



CITY COUNCIL SPECIAL CALLED MEETING CITY OF BAY CITY

Tuesday, September 15, 2026 at 5:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K. Nelson

Mayor Pro Tem: Blayne Finlay

Council Members: Cory McCray, Jim Folse, Bradley Westmoreland, Susan Reardon

Vision Statement

We envision Bay City as a thriving, family-centered community where our citizens can live, work, worship, and play, while welcoming visitors to experience our beautiful environment and diverse culture.

AGENDA

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).

CALL TO ORDER AND CERTIFICATION OF QUORUM

INVOCATION & PLEDGE

Texas State Flag Pledge: "Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

Councilwoman Susan Reardon

MISSION STATEMENT

The City of Bay City promotes economic growth and invests in quality-of-life initiatives through collaboration. We respond promptly and professionally to residents' concerns and strive to deliver superior municipal services.

Councilwoman Susan Reardon

APPROVAL OF AGENDA

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting.

ACKNOWLEDGEMENT FROM CITY MANAGER

ITEMS / COMMENTS FROM THE MAYOR & COUNCIL MEMBERS

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. **Special Called Council Meeting minutes of June 18, 2026.**
2. **Special Called Council Meeting minutes of August 18, 2026.**
3. **Council Workshop Meeting minutes of August 25, 2026.**
4. **Regular Council Meeting minutes of August 25, 2026.**

PUBLIC HEARINGS

5. **Budget ~ Receive public comment on the Bay City Community Development Corporation proposed Operating Budget for Fiscal Year 2027. Scotty Jones, City Manager**
6. **Budget ~ Receive public comment on the City of Bay City's Proposed Capital Improvement Program for Fiscal Year 2027. Scotty Jones, City Manager**
7. **Budget ~ Receive public comment on the City of Bay City's Proposed Budget for Fiscal Year 2027. Scotty Jones, City Manager**
8. **Budget ~ Receive public comment on the City of Bay City's proposed Property (Ad Valorem) Tax Rate for Fiscal Year 2027. Scotty Jones, City Manager**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

9. **Budget ~ Discuss, consider, and/or approve postponing the final Budget vote for Fiscal Year 2027 until September 22, 2026. Scotty Jones, City Manager**
10. **Ordinance – Discuss, consider, and/or approve an Ordinance of the City Council of the City of Bay City, Texas amending Chapter 98 “Subdivisions” of the Code of Ordinance by adopting Article V “Light and General Commercial Developments,” and Article VI “General Industrial Developments” to provide for the regulation of commercial and industrial growth within Bay City; repealing all related ordinances or parts of ordinances in conflict therewith; providing for the severability clause; providing for publication and providing an effective date. Herb Blomquist, Public Works Director**
11. **Ordinance – Discuss, consider, and/or approve an Ordinance of the City Council of the City of Bay City, Texas amending Chapter 114 “Utilities” of the Code of Ordinance by adopting Section 114-74 “Industrial Facilities” to provide for the regulation of cooling system requirements and Section 114-155 “Prohibited Discharges” by adding regulatory requirements for Industrial Facility Discharges; repealing all related ordinances or parts of ordinances in conflict therewith; providing for the severability clause; providing for publication and providing an effective date. Herb Blomquist, Public Works Director**

CLOSED / EXECUTIVE SESSION

12. **Executive Session ~ Executive Session pursuant to Section 551.071(2) of the Texas Government Code (Consultation with Counsel on Legal Matters)**

RECONVENE AND ACTION**ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER****ADJOURNMENT****AGENDA NOTICES:**

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Taxpayer Impact Statement on Median-Value Homestead Property

	2025	2026	Change
Total Tax Rate (per \$100 of value)	\$0.55772	\$0.56193	Increase of 0.00421 per \$100, or 0.75%
Average Homestead taxable value	\$181,023	\$191,638	Increase of 5.86%
Tax on average	\$1,009.60	\$1,076.87	Increase \$67.27, or 6.66%
Total tax levy on all properties	\$7,164,171	\$7,782,572	Increase of \$618,401, or 8.63%

CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **September 8, 2026 before 5:00 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.



CITY COUNCIL SPECIAL CALLED MEETING CITY OF BAY CITY

Thursday, June 18, 2026 at 4:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K. Nelson

Mayor Pro Tem: Jim Folse

Council Members: Benjamin Flores, Jim Folse, Bradley Westmoreland, Susan Reardon, Blayne Finlay

Vision Statement

We envision Bay City as a thriving, family-centered community where our citizens can live, work, worship, and play, while welcoming visitors to experience our beautiful environment and diverse culture.

MINUTES

CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 4:00 PM.

PRESENT:

Mayor Robert K. Nelson

Mayor Pro Tem Jim Folse

Council Member Susan Reardon

Council Member Blayne Finlay

Absent:

Council Member Benjamin Flores

Council Member Bradley Westmoreland

INVOCATION & PLEDGE

Texas State Flag Pledge: "Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

Mayor Robert K. Nelson

MISSION STATEMENT

The City of Bay City promotes economic growth and invests in quality-of-life initiatives through collaboration. We respond promptly and professionally to residents' concerns and strive to deliver superior municipal services.

Mayor Robert K. Nelson

APPROVAL OF AGENDA

PUBLIC COMMENTS

There were no public comments.

ACKNOWLEDGEMENT FROM CITY MANAGER

There were no acknowledgements from the City Manager

ITEMS / COMMENTS FROM THE MAYOR & COUNCIL MEMBERS

Councilman Finlay stated that our emergency task force team has done a good job communicating on possible weather patterns. Councilman Finlay stated that he saw a post that we are on Phase II of the hydrants acknowledging the progress. Mayor Pro Tem Folse commented that a couple of citizens had reached to him that to say that there was no flooding this time after all the rain. Mayor Pro Tem added that the drainage work was paying off.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. **Election ~ Discuss, consider, and/or approve the canvassing of the Run-Off Election returns for the election held on Saturday, June 13, 2026.** Robert K. Nelson, Mayor

Council reviewed the election results of Council Position number one;
Cory McCray received 217 votes
Stacy L. Rowh received 159

Motion made by Councilman Finlay to accept the result of the election that Cory McCray received the majority votes. Seconded by Council Member Reardon. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Council Member Reardon, Councilman Finlay. Motion carried.

2. **Resolution ~ A Resolution of the City Council of the City of Bay City, Texas ("City"), approving (I) the Resolution of the Board of Directors of Bay City Community Development Corporation ("Corporation") regarding a loan in the amount of \$14,000,000.00; (II) a sales tax remittance agreement between the City and the Corporation; (III) resolving other matters incident and related to the loan; and (IV) the authority of the Mayor to execute, on behalf of the City, a general certificate of the City and sales tax remittance agreement.** Scotty Jones, City Manager

Melanie Townsend, Executive Director of the Bay City Community Development Corporation, and Scotty Jones, City Manager, presented the resolution regarding the loan for the Aquatic Center.

Motion made by Mayor Pro Tem Jim Folse to approve a Resolution of the City Council of the City of Bay City, Texas ("City"), approving (I) The resolution of the Board of Directors of Bay City Community Development Corporation ("Corporation") regarding a loan in the amount of \$14,000,000.00; (II) a sales tax remittance agreement between the City and the Corporation; (III) Resolving other matters incident and related to the loan; and (IV) the authority of the Mayor to execute, on behalf of the City, a General Certificate of the City and the Sales Tax Remittance Agreement. Seconded by Mayor Nelson. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Council Member Blayne Finlay, Council Member Susan Reardon. Motion carried.

ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER

There were no additional items or comments.

ADJOURNMENT

Council adjourned at 4:14 PM.

PASSED AND APPROVED, this 15th day of September.

ROBERT K. NELSON, MAYOR
CITY OF BAY CITY, TEXAS

JEANNA THOMPSON
CITY SECRETARY



CITY COUNCIL SPECIAL CALLED MEETING CITY OF BAY CITY

Tuesday, August 18, 2026 at 4:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K. Nelson

Mayor Pro Tem: Blayne Finlay

Council Members: Cory McCray, Jim Folse, Bradley Westmoreland, Susan Reardon, Blayne Finlay

Vision Statement

We envision Bay City as a thriving, family-centered community where our citizens can live, work, worship, and play, while welcoming visitors to experience our beautiful environment and diverse culture.

MINUTES

CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 4:00 PM.

PRESENT:

Mayor Robert K. Nelson

Mayor Pro Tem Blayne Finlay

Council Member Cory McCray

Council Member Jim Folse

Council Member Bradley Westmoreland (via MS Teams)

Council Member Susan Reardon

INVOCATION & PLEDGE

Texas State Flag Pledge: "Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

Councilman Jim Folse

MISSION STATEMENT

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Councilman Jim Folse

APPROVAL OF AGENDA

Motion made by Mayor Pro Tem Finlay to approve the agenda. Seconded by Council Member Reardon. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Council Member McCray, Council Member Folse, Council Member Westmoreland, Council Member Reardon. Motion carried.

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. Budget ~Discuss, consider, and/or amend the Proposed Budget of the City of Bay City for the 2027 Fiscal Year. Scotty Jones, City Manager

Scotty Jones, City Manager, and Jennifer Davis, Finance Manager, presented Council the proposed budget, giving an overview of City accomplishments, the strategic plan focus, staffing and compensation, and rates. Ms. Jones and Ms. Davis reviewed the General, Utility, Airport, and Hotel/Motel funds. Ms. Jones went over the property and sales tax analysis. Expenditures were reviewed.

Councilman Westmoreland requested that the utility vehicle for Public Works be reduced in prices. Mayor Pro Tem Finlay requested that we also shop locally for the zero-turn mower and other equipment. Councilman Westmoreland requested discussion regarding the Civic Center contract and would like the budget amount for that reduced. Scotty Jones would like to bring the contract back to Council for review and will reduce the contracted amount in the budget and putting the difference in Repair & Maintenance until the contract is reviewed.

ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER

Mayor Nelson stated that Ms. Jones and Ms. Davis did a good job and also comments that staff is getting things done despite the tight budget. Councilman Westmoreland remarked on the progress, the detail of the budget, and thanked the staff. Councilman Folse announced that East Well will be going online soon.

ADJOURNMENT

Council adjourned at 6:02 PM.

PASSED AND APPROVED, this 15th day of September.

ROBERT K. NELSON, MAYOR
CITY OF BAY CITY, TEXAS

JEANNA THOMPSON
CITY SECRETARY



CITY COUNCIL WORKSHOP CITY OF BAY CITY

Tuesday, August 25, 2026 at 5:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K. Nelson

Mayor Pro Tem: Blayne Finaly

Council Members: Cory McCray, Jim Folse, Bradley Westmoreland, Susan Reardon

Vision Statement

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MINUTES

CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 5:00 PM.

