek to the South Line of the T.P. Davey Survey;

THENCE: Southwesterly along the South Line of Davey Survey to the East Line of the above said Gandy Road;

908-01-1160

THENCE: Southerly, above said Gandy Road, along the East Line of Gandy Road crossing Old Highway 105 and intersecting with a line being 300 feet North of the Centerline of Hwy 105;

THENCE: Westerly along the Line being 300 feet, North of the Centerline of State Highway to the Place OF BEGINNING and containing 100 acres of land more or less.

Page 2 of 2

FILED FOR RECORD

93 SEP 10 AM 10:19

*Roy Harris*

COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS )  
COUNTY OF MONTGOMERY )

I hereby certify that this instrument was filed in File Number 908-01-1160 on the date and at the time stamped herein to me and was duly RECORDED in the official Public Records of Real Property of Montgomery County, Texas.

SEP 10 1993



*Roy Harris*

COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

MOTION WAS MADE BY BILL OLIPHANT, SECONDED BY LEONARD MCDONALD THAT THE FOLLOWING ORDINANCE BE PASSED:

ORDINANCE NO. 48-A

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS TO ANNEX 12.93 ACRES OF LAND BELONGING TO MARK PATTERSON INTO THE CORPORATE LIMITS OF CUT AND SHOOT.

WHEREAS, Petition was presented to the Town Council meeting in regular session on March 11, 1993 by property owner, Mark Patterson requesting that his 12.93 acre tract of land in the Bennette Blake Survey, A-4; in Montgomery County, Texas, recorded in Volume 648, Page 421 of the Montgomery County Deed Records be annexed into the corporate limits of the Town of Cut and Shoot, Tx.

WHEREAS, This matter was placed on the agenda of the next regular session of Town Council.

WHEREAS, Council in regular session April 8, 1993 took the following action on the matter of annexation of said 12.93 acres of land belonging to Mark Patterson:

On the 8th day of April, 1993, Alderman Laura Fern Pratt made the motion, which was seconded by Alderman Leonard McDonald, to annex this parcel of land belonging to Mark Patterson into the corporate limits of the Town of Cut and Shoot, Texas. A set of field notes will be attached to this instrument giving a legal description of the metes and bounds of this parcel of property. Annexation of this property was accepted with all council members being present and voting in favor.

WHEREAS, the Town Council, in regular session on May 12, 1994 addressed the matter of placing an ordinance number to this annexation. Alderman Bill Oliphant made the motion to affix an ordinance number to this annexation. Second was made by Alderman Leonard McDonald and passed with a quorum of council members present and voting in favor.

PASSED AND APPROVED this the 12th day of May, 1994, A.D.

  
Mayor

ATTEST:

  
Town Secretary



(Acknowledgment)

STATE OF TEXAS

\*

COUNTY OF MONTGOMERY

\*

This instrument was acknowledged before me on the 12th day of May, 1994, by Mark Patterson, Mayor of the Town of Cut and Shoot, Texas, on behalf of the Town of Cut and Shoot, Texas.



*Amy L. Wade*  
Notary Public in and for the  
State of Texas

March 8, 1993

City Council  
Cut n Shoot, Texas

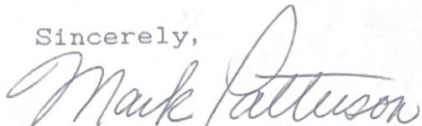
Dear Council Members:

I would like to propose that the Council consider the 12.93 acre tract of land to be annexed within the corporate limits of the Town of Cut n Shoot.

Please find attached a copy of the legal description of said property, for your convenience.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mark Patterson". The signature is written in dark ink and is positioned above the printed name and title.