PRESENT:

Mayor Robert K. Nelson

Mayor Pro Tem Blayne Finlay

Council Member Cory McCray

Council Member Jim Folse

Council Member Bradley Westmoreland

Council Member Susan Reardon

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. Discuss a proposed desired tax rate.

Scotty Jones, City Manager, reviewed the proposed tax rate of .56193, increasing the net value to the General Fund by \$96,000 after transfer to Tax Increment Reinvestment Zones. Ms. Jones added that City Council has lowered the City's tax rate over the past 7 years from .65500 to .56193 or 9 cents.

2. Discuss, consider, and review proposed amendments to Appendix B Fee Schedule.

The proposed fee schedules was reviewed by the corresponding department head. James Mason, Airport Manager, stated that the Airport Fees increase is the standard yearly 3.8 CPI rounded. Jennifer Davis, Finance Manager, stated that solid waste fees are the annual 3% GFL increase and the Utilities increase support the debt schedule. Councilman Bradley Westmoreland noted that with water rates going up we can see the water projects happening that those rates support.

ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER

No items.

ADJOURNMENT

Council adjourned at 5:43 PM.

PASSED AND APPROVED, this 15th day of September.

ROBERT K. NELSON, MAYOR
CITY OF BAY CITY, TEXAS

JEANNA THOMPSON
CITY SECRETARY



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, August 25, 2026 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K. Nelson

Mayor Pro Tem: Blayne Finlay

Council Members: Cory McCray, Jim Folse, Bradley Westmoreland, Susan Reardon

Vision Statement

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MINUTES

CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 6:00 PM.

PRESENT:

Mayor Robert K. Nelson

Mayor Pro Tem Blayne Finlay

Council Member Cory McCray

Council Member Jim Folse

Council Member Bradley Westmoreland

Council Member Susan Reardon

INVOCATION & PLEDGE

Texas State Flag Pledge: "Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."

Councilman Bradley Westmoreland

MISSION STATEMENT

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Councilman Bradley Westmoreland

APPROVAL OF AGENDA

Motion made by Mayor Pro Tem Finlay to approve the agenda. Seconded by Council Member Folse.

Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Council Member McCray, Council Member Folse, Council Member Westmoreland, Council Member Reardon. Motion carried.

PUBLIC COMMENTS

There were no public comments.

PRESENTATIONS

1. Presentation ~ Future Youth Advisors of Bay City

The newly formed Youth Advisory Committee introduced themselves and provided Council there vision, mission, and goals.

2. Presentation ~ Demonstration of Community Resources Guide

Samantha Denbow, Communications and Cultural Arts Director, provided an instructional presentation navigating the new community resource page on the City website.

ACKNOWLEDGEMENT FROM CITY MANAGER

Scotty Jones, City Manager, acknowledged Public Works Street and Bridge and Utilities for their outstanding efforts. Ms. Jones reminded Council that National Night Out is Tuesday, October 6th and that the Police Department and Fire Department are having an open house. There will be another free microchip clinic for pets October 23rd and 24th at the VFW Hall. The Public Safety Center had their groundbreaking ceremony on August 20th. Ms. Jones concluded with upcoming events hosted by Parks and Recreation.

ITEMS / COMMENTS FROM THE MAYOR & COUNCIL MEMBERS

Councilman Folse stated that construction on the new Aquatic Center has begun and for citizens to watch for dump trucks in the area. Councilman Folse added that the outdoor portion of the center should be completed in June 2027 and the indoor portion by September. He thanked the City, Bay City Community Development, the County, YMCA, Matagorda Wellness and others who have contributed. Mayor Nelson announced the award of a grant to fund the new water well out at the Airport, thanking Gabriel Lopez, Engineering Tech, and Jennifer Davis, Finance Manager for finding and applying for the grant.

Councilman Westmoreland apologized for his words or how it came across at the last meeting, stating he was having difficulty hearing and called to personally apologize to the City Manager.

Mayor Pro Tem Finlay ask that we keep in mind of those working outside in the heat and thanked Kelly Penewitt, Parks & Recreation Manager, and the Youth Advisory Committee.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

Motion made by Council Member Westmoreland to approve the consent items. Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Pro Tem Finlay, Council Member Folse, Council Member Westmoreland, Council Member Reardon. Motion carried.

- 3. Council Workshop Meeting Minutes of August 11, 2026.**
- 4. Special Called Meeting Minutes of August 11, 2026.**
- 5. Set a Public Hearing on the City of Bay City's proposed 2027 Fiscal Year Budget and the City of Bay City's Five-Year Capital Improvement Plan for Tuesday, September 15, 2026.**
- 6. Set a Public Hearing on the Bay City Community Development Corporation's proposed 2027 Fiscal Year Budget for Tuesday, September 15, 2026.**
- 7. Consider approval of a resolution designating authorized signatories for the Community Development Block Grant Mitigation (CDBG-MIT) Resilient Communities Program, GLO Contract No. 23-160-201-F773.**

DEPARTMENT REPORTS

8. **Animal Control Update.**

Dotty Grandstaff, Animal Impound Manager, provided Council a report on activities, community education and assistance regarding the new ordinance, and future plans.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

9. **Tax ~ Consider placing a proposal to adopt a Tax Rate for the 2027 Fiscal Year as an action item on the agenda of a future Council meeting, specifying therein the desired tax rate and publishing notice thereof.** Scotty Jones, City Manager

Motion made by Council Member Westmoreland to approve a Tax Rate for fiscal year 2027 as an action item on the September 22, 2026 Council agenda with a desired rate of .56193 per 100 value and publishing notice thereof. Seconded by Council Member Folse. Council was polled. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Council Member McCray, Council Member Folse, Council Member Westmoreland, Council Member Reardon. Motion carried.

10. **Tax ~ Discuss and consider setting a Public Hearing on the Proposed 2027 Fiscal Year Tax Rate for Tuesday, September 15, 2026.** Scotty Jones, City Manager

Motion made by Mayor Pro Tem Finlay to approve setting a Public Hearing on the Proposed 2027 Fiscal Year Tax Rate for Tuesday, September 15, 2026. Seconded by Council Member Reardon. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Council Member McCray, Council Member Folse, Council Member Westmoreland, Council Member Reardon. Motion carried.

11. **Bid ~ Discuss, consider, and/or approve the award of one or more contracts under RFP No. COBC-PW-GS-2026 for Generator Maintenance, Testing, and Emergency Repair Services and authorize the Mayor to execute the agreement(s).** Gabriel Lopez, Engineering Tech

Motion made by Council Member Folse to award Arcco Company Services and Clifford Power the contracts under RFP No. COBC-PW-GS-2026 for Generator Maintenance, Testing, and Emergency Repair Services and authorize the Mayor to execute the agreements. Seconded by Council Member Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Council Member McCray, Council Member Folse, Council Member Westmoreland, Council Member Reardon. Motion carried.

12. **Ordinance ~ Discuss, consider and/or approve amending an ordinance of the City of Code of Ordinance Chapter 94, Article VI “Parades and Street Closures” of the Code of Ordinances; retitling Article VI as “Parades, Street Closures and Special Events”; amending and expanding the regulations governing parades, special events, mass gatherings, and temporary street closures; establishing permit requirements, application deadlines, standards for approval or denial; establishing fees and insurance requirements; establishing offenses, penalties, and civil and administrative penalties; providing for a cumulative & conflicts clause; providing a severability clause; and providing an effective date.**

Krystal Mason, Assistant Director of Public Works, reviewed the amendment to the Parade and Street Closure ordinance. Ms. Mason noted that the title change to add Special Events and additional criteria

was to capture the need for future planning. Ms. Mason also stated that they will bring fees to Council next month and asked for an effective date of October 1, 2026.

Motion made by Council Member Reardon to approve amending an ordinance of the City of Code of Ordinance Chapter 94, Article VI “Parades and Street Closures” of the Code of Ordinances; retitling Article VI as “Parades, Street Closures and Special Events”; amending and expanding the regulations governing parades, special events, mass gatherings, and temporary street closures; establishing permit requirements, application deadlines, standards for approval or denial; establishing fees and insurance requirements; establishing offenses, penalties, and civil and administrative penalties; providing for a cumulative & conflicts clause; providing a severability clause; and providing an effective date of October 1, 2026. Seconded by Council Member McCray. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Council Member McCray, Council Member Folsie, Council Member Westmoreland, Council Member Reardon. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned and went into executive session at 7:20 PM.

- 13. Executive Session ~ Executive Session pursuant to Section 551.071(2) of the Texas Government Code (Consultation with Counsel on Legal Matters)**
- 14. Executive Session ~ Executive Session pursuant to Texas Government Code Section 551.087 (Deliberation regarding Economic Development).**
- 15. Executive Session ~ Executive session pursuant to Texas Government Code §551.074 to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee: Personnel**

RECONVENE AND ACTION

Council reconvened into regular session at 8:38 p.m. and took no actions.

ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER

There were no comments.

ADJOURNMENT

Council adjourned at 8:38 PM.

PASSED AND APPROVED, this ____ day of _____.

ROBERT K. NELSON, MAYOR
CITY OF BAY CITY, TEXAS

JEANNA THOMPSON
CITY SECRETARY



**EXECUTIVE SUMMARY
BUSINESS OF THE CITY COUNCIL
CITY OF BAY CITY, TEXAS**

Meeting Date:	9/15/2026	Date Submitted:	8/31/2026
Prepared By:	Jennifer Davis	Presented By <i>(if different)</i>	Scotty Jones
Department:	Finance	Type of Agenda Item:	Regular

ITEM TITLE: Public Hearing- BCCDC

AGENDA LANGUAGE:

Public Hearing: Conduct a public hearing to receive public comment on the Bay City Community Development Corporation's proposed operating budget for Fiscal Year 2027.

EXECUTIVE SUMMARY/BACKGROUND

PUBLIC HEARING DATE:

TUESDAY, SEPTEMBER 15, 2026 AT 5:00 PM

BUDGET HEARING WILL BE ON THE FOLLOWING:

FY 2027 Proposed Budget- Bay City Community Development Corporation

All information pertaining to the Bay City Community Development's Budget can be reviewed at the following locations:

City Secretary's Office

Bay City Public Library

City of Bay City's Website- www.baycitytx.gov/193/Budget

STRATEGIC PLAN GOALS ADDRESSED:

	☐		☐		☐		☐		☐		☒
Safety & Community Appearance		Community & Civic Engagement		Infrastructure		Planning & Development		Culture & recreation		Operational Excellence	

FINANCIAL NOTES

N/A

ATTACHMENTS: BCCDC Proposed Budget

Bay City Community Development Corporation
Fiscal Year Ending 9/30/2027

Acct #	Description	Actual FY 2024	Actual FY 2025	Proposed FY 2026	Amended FY 2026	Proposed FY 2027
REVENUE:						
3225	Sales tax collections	\$ 1,849,000	\$ 1,849,000	\$ 1,937,500	\$ 1,937,500	\$ 1,945,000
3300	BDC income	\$ 15,000	\$ 10,000	\$ 34,417	\$ 44,632	\$ 45,188
3401	Training Center lease (STNOC)	\$ 91,483	\$ 93,110	\$ 95,592	\$ 95,592	\$ 98,075
3403	Schulman Note Payment	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
3500	Main Street revenue	\$ 111,000	\$ -	\$ -		
3504	TIRZ #2 income	\$ 190,000	\$ 190,000	\$ 175,000	\$ 175,000	\$ 180,000
3615	Interest income	\$ 30,000	\$ 30,000	\$ 5,000	\$ 70,000	\$ 200,000
3502	Public Donations Aquatics Center				\$ 57,700	
3502.1	Government Contributions Aquatics Center				\$ 300,000	\$ 300,000
3405	Aquatics Center Loan Proceeds				\$ 14,000,000	
	TOTAL REVENUE	\$ 2,386,483	\$ 2,272,110	\$ 2,347,509	\$ 16,780,424	\$ 2,868,263
ADMINISTRATIVE EXPENSES:						
415-4105	Salaries and wages	\$ 230,000	\$ 160,000	\$ 175,000	\$ 150,000	\$ 175,000
	Other compensation	\$ 2,000	\$ 30,000	\$ -	\$ -	\$ -
415-4205	Payroll taxes	\$ 17,600	\$ 14,917	\$ 17,600	\$ 11,562	\$ 17,600
415-4206	Unemployment taxes	\$ 1,500	\$ 351	\$ 1,500	\$ 750	\$ 1,500
415-4210	Retirement expense	\$ 25,000	\$ 19,149	\$ 25,000	\$ 13,000	\$ 25,000
415-4215	Workers Comp insurance	\$ 1,000	\$ 600	\$ 1,000	\$ 1,000	\$ 1,000
415-4225	Employee health insurance	\$ 16,500	\$ 700	\$ -	\$ 2,650	\$ 12,412
415-4230	Travel and training	\$ 7,000	\$ 8,140	\$ 7,000	\$ 7,102	\$ 10,000
415-4305	Postage and Freight				\$ 50	\$ 200
415-4310	General supplies	\$ 4,800	\$ 5,000	\$ 4,800	\$ 3,000	\$ 4,800
415-4315	Dues and subscriptions	\$ 60,000	\$ 60,000	\$ 10,000	\$ 10,000	\$ 10,000
415-4330	Vehicle expense (fuel, insurance & repairs)	\$ 3,000	\$ 2,650	\$ 3,000	\$ 2,000	\$ 3,000
415-4405	General insurance	\$ 50,000	\$ 1,400	\$ -	\$ 1,732	\$ -
415-4410	Telephone and cell phones	\$ 2,500	\$ 6,216	\$ 4,000	\$ -	\$ -
415-4415	Utilities (electricity, water, & gas)	\$ 4,000	\$ 3,070	\$ 4,000	\$ 4,000	\$ 8,000
415-4420	Legal and professional	\$ 26,000	\$ 31,000	\$ 26,000	\$ 34,000	\$ 35,000
415-4424	Cleaning and maintenance	\$ 6,750	\$ 7,000	\$ 6,750	\$ 7,500	\$ 7,500
415-4426	Leasehold improvements	\$ 500	\$ -	\$ 500	\$ -	\$ 500
415-4427	Equipment rental	\$ 3,100	\$ 2,100	\$ 1,350	\$ 2,000	\$ 1,350
415-4428	Building rental	\$ 63,648	\$ 22,000	\$ -	\$ -	\$ -
415-4497	Business meals	\$ 3,000	\$ 5,000	\$ 3,500	\$ 900	\$ 3,500
415-4498	Misc furniture and equipment	\$ 2,000	\$ 1,000	\$ 2,000	\$ 800	\$ 2,000
415-4499	Miscellaneous expense	\$ 1,000	\$ 3,000	\$ 1,500	\$ 500	\$ 1,500
	TOTAL ADMINISTRATIVE EXPENSES	\$ 530,898	\$ 383,293	\$ 294,500	\$ 252,546	\$ 319,862
PROSPECT DEVELOPMENT EXPENSES:						
420-4230	Travel	\$ 3,500	\$ 5,500	\$ 3,500	\$ 292	\$ 3,500
420-4425	Contract services	\$ 20,500	\$ -	\$ 65,500	\$ 5,458	\$ 10,000
420-4460	Advertising	\$ 40,000	\$ 34,215	\$ 10,000	\$ 10,000	\$ 10,000
420-4461	Website development/maintenance	\$ 2,000	\$ 2,000	\$ 2,000	\$ -	\$ 2,000
420-4497	Business meals	\$ 3,000	\$ 1,500	\$ 6,000	\$ 500	\$ 6,000
420-4499	Miscellaneous expense	\$ 1,000	\$ 1,400	\$ 500	\$ 250	\$ 500
	TOTAL PROSPECT DEVELOPMENT EXP.	\$ 70,000	\$ 44,615	\$ 87,500	\$ 16,500	\$ 32,000

			Actual	Amended	Proposed	Amended	Proposed
		Description	FY 2024	FY 2025	FY 2026	FY 2026	FY 2027
Acct #	PROJECT EXPENSES:						
485-4001		Matagorda County EDC	75,000	80,000	80,000	80,000	80,000
485-4003		Website grant	40,000	20,000	10,000	10,000	5,000
485-4022		Family Entertainment Center	29,942	3,000	30,000	20,325	30,000
485-4012		Main Street	25,000	624	-	-	
485-4020		Nile Valley Phase II	239,191	239,191	239,191	239,191	239,191
485-4021		CED insurance and maintenance	300,000	340,000	300,000	300,000	300,000
		Grant Writer (Patriot)	9,000		-	-	
485-4026		Resiliency Loan	320,000	-			
2021		Entrepreneur program		-	5,000	5,000	-
485-4447		City Vision 2040 Plan	125,000	55,500	30,000	620	20,000
485-4002		Business retention and expansion	160,000	230,000	30,000	10,000	10,000
485-4004		Feasibility Study for Aquatics Center				15,724	
485-4007		Aquatic Center			200,000	375,000	15,545,656
485-4032		Rail Road Quiet Zone Study	28,900				
		Note Recieveable Chick-Fil-A	250,000				
485-4033		Public Safety Building	1,000,000				
485-4017		Flock System (Police)	26,500	36,000	36,000	36,000	36,000
485-4023		Reserve at River Bend infrastructure			35,715	35,715	35,715
		Airport expansion	56,150	-	-	-	
415-4805		Debt principal payments	481,952	493,000	510,000	586,370	815,478
485-4810		Interest expense	97,961	90,000	73,000	210,654	623,616
		TOTAL PROJECT EXPENSES	3,264,596	1,587,315	1,578,906	1,924,599	17,740,656
		TOTAL EXPENSES	3,865,494	2,015,223	1,960,906	2,193,645	18,092,518
		SURPLUS (DEFICIT)	(1,479,011)	256,887	386,603	14,586,779	(15,224,255)



**EXECUTIVE SUMMARY
BUSINESS OF THE CITY COUNCIL
CITY OF BAY CITY, TEXAS**

Meeting Date:	9/15/2026	Date Submitted:	8/31/2026
Prepared By:	Jennifer Davis	Presented By <i>(if different)</i>	Scotty Jones
Department:	Finance	Type of Agenda Item:	Regular

ITEM TITLE: Public Hearing- Capital Improvement Program

AGENDA LANGUAGE:

Public Hearing: Conduct a public hearing to receive public comment on the City of Bay City's proposed Capital Improvement Program.

EXECUTIVE SUMMARY/BACKGROUND

PUBLIC HEARING DATE:

TUESDAY, SEPTEMBER 15, 2026 AT 5:00 PM

BUDGET HEARING WILL BE ON THE FOLLOWING:

Five-Year Capital Improvement Program FY 2027-2031

All information pertaining to the City's Capital Improvement Program can be reviewed at the following locations:

City Secretary's Office

Bay City Public Library

City of Bay City's Website- www.baycitytx.gov/193/Budget

STRATEGIC PLAN GOALS ADDRESSED:

	☐		☐		☐		☐		☐		☒
Safety & Community Appearance		Community & Civic Engagement		Infrastructure		Planning & Development		Culture & recreation		Operational Excellence	

FINANCIAL NOTES

N/A

ATTACHMENTS: N/A



**EXECUTIVE SUMMARY
BUSINESS OF THE CITY COUNCIL
CITY OF BAY CITY, TEXAS**

Meeting Date:	9/15/2026	Date Submitted:	8/31/2026
Prepared By:	Jennifer Davis	Presented By <i>(if different)</i>	Scotty Jones
Department:	Finance	Type of Agenda Item:	Regular

ITEM TITLE: Public Hearing- Proposed Budget

AGENDA LANGUAGE:

Public Hearing: Conduct a public hearing to receive public comment on the City of Bay City's proposed budget for Fiscal Year 2027.

EXECUTIVE SUMMARY/BACKGROUND

PUBLIC HEARING DATE:

TUESDAY, SEPTEMBER 15, 2026 AT 5:00 PM

BUDGET HEARING WILL BE ON THE FOLLOWING:

FY 2027 Proposed Budget- City of Bay City (Charter section 10.05 & LCG 102.006)

All information pertaining to the City's Proposed Budget can be reviewed at the following locations:

City Secretary's Office

Bay City Public Library

City of Bay City's Website- www.baycitytx.gov/193/Budget

STRATEGIC PLAN GOALS ADDRESSED:

	☐		☐		☐		☐		☐		☒
Safety & Community Appearance		Community & Civic Engagement		Infrastructure		Planning & Development		Culture & recreation		Operational Excellence	

FINANCIAL NOTES

N/A

ATTACHMENTS: N/A



**EXECUTIVE SUMMARY
BUSINESS OF THE CITY COUNCIL
CITY OF BAY CITY, TEXAS**

Meeting Date:	9/15/2026	Date Submitted:	8/31/2026
Prepared By:	Jennifer Davis	Presented By <i>(if different)</i>	Scotty Jones
Department:	Finance	Type of Agenda Item:	Regular

ITEM TITLE: Public Hearing- Tax Rate

AGENDA LANGUAGE:

Public Hearing: Conduct a public hearing to receive public comment on the City of Bay City's proposed property (ad valorem) tax rate for Fiscal Year 2027.