Mark Patterson  
Mayor

MP:mb

1:  
Being 6.256 acres out of the Bennette Blake Survey, A-4; in Montgomery County, Texas, a part of the Marlin McDonald tract, recorded in Volume 648, Page 421 of the Montgomery County Deed Records.  
BEGINNING at a point in the South line of the Musgrove land, and Northwest corner of Marlin McDonald tract, said point being more particularly described in Volume 648, Page 421 of the Deed Records of Montgomery County, Texas, and with 2 1/2 inch iron rod in fence for corner;  
THENCE N 59° 30' 03" E along fence a distance of 373.46 ft. a 2" iron rod for corner;  
THENCE S 28° 28' 33" E along fence a distance of 734.41 ft. to fence post for corner;  
THENCE S 51° 42' 08" W a distance of 59.02 ft. to fence post for corner;  
THENCE S 58° 49' 44" W along fence a distance of 301.98 ft. to west line of 1.5 acre Marlin McDonald tract described in Volume 648, Page 417 of the Deed Records of Montgomery County, Texas, a fence post for corner;  
THENCE N 30° 00' 00" W along fence and West line of said 1.5 acre tract to North line of said 1.5 acre tract, and continuing in all a total distance of 745.73 ft. to a 2 1/2" iron rod and Place of Beginning, and containing 6.256 acres of land more or less.

Tract 2:

Being 3.474 acres of land in the Bennette Blake Survey, A-4, in Montgomery County, Texas, and being the same 3.474 acres described in Volume 648, Page 421 of the Deed Records of Montgomery County, Texas.  
BEGINNING in the South line of the Musgrove land at the Northwest corner of the Marlin McDonald tract, said corner being the same corner described in Volume 648, Page 421 of the Deed Records of Montgomery County, Texas, a 2 1/2" iron rod for marker;  
THENCE S 60° 01' 23" W along fence a distance of 763.10 ft. to fence post for corner;  
THENCE S 31° 14' 41" E along fence a distance of 187.98 ft. to fence post for corner;  
THENCE N 61° 40' 18" E along fence a distance of 759.34 ft. to iron rod for corner;  
THENCE N 30° 00' 00" W a distance of 309.78 ft. to a 2 1/2" iron rod and Place of Beginning, and containing 3.474 acres of land, more or less.

SAVE AND EXCEPT the following described property, to-wit:  
BEGINNING at the most Southwesterly corner of Tract 2;  
THENCE N 61° 40' 18" E 500 ft. to stake for corner;  
THENCE N 31° 05' 45" W 202.27 ft. to stake for corner in the North line of Tract 2;  
THENCE S 60° 01' 23" W 500 ft. to stake for corner, same being in the West corner of Tract 2;  
THENCE S 31° 14' 41" E 187.98 ft. to Place of Beginning, together with a 40 ft. easement and being 20 ft. on either side of line described as follows:  
BEGINNING at a point bearing N 31° 05' 45" W 20 ft. from Southeast corner of the immediately above described tract;  
THENCE N 61° 40' 18" E 279.34 ft. to stake;  
THENCE S 30° 00' 00" East to the South line of Tract 1:

Being 3.2 acres of land out of the Bennett Blake Survey, A-4, of Montgomery County, Texas, out of the A. W. Walters estate, and described as follows:  
BEGINNING at a stake set in the center of a black top road, and being 1688.1 ft. S 60° W from the Northeast corner of the land described as first tract in deed executed by Mrs. Ruth Walters on November 20, 1943, and recorded in Volume 261, Page 476, Deed Records of Montgomery County, Texas;  
THENCE S 34° E, along the Marlong McDonald line, 225.3 ft. to stake set for the Southeast corner;  
THENCE S 60° W 620 ft. to stake for corner;  
THENCE N 30° W 225 ft. to stake set for the Northwest corner, in the south line of the H. H. Spinks tract, 533.8 N 60° E of NW corner of M. McDonald  
THENCE N 60° E 619 ft. to the Place of Beginning, and containing 3.2 acres of land.



ORDINANCE NO. 49

AN ORDINANCE OF THE CITY OF Cut and Shoot, TEXAS FINDING, AFTER REASONABLE NOTICE AND HEARING, THAT THE EXISTING RATES OF GULF STATES UTILITIES COMPANY ARE UNREASONABLE; DETERMINING JUST AND REASONABLE RATES TO BE OBSERVED AND IN FORCE WITHIN THE CITY; ORDERING RATE REDUCTIONS; ORDERING A ONE TIME CREDIT TO RATEPAYERS' BILLS; FIXING SUCH RATES WHICH SHALL CONSTITUTE THE LEGAL RATES OF GULF STATES UTILITIES COMPANY UNTIL CHANGED AS PROVIDED BY THE PUBLIC UTILITY REGULATORY ACT; PROVIDING FOR THE FILING OF RATE SCHEDULES AND TARIFFS AND THE APPROVAL OR MODIFICATION OF SAME; AUTHORIZING REPRESENTATIVES OF THE CITY TO EFFECT IMPLEMENTATION OF SETTLEMENT OF THIS PROCEEDING AND CERTAIN OTHER MATTERS WITH GULF STATES UTILITIES COMPANY; ORDERING THAT THIS ORDINANCE BE SERVED ON GULF STATES UTILITIES COMPANY; PRESERVING REGULATORY RIGHTS OF THE CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