EXECUTIVE SUMMARY/BACKGROUND

PUBLIC HEARING DATE: TUESDAY, SEPTEMBER 15, 2026 AT 5:00 PM

Tax Rate Information	Adopted FY 2026	Proposed FY 2027
Property Tax Rate	.55772	.56193
No-New Revenue Tax Rate	.53443	.51622
No-New Revenue M&O Tax Rate	.40542	.40754
Debt Rate	.12273	.12199
Voter-Approval Tax Rate	.55772	.56193
De Minimis Rate	.56700	.56563

FY 2027 Debt Service Requirement to be paid by property taxes \$1,689,586. See Debt rate (.12199) requirement above.

Tax Rate Information	Adopted FY 2026	Proposed FY 2027
Maintenance & Operation Rate	.43499	.43994
Debt Rate	.12273	.12199
Total Property Tax Rate	.55772	.56193

Note: The City Council has lowered the City's tax rate over the past 7 years from .65500 to .56193 or 9 cents. This proposed revenue increase equates to 3% of the City's budget used to pay for maintenance & operations, capital, and debt.

STRATEGIC PLAN GOALS ADDRESSED:

	☐		☐		☐		☐		☐		☒
Safety & Community Appearance		Community & Civic Engagement		Infrastructure		Planning & Development		Culture & recreation		Operational Excellence	



**EXECUTIVE SUMMARY
BUSINESS OF THE CITY COUNCIL
CITY OF BAY CITY, TEXAS**

Meeting Date:	9/15/2026	Date Submitted:	September 4, 2026
Prepared By:	Herb Blomquist	Presented By <i>(if different)</i>	
Department:	Public Works	Type of Agenda Item:	Regular

ITEM TITLE: Ordinance – Light and General Commercial and Industrial Development (Building Provisions)

AGENDA LANGUAGE:

Ordinance – Discuss, consider, and/or approve an Ordinance of the City Council of the City of Bay City, Texas amending Chapter 98 “Subdivisions” of the Code of Ordinance by adopting Article V “Light and General Commercial Developments,” and Article VI “General Industrial Developments” to provide for the regulation of commercial and industrial growth within Bay City; repealing all related ordinances or parts of ordinances in conflict therewith; providing for the severability clause; providing for publication and providing an effective date.

EXECUTIVE SUMMARY/BACKGROUND

Bay City has been continuously approached by private investors and developers desiring to position either commercial or industrial development sites/facilities in Bay City. Currently, Bay City has no ordinance language in place to properly position and to guide such developments both of which are crucial to guiding smart growth within the city and to facilitate a successful outcome for both the developer and the City. This ordinance also represents a good first step as the City moves forward to develop a Comprehensive Master Plan for future growth and development. Therefore, the purpose of this ordinance revision is to provide a framework of regulatory parameters to guide the location of and the permitting process for Light and General Commercial and Industrial Development with the primary goal of protecting the health and safety of Bay City residents.

STRATEGIC PLAN GOALS ADDRESSED:

											
Safety & Community Appearance	☒	Community & Civic Engagement	☐	Infrastructure	☒	Planning & Development	☒	Culture & recreation	☐	Operational Excellence	☒

FINANCIAL NOTES
N/A

RECOMMENDATION: Approval of Ordinance revisions

ATTACHMENTS: Ordinance and Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING CHAPTER 98 “SUBDIVISIONS” OF THE CODE OF ORDINANCES AMENDING ARTICLE III SECTION 98-102 “FIRE PROTECTION”, ARTICLE IV SECTION 98-188 “STREETS” AND SECTION 98-194 “FIRE PROTECTION”; BY ADOPTING ARTICLE V “GENERAL COMMERCIAL DEVELOPMENTS” AND ARTICLE VI “GENERAL INDUSTRIAL DEVELOPMENTS” TO PROVIDE FOR THE REGULATION OF COMMERCIAL AND INDUSTRIAL GROWTH WITHIN BAY CITY; REPEALING ALL RELATED ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PRESCRIBING AN EFFECTIVE DATE.

WHEREAS, Section 2.02 of the City’s Charter permits the City to pass and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health; morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and may provide suitable penalties for the violations of any ordinance;

WHEREAS, the City Council of the City of Bay City finds that future commercial and industrial growth, if not properly regulated may become a public nuisance and pose serious threats to the public’s health and safety; and

WHEREAS, after careful consideration by the City Council, it is of the opinion that the commercial and industrial development in the City are in need of regulation; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendments to the Municipal Code of Ordinances. The City of Bay City’s Municipal Code of Ordinances, Chapter 98 Article III (entitled “Single-Family Developments”), Article IV (entitled “Multifamily Developments”), Article V (entitled “Light and General Commercial Development”) and Article VI (entitled “General Industrial Developments, are amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as shown on the attached Exhibit A:

Section 3. Cumulative. This Ordinance shall be cumulative of all fee provisions of the Code of Ordinances of the City of Bay City, Texas as to the fees set forth herein on the effective date of this Ordinance, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

Section 4. Severability. It is hereby declared to be the intention of the City Council that the phrases. clauses, sentences, paragraphs, and sections of this Ordinance are severable and if

any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 5. Effective Date. This Ordinance shall be in full force and effect on _____ day of September, 2026

PASSED AND APPROVED ON this _____ day of September, 2026

Robert K. Nelson, Mayor

ATTEST:

APPROVED AT TO FORM:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Robert K. Nelson Mayor	_____	_____	_____
Blayne Finlay Mayor Pro Tem	_____	_____	_____
Cory McCray	_____	_____	_____
Jim Folse	_____	_____	_____
Brad Westmoreland	_____	_____	_____
Susan Reardon	_____	_____	_____

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

Chapter 98 SUBDIVISIONS¹

ARTICLE III. SINGLE-FAMILY DEVELOPMENTS

DIVISION 2. DESIGN STANDARDS

Sec. 98-96. Streets.

- (a) The street pattern of a neighborhood should provide adequate circulation within the subdivision and yet discourage excessive through traffic on local streets. Any subdivision in excess of five acres shall have two access roads.
- (b) Transition connections required to connect new subdivision streets to existing city or county streets and roadways shall be designed and constructed by the developer, and costs for connection shall be a developer expense.
- (c) Major street locations, alignments, widths and cross sections shall be determined by the director of public works.
- (d) Major streets shall be dedicated by the developer in accordance with the city's needs as established by the director of public works and approved by the city council.
- (e) Right-of-way width shall be as established in this article.
- (f) Street curves shall comply with the following:
 - (1) Curves in major streets are to have a centerline radius of 2,000 feet or more with exceptions to this standard granted only by the city council.
 - (2) Reverse curves are to be separated by a minimum tangent of 100 feet.
 - (3) Curves in minor or residential streets are to have a centerline radius of 300 feet or more unless unusual circumstances prevent it. Under no circumstances shall the radius be less than 150 feet.
 - (4) Curves in collector streets are to have a centerline radius of 800 feet or more with exceptions to this standard granted only by the city council.
- (g) Intersections shall comply with the following:
 - (1) All streets, major, collector or minor, are to intersect at not less than an 85-degree angle. Variations must be approved by the city council.
 - (2) Acute angle intersections approved by the city council are to have 25-foot radii at acute corners.

¹State law reference(s)—Subdivisions, V.T.C.A., Local Government Code §§ 212.001 et seq., 232.001 et seq.

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- (3) Street offsets, when approved by the city council, shall be a minimum distance of 125 feet on centerline.
- (h) Dead ends, cul-de-sacs and T-type turnarounds shall comply with the following:
- (1) Turnarounds are to have a minimum right-of-way radius of 50 feet for a single-family use and 60 feet for apartments or other uses. T-type turnarounds may be used in lieu of cul-de-sacs if they are designed in conformance with standards approved by the director of public works.
 - (2) The maximum length of a dead-end street with a permanent turnaround is 800 feet.
 - (3) Temporary turnarounds are to be used only where curb and gutter is not installed at the end of a street more than 400 feet long that will be extended in the future. Base of temporary turnarounds to comprise six-inch stabilized flexible base with one and one-half-inch hot-mix asphaltic topping.
 - (4) The following note for temporary turnaround shall be shown on plats:
"Cross-hatched area is temporary easement for turnaround until street is extended (indicate projected alignment) in a recorded plat."
- (i) The maximum block length for a residential subdivision is 2,400 feet measured along the center of the block, or 1,200 feet from each intersection except under special conditions and upon approval by the city council. The maximum block length along a major thoroughfare, 3,000 feet or 1,500 feet from each intersection except under special conditions and upon approval by the city council.
- (j) Partial or half streets may be provided where the city council feels that a street should be located on a property line. The partial street may be dedicated, with a one-foot reserve in fee along the property line. Such partial or half streets are exceptions to this article and can only be granted by the city council.
- (k) Provisional one-foot reserves to be used along the side or end of streets that abut acreage tracts shall comply with the following: One-foot reserve dedicated to the public in fee as a buffer separation between the side or end of streets in subdivision plat where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes (and the fee title thereto shall revert to and rest in the dedicator, his heirs, assigns or successors).
- (l) Temporary rights-of-way shall be designated on plats as follows:
"Cross-hatched strip to be temporarily dedicated for street purposes and will revert to the adjacent lot owners upon dedication of street right-of-way in its final alignment."
- (m) Proposed new names shall be submitted to the director of public works for approval prior to the submittal of final plat. Names shall be continuations of existing street names adjacent to or on line with proposed streets.
- (n) The following engineering data shall be provided:
- (1) Streets.
 - a. Complete curve data (LR, PC, PT) shown on centerline of each side of street.
 - b. Length and bearing of all tangents.
 - c. Dimensions from all angle points and points of curve to an adjacent side lot line.
 - (2) Lots. Complete bearings and dimensions for front, rear and side lot lines.
 - (3) Watercourses and easements.
 - a. Distances to be provided along the side lot lines from the front lot line to the point where the side line crosses the drainage easement line or the high bank of a stream.

-
- b. Traverse line to be provided along the edge of all large watercourses in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.

(Code 1985, § 27-61; Code 2000, § 98-106; Ord. of 4-26-2001)

Sec. 98-97. Sidewalks.

Sidewalks shall be provided in all subdivisions and constructed as required by the director of public works.

(Code 1985, § 27-62; Code 2000, § 98-107; Ord. of 4-26-2001)

Sec. 98-98. Lots.

- (a) The lot design of a neighborhood should provide for lots of adequate width and depth to provide open area and to eliminate overcrowding. Lots should be rectangular so far as practicable and should have the side lot lines at right angles to the streets on which the lot faces or radial to curved street lines.

- (b) All lots shown on the plat will be for residential purposes unless otherwise noted.

- (c) Side lot lines should be perpendicular or radial to street frontage and the following note may be in lieu of bearings:

"All side lot lines are either perpendicular or radial to street frontage unless otherwise noted."

- (d) Rear and side driveway access to major thoroughfares shall be prohibited.

- (e) Double-front lots are prohibited unless approved by the city council.

- (f) Minimum lot sizes shall be as follows:

- (1) 50-foot width.

- (2) 100-foot depth, unless otherwise approved.

- (3) Radial lots are to have minimum width of 50 feet at the building line.

- (4) Lot area minimum: 6,000 square feet where served by sanitary sewers.

- (5) Corner lots with a width of less than 70 feet are to be five feet wider than the average interior lots in the block.

- (6) Corner lots with a width of less than 80 feet siding on a major thoroughfare are to be at least 15 feet wider than the average interior lots in the block.

- (7) Lots facing on a major thoroughfare shall be at least ten feet deeper than average interior lot depths.

- (8) Lot width definition: average of front and rear lot dimension.

- (9) Minimum usable lot depths for lots backing on natural drainage easements: 70 feet between front lot line and drainage easement.

(Code 1985, § 27-634; Code 2000, § 98-108; Ord. of 4-26-2001)

Sec. 98-99. Numbering.

- (a) Blocks are to be numbered consecutively within the overall plat and/or sections of an overall plat as recorded.

-
- (b) All lots are to be numbered consecutively within each block. Lot numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.

(Code 1985, § 27-64; Code 2000, § 98-109; Ord. of 4-26-2001)

Sec. 98-100. Building lines.

- (a) Building lines shall be at least 15 feet on the front of all lots, ten feet on side of corner lots, and five feet on side of interior lots. Lots adjacent to major thoroughfares shall have a minimum 35-foot front building line when lots are facing or a minimum 20-foot side building line when lots are siding on thoroughfares.
- (b) Transitional building lines having a minimum angle of 45 degrees are to be provided where an offset in building lines is greater than five feet.

(Code 1985, § 27-65; Code 2000, § 98-110; Ord. of 4-26-2001)

Sec. 98-101. Easements.

- (a) Drainage easements shall comply with the following:
- (1) Their location and width to be determined by the director of public works for plats within the city limits and the county engineer for plats outside the city or the extraterritorial jurisdiction of the city.
 - (2) Easements for drainage adjacent to lots, tracts or reserves shall be noted:
"This easement shall be kept clear of fences, buildings, plantings and other obstructions to the operations and maintenance of the drainage facility; and abutting property shall not be permitted to drain into this easement except by means of an approved drainage structure."
- (b) Utility easements shall be as established by the director of public works and private utility officers, but no less than 16 feet in width.
- (c) The city as well as private utilities maintaining distribution systems within described easements shall have the right to keep these easements cleared of obstructions, including but not limited to trees, shrubs, fences or buildings which may interfere with or cause interruption to the utility services. Removal or replacement of obstructions shall be at the expense of the owner and not the city nor the utility.
- (d) Platting of public streets or easements across private easements or fee strips shall comply with the following:
- (1) A copy of the instrument establishing any private easement shall be submitted with the preliminary plat.
 - (2) Easement boundaries must be tied by dimensions to adjacent lot and tract corners. Where the private easement has no defined location or width, an effort shall be made to reach agreement on a defined easement. Where no agreement can be reached, then pipe, electrical or other facilities shall be accurately located and tied to lot lines, and building setback lines shall be shown at a minimum distance of ten feet from and parallel to the centerline of the pipeline.
 - (3) Prior to approval of the final plat, the developer or dedicatory of any subdivision plat wherein public streets or easements are shown crossing private easements or fee strips shall, by letter, assume responsibility for seeing that any adjustments and protection of existing pipelines, electrical transmission lines or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips prior to the filing of the plat for record.
 - (4) Prior to filing of the final plat for record, the following requirements shall be met:

-
- a. The developer or dedicator of any plat shall obtain from the holder of any private easement or fee strip within the plat crossed by proposed streets or other public easements an instrument granting to the public the use of such public streets or easements over and across such private easements or fee strips for construction, operation and maintenance of those public facilities normally using the type of public streets and easements indicated.
 - b. The developer shall furnish to the city a letter from the holder of private easements or fee strips in question stating that arrangements in pipelines, electric transmission lines or other similar facilities have been made to the satisfaction of the holder of the easement.

(Code 1985, § 27-66; Code 2000, § 98-111; Ord. of 4-26-2001)

Sec. 98-102. Fire protection.

~~Fire hydrants in single family residential subdivisions must be so located and provided within the project boundaries so that 500 feet of fire hose, extending on the ground from the hydrant, can reach the furthestmost part of any building within the boundaries of the plat.~~ [Fire protection must be in accordance with Chapter 42 – Fire Prevention and Protection.](#)

(Code 1985, § 27-67; Code 2000, § 98-112; Ord. of 4-26-2001)

Sec. 98-103. Survey requirements.

- (a) Monuments, consisting of three-quarter-inch iron rod, or larger, 36 inches in length, shall be placed at all corners of the block lines, the point of intersection of curves and tangents of the subdivision, flush with finished grade.
- (b) One benchmark for each five acres of property or fraction thereof shall be permanently installed in an approved manner, with their location and the elevation as shown on the plat. Permanent benchmarks shall be five-foot-long concrete posts, six inches in diameter, with the top to be at least 12 inches below finished grade.
- (c) Lot markers shall be one-half-inch metal rods, at least 24 inches in length, placed at each corner of all lots, flush with the average ground elevation, or they may be countersunk, if necessary, to avoid being disturbed.

(Code 2000, § 98-113; Ord. of 4-26-2001)

Sec. 98-104. Natural gas.

Design standards for natural gas service facilities shall be provided on request by the gas company director. All designs must conform to the standards set by the director.

(Code 1985, § 27-68; Code 2000, § 98-114; Ord. of 4-26-2001)

Secs. 98-105—98-121. Reserved.

DIVISION 3. CONSTRUCTION AND MATERIALS STANDARDS

Sec. 98-122. Streets.

- (a) All streets will be reinforced Portland cement concrete pavement on a compacted stabilized subgrade. Concrete pavement shall be provided with either an integral curb poured with the pavement or a separate curb constructed on top of, and doweled to, the concrete pavement. Variances from curb and gutter construction in the extraterritorial jurisdiction of the city may be granted by the variance committee as provided in section 2-267.
- (b) Grade and width shall be as follows:
- (1) Gutter gradients shall be a minimum of one-quarter of one percent. Crown sections shall slope not less than one-eighth inch per foot. The minimum drop around curb return will be one-tenth of one foot. All gutter grades shall be above the design water surface of ditches and storm sewers. All grade changes with algebraic differences of one percent or more shall be connected with a vertical curve.
- (2) Minimum width back to back of curb of streets and right-of-way shall be as follows:

	Street Width (feet)	Right- of- way Width (feet)
Major streets, dual	28 or 60	80— 100
Collector streets	36	60
Residential or minor streets	28	50
Cul-de-sac	40 Outside curb radius	50 Radius

- (c) Pavement design shall conform to the following general requirements. References are made to Texas Highway Department Standard Specifications for Road and Bridge Construction adopted by the State Highway Department of Texas, January 3, 1972, or latest revised edition. Engineering designs for all proposed streets shall be created by a professional engineer and approved by the public works director.

(Code 1985, § 27-81; Code 2000, § 98-136; Ord. of 4-26-2001)

Sec. 98-123. Drainage and storm sewers.

- (a) Adequate drainage shall be provided within the limits of the subdivision by the subdivider or developer that will not allow any increase in flooding within the subdivision or on adjoining or other properties. The protection of adjoining or other property will be considered in the review of the plans submitted.
- (b) Sealed engineering design documents, easements, plats, etc., shall be submitted to the public works department. A permit from the Texas Committee on Environmental Quality (TCEQ) must also be obtained prior to construction.

-
- (c) If the subdivision is located in the city's extraterritorial jurisdiction, sealed engineering design documents, easements, plats, etc., shall be submitted to Matagorda County Commissioners' Court for review and approval. Matagorda County Commissioners' Court approval of subdivision in accordance with county subdivision policies shall be obtained prior to final city approval.
- (d) Sizing of inlets, storm sewers, outfalls, culverts and drainage ditches will be based on the following:
- (1) The interior drainage system will be designed for a storm with a frequency of occurrence of once in five years. Major drainage ditches and structures will be designed for a storm with a frequency of occurrence of once in 25 years. Rainfall intensity shall be based on the state department of transportation rainfall intensity formula using county coefficients.
 - (2) To determine the runoff rates for the various areas, the standard rational method will be used, utilizing the formula:

$$Q = CIA$$

Where

Q equals rate of runoff in cubic feet per second;

C equals runoff coefficient;

I equals rainfall intensity in inches per hour; and

A equals the drainage areas in acres.

Drainage areas will be arrived at by considering location of high and low points on street grades, drainage divides in the areas, and general configuration of existing finishing grades. Calculations for each major storm sewer line shall be shown on a drainage data sheet and shall be included in the proposed plans. All pertinent information (i.e., drainage areas, time of concentration, rainfall intensity, runoff coefficients, etc.) shall be listed on the data sheet.

- (3) Sewers shall be sized to carry the discharge (Q) derived from the formula in subsection (d)(2) of this section. Capacity of storm sewers will be determined by the use of Mannings formula on the basis of hydraulic gradients rather than the physical slope of the pipe. Hydraulic gradients shall be based on the 25-year water surface elevation in the primary receiving channel. Sewers shall be sized so that the hydraulic gradient for the five-year storm event is below ground level, the hydraulic gradient for the 25-year storm event is not above the top of curb or the centerline of pavements, and the hydraulic gradient for the 100-year storm event shall not flood any structures.
 - (4) Inlets shall be spaced so that maximum travel distance of water in a gutter will not exceed 600 feet unless otherwise approved at all low points in the gutter gradient. Inlets will be sized using an allowable capacity of one cubic foot per second per foot of opening for a throat height of five inches.
- (e) The design of storm sewers, outfalls, culverts and drainage ditches will conform to the following requirements:
- (1) Manholes (inlets or junction boxes) shall be provided at all changes in grade or alignment, sewer intersections, street intersections and at a minimum of 1,000 feet on straight lines. Design of manholes shall follow acceptable engineering practice and shall be constructed of reinforced concrete sections in accordance with latest revisions to ASTM C-478 and/or clay brick conforming to the latest revision of ASTM C-432, Grade NA.
 - (2) Pipe for storm sewers shall be reinforced concrete pipe (RCP) when installed under any roadway pavement or may alternatively be high density polyethylene (HDPE) pipe when installed in a location not under any roadway pavement. All pipe for storm sewers shall be in sizes as shown on the approved plans. All RCP pipe shall conform to the latest revision of ASTM C-76, class III. All HDPE pipe shall

conform to the latest revision of ASTM F2619/F2619M-13. Where, in the opinion of the director of public works, added strength of pipe is needed for traffic loads over minimum cover or for excessive height of backfill, concrete pipe shall be ASTM C-76, class IV or V. Pipe shall have a minimum cover of not less than one foot over the top of the pipe.