WHEREAS, the city of Cut and Shoot, Tx ("City"), acting as a regulatory authority, has provided reasonable notice and conducted a proper public hearing; and

WHEREAS, the City has, on its own motion, found that the existing rates of Gulf States Utilities Company ("GSU") for service within the City are unreasonable; and

WHEREAS, the City has determined that the rates of GSU should be decreased and ratepayers' bills should be credited on the dates and in the amounts hereinafter provided; and

WHEREAS, GSU has agreed to the reductions in rate and bill credits hereinafter provided for and to the settlement of certain other matters;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Cut And Shoot, TEXAS:

PART 1. The existing rates of GSU are hereby found, after reasonable notice and hearing, to be unreasonable and shall be decreased to reflect the reductions and credits hereinafter ordered. The rates resulting from such reductions and credits are hereby determined to be the just and reasonable rates to be observed and in force within the City.

PART 2. It is hereby ordered that the base rates of GSU for electric power and energy sold within the City be decreased by the amount of \$22.5 million per annum on a Texas retail systemwide basis, effective with all service rendered on and after November 1, 1993. Such base rate decrease shall be implemented on an across-the-board basis so that the base rates for all customer classes and each component thereof are reduced by the same percentage amount.

PART 3. It is hereby ordered that the base rates of GSU for electric power and energy sold within the City be decreased by the additional amount of \$20 million per annum on a Texas retail systemwide basis, effective on all bills rendered on and after September 1, 1994. Such base rate decrease shall be implemented on an across-the-board basis so that the base rates for all customer classes and each component thereof are reduced by the same percentage amount.

PART 4. It is hereby ordered that ratepayers within the City receive a one-time credit in the amount of \$20 million on a Texas retail systemwide basis as a separate line item credit which, to the extent possible, shall be applied to and reflected on all bills rendered to existing ratepayers during the billing month of December, 1993. Such base rate credit shall be implemented on an across-the-board basis so that the base rates for all customer classes and each component thereof are credited by the same percentage amount.

PART 5. Such rate schedules and tariffs, as are approved in accordance herewith, are fixed as and shall constitute the legal rates under which GSU shall be authorized to render electric service and to collect charges from its customers for the sale of electric power and energy and electric service rendered within the corporate limits of the City until such time as such rate schedules and tariffs may be changed as provided by the Public Utility Regulatory Act.

PART 6. GSU shall file with the City, no later than November 10, 1993, revised Schedules of Rates and Tariffs, together with rate design workpapers and supporting data as requested, setting forth those rates, tariffs, and charges based upon such decreases and credits as prescribed herein. Such Schedules of Rates and Tariffs may be modified or amended by the City Council within thirty (30) days from the date of filing with the City, otherwise the same shall be considered approved as filed.

PART 7. Representatives of the City are hereby authorized to effect implementation of the settlement of this proceeding and certain other matters as recommended by and subject to direction of the Steering Committee of Cities participating in GSU rate proceedings.

PART 8. This Ordinance shall be served on GSU by U.S. mail to Cecil Johnson, Vice President - Legal Services, P.O. Box 2951, Beaumont, Texas 77704.

PART 9. Nothing in this Ordinance contained shall be construed now or hereafter as limiting or modifying, in any manner, the right and power of the City under the law to regulate the rates and charges of GSU.

PART 10. All Ordinances, Resolutions, or parts thereof, in conflict herewith are repealed to the extent of such conflict.



PASSED FINALLY ON THIS 11<sup>th</sup> day of NovemBer,  
1993.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary



MOTION WAS MADE BY LANG THOMPSON, SECONDED BY LEONARD McDONALD,

THAT THE FOLLOWING ORDINANCE BE PASSED:

9465766

ORDINANCE NO. 56

AN ORDINANCE BY THE CITY COUNCIL OF THE TOWN OF  
CUT AND SHOOT, TEXAS, TO DISANNEX \_\_\_\_\_ ACRES  
OF LAND WITHIN THE TOWN OF CUT AND SHOOT.