- (3) Drainage ditches may be used for outfalls to natural or major drainage channels. Ditches shall have a minimum grade of not less than 0.10 percent, side slopes not steeper than 3:1 with a maximum velocity of three feet per second.
 - (4) Outfalls from sewers and ditches into major drainageways shall enter at a grade of the major drainage channel. Connection to major drainage channel shall be made with pipe to preserve integrity of channel bank. If necessary, drop-type outfall structures shall be used to prevent erosion.
 - (5) The design of major drainageways shall be coordinated and approved by the city's director of public works. Outfalls, culverts and drainage ditches will conform to the specifications of the director of public works.
- (f) The design of detention basins shall conform to the following:
- (1) The small watershed method for development of hydrographs (H.R. Malcom, A study of Detention in Urban Stormwater Management, Report No. 156 Water Resource Research Institute of the University of North Carolina) shall be used to compute runoff hydrographs for both existing and development conditions. Soil Conservation Service (SCS) methodology may be used to compute excess runoff volume.
 - (2) Detention volume calculations shall include routing of developed conditions hydrographs for the five-year, 25-year, and 100-year design storm events through the detention facility.

(Code 1985, § 27-82; Code 2000, § 98-137; Ord. of 4-26-2001; Ord. No. 1705, § 1, 1-24-2023; Ord. No. 1713, § 1(Exh. A), 8-8-2023)

Sec. 98-124. Water and sewer systems.

- (a) The developer will be required to submit a letter from the Texas Committee on Environmental Quality (TCEQ) approving the water and the sanitary sewerage systems. Such letter will serve as certification of the water and the sewerage systems by the Texas Committee on Environmental Quality (TCEQ). The developers of subdivision shall provide all water and sewer lines necessary to properly serve the subdivision.
- (b) The sanitary sewer system shall comply with all Texas Committee on Environmental Quality (TCEQ) requirements.

(Code 1985, § 27-83; Code 2000, § 98-138; Ord. of 4-26-2001)

Sec. 98-125. Streetlights.

Developers will be required to install ornamental metal, wooden or fiberglass streetlights, according to the following standards on public streets in subdivisions within the city limits and furnish necessary easements or rights-of-way as follows:

- (1) The recommended location and minimum number of streetlights shall be approved by the local electrical utility company and be marked on the final approved copy of the subdivision plat.
- (2) The spacing and location of streetlights shall be in accordance with recommended current standards of the Illuminating Engineering Society to ensure adequate illumination.

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- (3) Streetlights shall be located so as to be of general benefit to the surrounding neighborhood.
 - (4) The developer of the subdivision shall be responsible for the total expense of furnishing and installing the streetlight luminaire, complete with photoelectric controls, ornamental standard, with an underground electric supply circuit of proper size; and the developer shall be responsible for all trenching and backfill for installing the underground circuit. The specification of all equipment and materials to be used shall have prior approval of the city's electrical inspector before installation.

(Code 1985, § 27-84; Code 2000, § 98-139; Ord. of 4-26-2001)

Sec. 98-126. Street name signs.

Street name signs shall be approved, provided and installed by the city.

(Code 2000, § 98-140; Ord. of 4-26-2001)

Sec. 98-127. Natural gas.

All material and construction of natural gas facilities shall be performed by, or under the direction of, the Bay City Gas Company.

(Code 1985, § 27-85; Code 2000, § 98-141; Ord. of 4-26-2001)

Secs. 98-128—98-152. Reserve

ARTICLE IV. MULTIFAMILY DEVELOPMENTS

DIVISION 1. GENERALLY

Sec. 98-153. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment-type dwelling units means structures designed for or to be used for occupancy by more than three families, or those units having more than two points or areas of attachment with other dwelling units, except that units located on the ends of structures shall have more than one common point or area of attachment, and those structures being constructed for purposes of rent/lease to occupants.

Condominium means the separate ownership of single units or apartments in a multiple-unit structure or structures with any common element.

Condominium project means a real estate condominium project; a plan or project whereby four or more apartments, rooms (office spaces) or other units in existing or proposed buildings or structures are offered or proposed to be offered for sale.

Condominium regime means the declaring, through the recordation of a master deed, lease or declaration, the intent to submit their property to joint ownership as a condominium.

General common elements means the following:

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- (1) The land, whether leased or owned in fee simple, on which the building stands;
 - (2) The foundations, bearing walls and columns, roofs, halls, lobbies, stairways, and entrances and exits or communication ways;
 - (3) The basements, flat roofs, yard and gardens, except as otherwise provided or stipulated;
 - (4) The premises for the lodging of janitors or persons in charge of the building, except as otherwise provided or stipulated;
 - (5) The compartments or installation of central services such as power, light, gas, cold and hot water, refrigeration, central air conditioning and central heating, reservoirs, water tanks and pumps, swimming pools and the like;
 - (6) The elevators and shafts, garbage incinerators, and in general all devices or installations existing for common use; and
 - (7) All other elements of the building desirable or rationally of common use or necessary to the existence, upkeep and safety of the condominium regime, and any other elements described in the declaration.

Interior street means a public street not more than 600 feet long within a townhouse subdivision, which street is located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

Patio and other cluster developments means the geometric positioning of the dwelling units is such as to focus on a particular amenity such as a patio, garden or other green or open space, either private or public.

Planned unit development means a development of individually owned dwelling units structurally connected or immediately adjacent to each other without side yards between individual units, and all units are served by private streets and alleys.

Townhouse subdivision means those developed in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned and where the minimum lot sizes are to be less than those required.

Townhouse-type dwelling unit means a structure which is one or a series of dwelling units designed for a single-family occupancy, which dwelling units are structurally connected or immediately adjacent to each other without side yards between individual dwelling units.

(Code 1985, § 27-111; Code 2000, § 98-166; Ord. of 4-26-2001)

Sec. 98-154. Intent and scope.

The principal intent of multifamily (nonrental type) developments should be to accommodate various types of unique and innovative housing forms which are usually based upon a concept of reducing the area of individually owned lots and grouping such lots together to more efficiently utilize the total space within the subdivision by creating common open spaces, scenic and recreational areas and other spaces which would compensate for the reduction of land area contained within the individually owned lot. Housing forms to be accommodated would include but not be limited to townhouses, patio homes, planned unit developments, condominiums, cluster homes and housing forms of other designation.

(Code 1985, § 27-112; Code 2000, § 98-167; Ord. of 4-26-2001)

Sec. 98-155. Planned unit developments.

The following provisions shall apply to planned unit developments:

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- (1) The purpose of this section is to encourage the appropriate development of tracts of land of sufficient size to allow comprehensive planning and to provide flexibility in the application of certain regulations in a manner consistent with the general provisions of the city regulations.
 - (2) Approval of and eligibility for the application of this section shall be determined by the director of public works. Generally, the site shall include not less than two acres of contiguous land unless the city council finds that the property of less than two acres is suitable by virtue of its unique historical character, topography or other natural features, or by virtue of its qualifying as an isolated problem area.
 - (3) The minimum lot area, width, frontage and yard requirements for single-family residences otherwise applying shall not dictate the strict guidelines for development of the planned unit development. Minimum lot area, in this case, may be reduced only by the provision of outdoor living area, such that the total outdoor living areas, when added to the area in single lots, produces lots with a minimum area of not less than 4,000 square feet for each lot.
 - (4) Whenever outdoor living area is provided, the city council shall require that an association of owners be created, which shall adopt such articles of incorporation and bylaws and impose such declaration of covenants and restrictions on such outdoor living areas that are acceptable to the city legal department. The association shall be formed for the purpose of maintaining all common areas. Such an association, if required, may undertake other functions. It shall be created in such manner that owners of property shall automatically be members and shall be subject to assessments levied to maintain said common area for the purposes intended. Any dedication of fire lanes, utility or flood control easements shall be maintained by the association.

(Code 1985, § 27-113; Code 2000, § 98-168; Ord. of 4-26-2001)

Sec. 98-156. Condominiums.

- (a) It shall be unlawful for any developer or agent of any developer to offer for sale or sell any structure or building or offer for sale or sell any unit or units of a condominium project without the plat approval.
- (b) Every developer, sole owner or the co-owners of a building or proposed building within the city, its planning area, or its extraterritorial jurisdiction who expressly declare, through the recordation of a master deed, lease or declaration, their desire to submit their property to a condominium regime shall file a plat of such land with the city council for its approval in conformance with the standard rules of such city council and dedicating public streets, easements and all other dedications and covenants required in this article.

(Code 1985, § 27-114; Code 2000, § 98-169; Ord. of 4-26-2001)

Sec. 98-157. Townhouses.

Any person proposing or intending to develop a townhouse subdivision within the city, its planning area, or its extraterritorial jurisdiction shall, before any building permit is issued, cause a plat of such townhouse subdivision to be approved by the city council, which plat shall be in conformance with all of the provisions of these regulations, except to the extent that such provisions are inconsistent with the provisions of this article, which shall control with regard to townhouse subdivisions as set forth elsewhere in this article.

(Code 1985, § 27-115; Code 2000, § 98-170; Ord. of 4-26-2001)

Sec. 98-158. Other cluster housing.

Any person proposing or intending to develop another cluster housing type subdivision within the city, its planning area or its extraterritorial jurisdiction shall, before any building permit is issued, cause a plat of such subdivision to be approved by the city council, which plat shall be in general conformance with all provisions of these regulations as applicable to multifamily development and such additional provisions as may be required by the city council.

(Code 1985, § 27-116; Code 2000, § 98-171; Ord. of 4-26-2001)

Sec. 98-159. Apartments.

- (a) Every developer, sole owner or the co-owners of proposed apartment type developments shall file a plat of such land with the city council for its approval in conformance with the standard rules of the city for dedicating public streets, easements, requirements for fire protection and all other dedications and covenants required in this article.
- (b) Residential development designed for rental occupancy shall not exceed 27 dwelling units per parcel acre except that:
 - (1) In computing the developer's parcel acreage credit may be given for up to one-half of any abutting permanent open space as determined by the city council.
 - (2) In no case shall open space be utilized to permit densities in excess of 150 percent of those otherwise permitted.
- (c) On-site parking shall be provided for residential development designated for rental occupancy at the rate of two spaces per dwelling unit. Geometric design standards for driveways and parking spaces shall be approved by the director of public works.