WHEREAS, there exists within the Town of Cut and Shoot, Texas, a sparsely populated area of approximately \_\_\_\_\_ acres in size; said tract being described as Tract II in Exhibit "A" to an order from the Montgomery County Commissioners Court, dated April 14, 1969 and recorded in Volume 887, Page 849 of Deed Records of Montgomery County, Texas; and

WHEREAS, Tract II consisted of a one (1) foot strip following certain roads, survey lines, streams and other natural features and which one (1) foot strip wholly surrounds and contains an area described within Tract I of the above-referenced order; and

WHEREAS, the Town Council of the Town of Cut and Shoot has determined that a portion of the one (1) foot strip described as Tract II of the original Cut and Shoot territories, as incorporated and approved by the Commissioners Court of Montgomery County, Texas, by its order dated April 14, 1969, is unpopulated and not suitable for the municipal purposes of the Town of Cut and Shoot; and

WHEREAS, the Town Council of the Town of Cut and Shoot finds that such proposed disannexed area, to-wit: a portion of Tract II which lies within two miles of the corporate territories remaining a part of the City of Conroe as of the date of this ordinance, consists of more than 10 acres contiguous to the Town and is inhabited by fewer than 1 occupied residence or business structure for every two acres, and fewer than 3 occupied residences or business structures on any one acre therein; and

WHEREAS, the City of Conroe and the Town of Cut and Shoot, Texas, have entered into an Agreement providing for the mutual adjustment of the boundaries and extra territorial jurisdiction of the two municipalities ("the Agreement") dated September 8<sup>th</sup>, 1994, wherein the Town of Cut and Shoot agreed to disannex said portion of Tract II in exchange for the City of Conroe disannexing

I described in the above-referenced order, and for other good and valuable consideration; and

WHEREAS, the Mayor and Town Council believe that this disannexation is in the best interest of the citizens of the Town of Cut and Shoot, Texas;

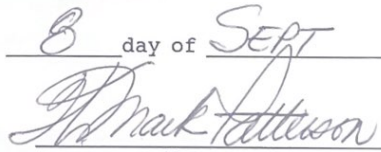
NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS, that:

1. In accordance with Section 43.114 of the Texas Local Government Code, the Town Council of the Town of Cut and Shoot, Texas ordains, that a \_\_\_\_\_-acre portion of land presently within the Town of Cut and Shoot, more particularly described by metes and bounds as Tract II on Exhibit "A" to an order of the Commissioners Court of Montgomery, County, Texas, dated April 14, 1969, and recorded in Volume 887, Page 849 of the Deed Records of Montgomery County, Texas, which lies within two miles of any of the corporate territories remaining a part of the City of Conroe following its disannexation required by Section 1 of the Agreement, is hereby disannexed from the Town.

2. The Mayor of Town of Cut and Shoot is directed to enter in the minutes of the Town Council an order discontinuing this area, that being one (1) strip of Tract II lying within the two mile extraterritorial jurisdiction of the City of Conroe, whereupon the area will cease to be a part of the Town of Cut and Shoot from the date of the entry of the order.

3. The Mayor is authorized to execute all documents necessary for recording this disannexation in the public records of Montgomery County, Texas.

PASSED AND APPROVED this the 8 day of SEPT,  
A.D. 1994.

  
Mayor

ATTEST:

  
Town Secretary

  
Town Attorney

024-00-2043

(Acknowledgment)


STATE OF TEXAS

§

COUNTY OF MONTGOMERY

§

This instrument was acknowledge before on the 8<sup>th</sup> day of September, 19 94, by Mark Patterson, Mayor of the Town of Cut and Shoot, Texas, on behalf of the Town of Cut and Shoot, Texas.

  
Notary Public in and for the  
State of Texas



RETURN TO:

DARDEN, FOWLER & CREIGHTON, L.L.P.  
Attn: Larry L. Foerster  
414 W. Phillips, Suite 100  
Conroe, TX 77301

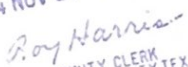
STATE OF TEXAS  
COUNTY OF MONTGOMERY  
I hereby certify that this instrument was filed in File  
Number Sequence on the date and at the time  
stamped herein by me and was duly RECORDED in  
the official Public Records of Real Property of  
Montgomery County, Texas.