(Code 1985, § 27-117; Code 2000, § 98-172; Ord. of 4-26-2001)

Secs. 98-160—98-186. Reserved.

DIVISION 2. DESIGN AND DEVELOPMENT STANDARDS

Sec. 98-187. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Multifamily ~~-(nonrental)~~ development, in the usual sense of the term, refers to a subdivision of individually owned lots and groupings of lots which will accommodate a variety of housing forms, including townhouses, patio homes, cluster homes, planned unit developments, condominiums and other designations of housing forms.

(Code 1985, § 27-131; Code 2000, § 98-196; Ord. of 4-26-2001)

Sec. 98-188. Streets.

- (a) Standards for streets in multifamily developments are not intended to be in conflict with street standards for other subdivision developments.

- (b) Any person proposing or intending to develop a townhouse subdivision within the city, its planning area or its extraterritorial jurisdiction shall, before any building permit is issued, [submit a Land Approval Plan in accordance with Sec. 98-44., which shall include street standards, if applicable, as described below](#)~~cause a plat of such townhouse subdivision to be approved by the city council, which plat shall be in conformance with all of the provisions of this article, except to the extent that such provisions are inconsistent with the following requirements, which shall control with regard to townhouse subdivisions:~~
- (1) Interior streets shall have a minimum right-of-way width of 50 feet and shall be developed with a minimum 28-foot paving section with concrete curbs and gutters in accordance with standards set forth in division 3 of article III of this chapter. The council may, for good cause, require 36-foot wide paving of streets.
 - (2) Access streets shall have a minimum right-of-way width of 60 feet and shall be developed with a minimum 36-foot paving section with concrete curbs and gutters in accordance with such standards.
 - (3) All townhouse subdivisions shall have a direct access from at least one dedicated and accessible public street having a right-of-way width of not less than 50 feet.

(Code 1985, § 27-133; Code 2000, § 98-197; Ord. of 4-26-2001)

Sec. 98-189. Sidewalks.

The provisions of section 98-97 shall apply to this article.

(Code 1985, § 27-133; Code 2000, § 98-198; Ord. of 4-26-2001)

Sec. 98-190. Lots.

- (a) In those instances where the proposed lot has a gross area of less than 2,500 square feet, compensating common open space must be established and provided within the plat boundary.
- (b) The lot area shall be a minimum of 2,500 square feet except as provided in subsection (e) of this section. The lot width shall be a minimum of 24 feet, except as provided in subsection (e) of this section.
- (c) If side yards are provided along interior lot lines, the side yard of each abutting lot shall be at least five feet so that there shall be at least ten feet between all adjacent buildings without a common wall. Side yards provided along a lot siding on an access street or along the boundary of the plat shall be at least ten feet.
- (d) Dwelling units shall be constructed up to interior side lot lines without side yards and windows shall not face an interior side lot line without a side yard. Windows may face a side lot line if the side wall of the dwelling unit is at least ten feet from an adjacent building across an interior lot line.
- (e) The lot size may be reduced under the provisions that open space, as defined in this article, is provided according to the following schedule. For every 100 square feet of open space per lot provided, the minimum lot area may be reduced by 200 square feet and the width of the lot may be reduced as shown in the table below. No lot shall, however, have a lot area of less than 2,000 square feet or a width of less than 20 feet.

Open Space Provided Per Dwelling Unit Lot (square feet)	Minimum Lot Area (square feet)	Minimum Lot Width (feet)
0	2,500	24
100	2,300	23
200	2,100	21

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250	2,000	20
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Open space must be provided in increments as shown in the table in this subsection, and credit will not be allowed on a proportionate basis. The dedication, location and use of open space shall in all cases be subject to the approval of the city council.

- (f) The maximum density shall not exceed eight dwelling units per parcel acre, except that:
- (1) Credit may be given for up to one-half of any abutting permanent open space in computing the developer's parcel acreage. Examples of permanent open space would be an existing public park or flood control drainage easement. Land in private ownership or in public street right-of-way does not constitute permanent open space. The determination of permanent open space eligibility shall rest with the city council.
 - (2) Consideration may be given for townhouse subdivisions proposed in areas which are primarily commercial in nature or areas which are primarily devoted to multifamily -dwelling projects at the time the plat is submitted, and where the townhouse subdivision has direct access to a major thoroughfare capable of handling the increased traffic volume generated. In general, property with direct access to and within 300 feet of a designated major thoroughfare shall qualify as a commercial area, as well as other areas that the city council determines to be primarily commercial in nature. The determination of whether an area is primarily commercial or primarily multifamily -shall rest solely with the city council.
- (g) Where townhouse lots are backing or siding upon an existing public street, a two-foot-wide private easement shall be provided abutting the street and a masonry or other approved permanent type wall not less than six feet high shall be constructed upon the easement to provide a visual screen.

(Code 1985, § 27-134; Code 2000, § 98-199; Ord. of 4-26-2001)

Sec. 98-191. Numbering.

The provisions of section 98-99 shall apply to this article.

(Code 1985, § 27-135; Code 2000, § 98-200; Ord. of 4-26-2001)

Sec. 98-192. Building lines.

- (a) Building setback lines of 20 feet shall be required on all lots fronting or backing on an access street.
- (b) Building setback lines of ten feet shall be required on all lots siding on access streets or upon a plat boundary.
- (c) No building lines shall be required on the sides of lots abutting interior streets except where traffic safety or other factors necessitate the establishment of such setback.
- (d) Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a public street, such open or common court shall be at least 40 feet wide and not more than 200 feet long, measured from the public street upon which the court must open. The court shall not include vehicular drives or parking area in front of dwelling units.

(Code 1985, § 27-136; Code 2000, § 98-201; Ord. of 4-26-2001)

Sec. 98-193. Easements.

The provisions of section 98-101 shall apply to this article.

(Code 1985, § 27-137; Code 2000, § 98-202; Ord. of 4-26-2001)

Sec. 98-194. Fire protection.

Fire protection must be in accordance with Chapter 42 – Fire Prevention and Protection. (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fire lane easement means an easement improved and maintained by the owner or co-owner of the land across which it is located for the primary purpose of providing ingress and egress to buildings served thereby for police officers, firefighters and firefighting and emergency vehicles and equipment, and for the location therein of water mains, fire hydrants and other public utilities. A fire lane easement is not an alley and is not designed for city garbage pickup service or mail service. A fire lane easement remains private property except for the restrictions imposed in this article.

(b) The following provisions shall apply to fire lane easements:

- (1) All structures shall be located so as to be within 300 feet of a dedicated, accessible and improved public street or within 150 feet of a dedicated, accessible and improved fire lane easement. No dwelling unit of a residential building shall be located more than 300 feet from a functioning fire hydrant.
- (2) A fire lane easement shall have a minimum of 28 feet of paved roadway.
- (3) Fire lane easements shall receive primary access from a dedicated and improved public street or not less than 50 feet of right of way.
- (4) Fire lane easements which curve, turn or change directions shall have a minimum centerline curve radius of 35 feet.
- (5) Fire lane easements with reverse curves shall have a minimum tangent length of 50 feet between points of curve.
- (6) Dead end fire lane easements shall be terminated with an unobstructed vehicular turnaround or cul-de-sac with a minimum paved radius of 50 feet.
- (7) Dead end fire lane easements shall have a maximum length of 300 feet.
- (8) Fire lane easements shall be marked and designated by a metal sign at the entrance or intersection of the fire lane easement and a public street, and shall also be posted every 100 feet along the fire lane easement. This sign shall be of eight-gauge metal, with embossed or raised letters. Lettering is to be red on a white background, and shall be baked-on enamel paint. The sign shall state in 1½-inch letters the following:

"Fire Lane Easement"

"To be open at all times for firefighting equipment."

- (9) The owner of a project or development containing fire lane easements shall be responsible for maintaining an open easement at all times. Any violator shall be subjected to a fine of not to exceed \$1,000.00 for any object blocking any part of the fire lane easement at any time, and each day shall constitute a separate offense.

~~(c) No building permit shall be issued by the city to construct, reconstruct, relocate or erect a building under conditions or in a location that is subject to the provisions of this article unless and until the applicant therefor has complied with the provisions of this article and has requested and obtained written approval of the city council certifying that such applicant has in all respects complied with the provisions of this article. Assurance that such fire lane easement has been dedicated and will be paved must be given in writing by the applicant to the city council, and final approval of any such building constructed in a location subject to the provisions of this article shall not be given by the city building inspector until such easement is so paved.~~

(Code 1985, § 27-138; Code 2000, § 98-203; Ord. of 4-26-2001)

Sec. 98-195. Survey requirements.

The provisions of section 98-103 shall apply to this section.

(Code 2000, § 98-204; Ord. of 4-26-2001)

Sec. 98-196. Natural gas.

The provisions of section 98-104 shall apply to this section.

(Code 1985, § 27-139; Code 2000, § 98-205; Ord. of 4-26-2001)

Secs. 98-197—98-215. Reserved.

DIVISION 3. CONSTRUCTION AND MATERIALS STANDARDS

Sec. 98-216. Streets.

The provisions of section 98-122 shall apply to this article. In addition, the following additional width requirements shall apply:

Type	Street Width (feet)	Right-of-way Width (feet)
Cul-de-sac	45 Outside curb radius	60 Radius
Minor	36	60

(Code 1985, § 27-156; Code 2000, § 98-226; Ord. of 4-26-2001)

Sec. 98-217. Drainage and storm sewers.

The provisions of section 98-123 shall apply to this article.

(Code 1985, § 27-157; Code 2000, § 98-227; Ord. of 4-26-2001)

Sec. 98-218. Water and sewer systems.

The provisions of section 98-124 shall apply to this article.

(Code 1985, § 27-158; Code 2000, § 98-228; Ord. of 4-26-2001)

Sec. 98-219. Streetlights.

The provisions of section 98-125 shall apply to this article.

(Code 1985, § 27-160; Code 2000, § 98-229; Ord. of 4-26-2001)

Sec. 98-220. Street names.

The provisions of sections 98-126 and 98-96(m) shall apply to this article.

(Code 1985, § 27-161; Code 2000, § 98-230; Ord. of 4-26-2001)

Sec. 98-221. Natural gas.

The provisions of section 98-127 shall apply to this article.

(Code 2000, § 98-231; Ord. of 4-26-2001)

ARTICLE V. GENERAL COMMERCIAL DEVELOPMENTS

DIVISION 1. GENERALLY

Sec. 98-222. Purpose.

The purpose of this article is intended to establish and preserve commercial areas for general commercial uses which by their nature may not be compatible with other manufacturing or industrial uses.