NOV 28 1994



  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

FILED FOR RECORD  
94 NOV 28 PM 3:55

  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS



58

Motion was made by Robert Moore, seconded by Lang Thompson.

ORDINANCE NO. 57

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS, TO CHANGE THE TOWN TO A TYPE A GENERAL-LAW MUNICIPALITY IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Cut and Shoot is a duly incorporated municipality under the laws of the State of Texas; and

WHEREAS, the Town Council of the Town of Cut and Shoot, Texas wishes to change the Town to a Type A general-law municipality as provided in the Texas Local Government Code, Subsection, B, Sections 6.011-6.014; and

WHEREAS, at least two-thirds of the governing body of the Town at a regular meeting voted to make the change, after proper notice of said proposed change; and

WHEREAS, the Mayor and Town Council of Cut and Shoot, Texas, believe it is in the best interest of the citizens of the Town that such a change be adopted;

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

I.

The Town of Cut and Shoot, Texas shall be changed to a Type A general-law municipality, thereby adopting the statutory powers of a Type A general-law municipality.

II.

The Town secretary shall attest to the signature of the Mayor on this ordinance and shall file this ordinance in the office of the County Clerk of Montgomery County, Texas.

III.

This ordinance shall become effective immediately upon its passage.


PASSED AND APPROVED this the 8<sup>th</sup> day of December, A.D. 1994.

  
Mayor

ATTEST:

  
Town Secretary

APPROVED AS TO FORM AND CONTENT:

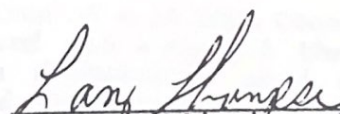
  
Larry L. Foerster, Town Attorney

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on 8 day of December, A.D. 1994, by Mark Patterson, Mayor of the Town of Cut and Shoot, Texas.

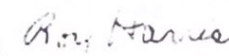


  
Notary Public in and for  
the State of Texas

STATE OF TEXAS  
COUNTY OF MONTGOMERY  
I hereby certify that this instrument was filed in File  
Number Sequence on the date and at the time  
stamped herein by me and was duly RECORDED in  
the official Public Records of Real Property of  
Montgomery County, Texas

DEC 14 1994



  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

CERTIFICATE FOR ORDINANCE

THE STATE OF TEXAS       §  
                                  §  
COUNTY OF MONTGOMERY   §  
                                  §  
TOWN OF CUT AND SHOOT   §

We, the undersigned officers of the Town Council of said Town, hereby certify as follows:

1. This Town Council of said Town convened in Regular Meeting on the 8th day of December, 1994, at the regular designated meeting place, and the roll was called of the duly constituted officers and members of the Town Council, to-wit:

W. Mark Patterson	Mayor
Leonard McDonald	Alderman
Robert Moore, III	Alderman
David A. White	Alderman
Lang Thompson	Alderman
Amy Wade	Town Secretary

and all of said persons were present, except the following absentees: Bill Oliphant - Alderman thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting:

AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS, TO CHANGE THE TOWN TO A TYPE A GENERAL-LAW MUNICIPALITY IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; AND PROVIDING AN EFFECTIVE DATE.

were duly introduced for the consideration of said Town Council and read in full. It was then duly moved and seconded that said Ordinance be passed; and, after due discussion, said motion, carrying with it the passage of said Ordinance, prevailed and carried by the following vote:

AYES:       All members of said Town Council shown present above voted "Aye".

NOES:       None.

2. That a true, full and correct copy of the aforesaid Ordinance passed at the Meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said Ordinance has been duly recorded in the Town Council's minutes of said Meeting; that the above and foregoing paragraph is

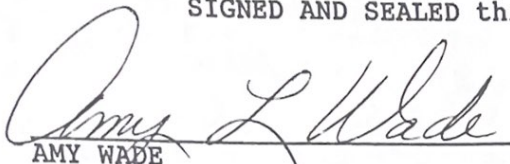
CERTIFICATE FOR  
ORDINANCE - 1



minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the Town Council's minutes of said Meeting pertaining to the passage of said Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Town Council as indicated therein; that each of the officers and members of the Town Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose; that said meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all are required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

3. That the Mayor of said Town has approved and hereby approves the aforesaid Ordinance; that the Mayor and the Town Secretary of said Town have duly signed said Ordinance; and that the Mayor and the Town Secretary of said Town hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Ordinance for all purposes.

SIGNED AND SEALED this 11<sup>th</sup> day of May, 1995.

  
AMY WADE  
Town Secretary

  
W. MARK PATTERSON  
Mayor

MOTION WAS MADE BY Robert Moore, SECONDED BY Lang Thompson  
THAT THE FOLLOWING ORDINANCE BE PASSED:

ORDINANCE NO. 59

ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF CUT AND SHOOT, TEXAS, SETTING A SCHEDULE OF RATES AND SERVICE FEES FOR THE TOWN WATER DISTRIBUTION SYSTEM AND ORDERING RULES OF OPERATION FOR SAME, INCLUDING DEFINITIONS, SERVICE RULES AND REGULATIONS, NON-STANDARD SERVICE REQUIREMENTS, AND EMERGENCY RATIONING PROGRAM, AND SETTING AN EFFECTIVE DATE FOR PASSAGE OF THE ORDINANCE.

WHEREAS, the Town Council of the Town of Cut and Shoot, Montgomery County, Texas, has authorized the creation of a Central Water Distribution System for the residents of the Town; and

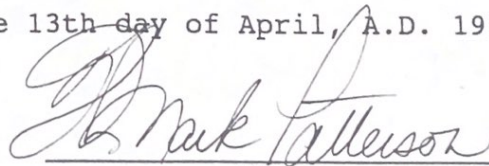
WHEREAS, the Town Council is authorized to set a schedule for water rates and service fees for said water system, and to provide rules and regulations for operation of said system;

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

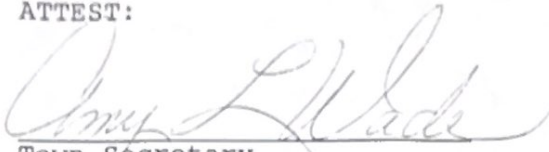
1. The attached Rate Schedule and Rules of Operation for the Town of Cut and Shoot's, Water Distribution System is hereby approved and authorized by the Town Council, said document being attached hereto as Exhibit "A" and incorporated herein for all purposes.


2. This Order shall take affect immediately from and after its passage.

PASSED AND APPROVED this the 13th day of April, A.D. 1995.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
Town Secretary

  
Town Attorney


(Acknowledgement)

STATE OF TEXAS §

COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on the 18 day of April, 1995, by Mark Patterson, Mayor of the Town of Cut and Shoot, Texas, on behalf o the Town of Cut and Shoot, Texas.



  
Notary Public in and for the  
State of Texas



Motion was made by Bill Green, seconded by Ryan Wallace that the following Ordinance be passed:

ORDINANCE NO. 59A

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS, TO AMEND THE CITY SCHEDULE OF RATES AND RULES OF OPERATION FOR WATER, BY INCREASING THE MINIMUM WATER RATE FOR RESIDENTIAL USE BY \$5.00 AND INCREASING THE WATER RATE FOR COMMERCIAL USE BY \$10.00; PROVIDING A PENALTY OF UP TO \$500 FOR VIOLATIONS OF THE SCHEDULE OF WATER RATES AND RULES OF OPERATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE OF DECEMBER 20, 2019 UPON PUBLICATION.

WHEREAS, the City Council of the City of Cut and Shoot, Texas has authorized a Schedule of Rates and Rules of Operation for the potable water utility service provided to its customers by City Ordinance No. 59, dated April 13, 1995, as amended; and

WHEREAS, the City Council has authorized by City Ordinance No. 94, dated February 12, 2009, that the "Water Use" production fees assessed to the City by the Lone Star Groundwater Conservation District be passed through to the City's customers as a gallonage charge; and

WHEREAS, the City has entered into a Contract for Groundwater Reduction Planning, Alternative Water Supply, and Related Goods and Services by and between the San Jacinto River Authority (hereinafter "the Contract"); and

WHEREAS, the Contract provides that the City will begin paying certain monthly pumpage fees, rates, and charges to the San Jacinto River Authority (hereinafter "SJRA pumpage fees") in accordance with the SJRA Rate Order, commencing on August 1, 2010; and

WHEREAS, the SJRA has adopted a Rate Order that imposes SJRA pumpage fees to the City and all other participants under the Contract of \$0.50 per thousand gallons of water consumed, effective August 1, 2010, with annual increases in the SJRA pumpage fees each year thereafter; and

WHEREAS, the City Council further believes that it is in the best interest of the City and its customers that the monthly minimum water rate for residential use be increased by \$5.00 and the monthly minimum water rate for commercial use be increased to \$10.00; and

WHEREAS, the City Council believes that it is appropriate to amend City Ordinance No. 59, dated April 13, 1995, together with all amendments thereof;

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

#### SECTION I.

Section F, Paragraph 5c of the Schedule of Rates and Rules of Operation for the operation of water for the City of Cut and Shoot, Texas is hereby amended to provide as follows:

A copy of the Schedule of Rates and Rules of Operation for water for the City of Cut and Shoot, Texas, as amended, is attached hereto and approved.

#### SECTION II. PENALTIES FOR NON-COMPLIANCE

Violation of the provisions of the City's Schedule of Rates and Rules of Operation by failure to comply with any of its requirements shall constitute a misdemeanor. Any person or entity in violation shall upon conviction be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Cut and Shoot from taking such other lawful action as is necessary to prevent or remedy any violation.

#### SECTION III. REPEALING ALL ORDINANCES IN CONFLICT

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

#### SECTION IV SAVINGS CLAUSE

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

**SECTION V.**  
**COMPLIANCE WITH OPEN MEETINGS ACT**

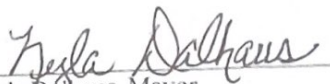
It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION VI.**  
**EFFECTIVE DATE**

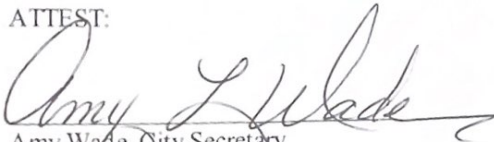
This Ordinance shall become effective on December 20, 2019 after its passage and publication as provided by law.

PASSED AND APPROVED this 10<sup>th</sup> day of October 2019.

**CITY OF CUT AND SHOOT, TEXAS**

  
\_\_\_\_\_  
Nyla Dalhaus, Mayor

ATTEST:

  
\_\_\_\_\_  
Amy Wade, City Secretary



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**LEGAL NOTICES**

**LEGAL NOTICE**  
ORDINANCE NO. 59-A  
AN ORDINANCE BY THE CITY COUNCIL OF CUT AND SHOOT, TEXAS TO  
AMEND THE CITY SCHEDULE OF RATES AND RULES OF OPERATION  
FOR WATER, BY INCREASING THE MINIMUM WATER RATE FOR RES-I  
DENTIAL USE BY \$5.00 AND INCREASING THE WATER RATE FOR COM-  
MERCIAL USE BY \$10.00; PROVIDING A PENALTY OF UP TO \$500 FOR  
VIOLATIONS OF THE SCHEDULE OF WATER RATES AND RULES OF OP-  
ERATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS  
CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING  
AN EFFECTIVE DATE OF DECEMBER 20, 2019 UPON PUBLICATION.

**LEGAL NOTICES**

**LEGAL NOTICE**  
ORDINANCE NO. 123  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUT AND  
SHOOT, MONTGOMERY COUNTY, TEXAS, PROHIBITING THROUGH  
TRAFFIC BY HEAVY MOTORIZED VEHICLES WITH THREE OR MORE  
AXLES ON MILLMAC ROAD AND ROLLING HILLS ROAD WITH THE  
JURISDICTION OF THE CITY OF CUT AND SHOOT; PROVIDING FOR  
CERTAIN EXCEPTIONS; PROVIDING FOR PENALTY OF A FINE NOT  
TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE;  
PROVIDING FOR INJUNCTION REMEDIES; PROVIDING SEVERABILITY  
AND REPEALING CLAUSE; PROVIDING TEXAS OPEN MEETINGS ACT  
CLAUSE; AND DECLARING AN IMMEDIATE EFFECTIVE DATE AFTER  
PUBLICATION.

**LEGALS**

**BIDS & PROPOSALS**

alf of **Montgomery County**  
100 Nugent Street,  
2020 at 2:00 p.m., at  
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ry for completion of the

**LEGALS**

**BIDS & PROPOSALS**

**LEGALS**

**BIDS & PROPOSALS**

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allaneous improvements

## Ordinance Book #2