Sec. 98-223. Definitions.

Reserved.

Sec. 98-224. Light Commercial. The development of property as light commercial is intended to provide minimal impact retail businesses located adjacent to residential areas or other areas. The uses permitted within the Light Commercial area are meant to serve the retail needs of nearby residents. These areas are referenced in the Land Use Plan adopted in the City's Comprehensive Plan.

Sec. 98-225. General Commercial.

The development of property in general commercial areas is intended to provide for a variety of commercial uses including wholesale sales and services, general retail and service businesses, and office uses. These areas are primarily intended for use in high traffic areas adjacent to arterial streets and are appropriate for medium and high volume commercial centers. Outdoor storage and display of merchandise can be permitted in this district on a seasonal basis as long as the site is in compliance with applicable floodplain site specific requirements.

PART II - CODE OF ORDINANCES
Chapter 98 - SUBDIVISIONS
ARTICLE IV. - MULTIFAMILY DEVELOPMENTS
DIVISION 2. DESIGN AND DEVELOPMENT STANDARDS

Sec. 98-226—98-230. Reserved.

**DIVISION 2. DESIGN AND DEVELOPMENT STANDARDS FOR LIGHT AND GENERAL
COMMERCIAL**

Sec. 98-231. General.

Uses permitted by right. No building, structure or land shall be used, and no building or structure shall be erected, constructed, reconstructed, moved or altered subject to the specified uses, and to all applicable provisions of this division.

Sec. 98-232. Streets.

- (a) Standards for streets in general commercial developments are not intended to be in conflict with street standards for other subdivision developments.
- (b) Any person proposing or intending to develop a commercial business site within the city, its planning area or its extraterritorial jurisdiction shall, before any building permit is issued, submit a Land Approval Plan in accordance with Sec. 98-44, which shall include street standards, if applicable, as described below:
 - (1) Interior streets shall have a minimum right-of-way width of 50 feet and shall be developed with a minimum 28-foot paving section with concrete curbs and gutters in accordance with standards set forth in division 3 of article III of this chapter. The council may, for good cause, require 36-foot wide paving of streets.
 - (2) Access streets shall have a minimum right-of-way width of 60 feet and shall be developed with a minimum 36-foot paving section with concrete curbs and gutters in accordance with such standards.

(Code 1985, § 27-133; Code 2000, § 98-197; Ord. of 4-26-2001)

Sec. 98-233. Sidewalks.

The provisions of section 98-97 shall apply to this article.

(Code 1985, § 27-133; Code 2000, § 98-198; Ord. of 4-26-2001)

Sec. 98-234. (a) Height and area regulations. The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots shall be as follows, except as otherwise provided in Article 98-283 of this chapter, pertaining to height and area regulations:

(1) Minimum lot area: 6000 square feet

(2) Maximum height of structures: 45 feet from finished grade.

(3) Minimum yards:

(A) Front: 25 feet from street right-of-way.

(B) Side: No setback required, except ten feet when adjacent to a residential district.

(C) Corner: Ten feet.

(D) Rear: No setback required, except 20 feet when adjacent to a residential district.

(4) Minimum parking lot setback:

(A) Ten feet.

(B) 15 feet when adjacent to a residential district.

(b) Structural and Site Development standards.

(1) All business activities must be conducted within a fully enclosed building.

(2) Materials and equipment not offered for sale or rent may be stored outside if they are within an area that is 100 percent screened on all sides from public view.

(3) All sides of any building visible from an arterial street, highway, or residential area shall have a minimum of 50 percent of the wall area constructed with decorative materials, which includes, but is not limited to, clay brick, tinted concrete block, textured concrete block (split face, fluted, etc.), stucco, glass, wood, tinted or textured concrete panels, rock, exposed aggregate panels, or similar materials.

(4) Landscaping shall be placed along the side or end of the building, more than 75 feet in length, that is perpendicular to an arterial street or highway.

(5) The backs of any building, if not visible from an arterial street, highway, or residential area, may be constructed entirely of decorative, nondecorative, or metal panels.

(6) A minimum of 25 percent of the wall area of the side of any building facing a local industrial street shall be constructed with decorative materials.

(7) When a development, project, construction or use allowable in this district is proposed, a minimum of a six-foot solid screening fence of wood or masonry construction shall be erected and permanently maintained along the adjacent property line to a residential zone.

Sec. 98-235. Numbering.

The provisions of section 98-99 shall apply to this article.

[\(Code 1985, § 27-135; Code 2000, § 98-200; Ord. of 4-26-2001\)](#)

Sec. 98-236. Reserved

Sec. 98-237. Easements.

[The provisions of section 98-101 shall apply to this article.](#)

[\(Code 1985, § 27-137; Code 2000, § 98-202; Ord. of 4-26-2001\)](#)

Sec. 98-238. Fire protection.

[Fire protection must be in accordance with Chapter 42 – Fire Prevention and Protection.](#)

[\(Code 1985, § 27-138; Code 2000, § 98-203; Ord. of 4-26-2001\)](#)

Sec. 98-239. Survey requirements.

[The provisions of section 98-103 shall apply to this section.](#)

Sec. 98-240. Natural gas.

[The provisions of section 98-104 shall apply to this section.](#)

Sec. 98-241. Development and performance standards

[\(1\) Landscaping materials for retail nurseries and/or lawn and garden stores \(stand-alone developments not associated with other commercial activities\) may be displayed on an unlimited basis outside a building but shall be kept off the public sidewalks and streets, shall not be placed within a required parking/paving setback area, and shall not reduce the capacity of a parking lot below that required by this chapter.](#)

[\(2\) Customary passenger vehicles, trailers, recreational vehicles, motor vehicles and other motorized machinery and equipment for sale or lease may be displayed on an unlimited basis outside a building on a paved display area or lot, provided that the display area shall not be placed within a required parking/paving setback area and shall not reduce the capacity of a parking lot below that required by this chapter.](#)

[\(3\) When a development, project, construction or use allowable in this district is proposed, a minimum of six-foot solid screening fence of wood or masonry construction shall be erected and permanently maintained along the adjacent property line to a residential zone.](#)

DIVISION 3. CONSTRUCTION AND MATERIAL STANDARDS FOR LIGHT AND GENERAL COMMERCIAL DEVELOPMENT

Sec. 98-242. Streets.

[The provisions of section 98-122 shall apply to this article. In addition, the following additional width requirements shall apply:](#)

<u>Type</u>	<u>Street Width (feet)</u>	<u>Right-of-way Width (feet)</u>
<u>Cul-de-sac</u>	<u>45 Outside curb radius</u>	<u>60 Radius</u>
<u>Minor</u>	<u>36</u>	<u>60</u>

(Code 1985, § 27-156; Code 2000, § 98-226; Ord. of 4-26-2001)

Sec. 98-243. Drainage and storm sewers.

The provisions of section 98-123 shall apply to this article.

(Code 1985, § 27-157; Code 2000, § 98-227; Ord. of 4-26-2001)

Sec. 98-244. Water and sewer systems.

The provisions of section 98-124 shall apply to this article.

(Code 1985, § 27-158; Code 2000, § 98-228; Ord. of 4-26-2001)

Sec. 98-245. Streetlights.

The provisions of section 98-125 shall apply to this article.

(Code 1985, § 27-160; Code 2000, § 98-229; Ord. of 4-26-2001)

Sec. 98-246. Street names.

The provisions of sections 98-126 and 98-96(m) shall apply to this article.

(Code 1985, § 27-161; Code 2000, § 98-230; Ord. of 4-26-2001)

Sec. 98-247. Natural gas.

The provisions of section 98-104 shall apply to this section.

(Code 1985, § 27-139; Code 2000, § 98-205; Ord. of 4-26-2001)

Sec. 98-248. Lighting.

(a) The purpose of this section is to provide design standards for site and building lighting that are Dark Sky compliant and compatible with adjacent uses.

(b) Commercial outdoor lighting will be in accordance with other provisions of this ordinance and City building codes. A detailed lighting plan and photometric plan shall be included with the Building Permit application and shall meet the following requirements:

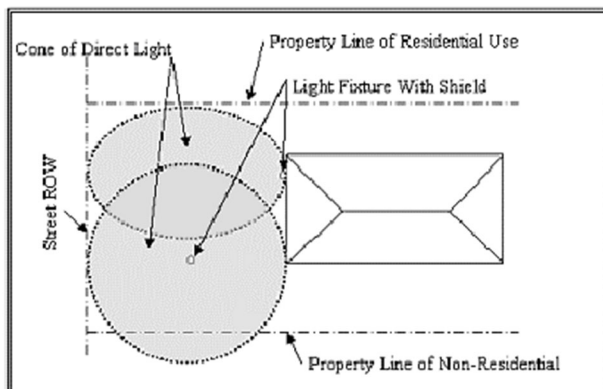
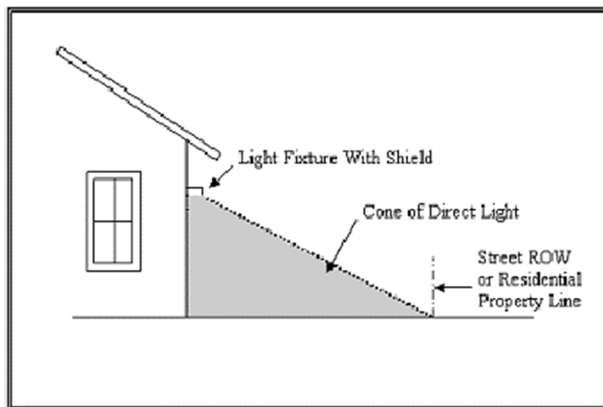
(1) Outdoor Lighting.

a. Fixture.

PART II - CODE OF ORDINANCES
Chapter 98 - SUBDIVISIONS
ARTICLE IV. MULTIFAMILY DEVELOPMENTS

- i. All permanent exterior lighting shall be non-flashing and shielded such that the light source (cone of direct light) is not visible from the public ROW or adjacent residential uses at the property line (see Figure R - following page).
 - ii. Wall pack lighting or other lighting that directs the light in a horizontal direction without an adequate shield is not permitted (since it directs the light glare directly outward) if there are streets or residential uses in the direction of the light.
- b. Illumination Levels.
- i. All site lighting shall be designed and installed so that the level of illumination as measured in foot candles at a height of three (3') feet at the property line does not exceed two (2') footcandles.

**FIGURE R
CONE OF DIRECT LIGHT**



[Secs. 98-249—98-250. Reserved.](#)

ARTICLE VI. GENERAL INDUSTRIAL DEVELOPMENTS

DIVISION 1. GENERALLY

Sec. 98-251. Purpose.

The purpose of this article is intended to establish and preserve industrial areas for heavy manufacturing uses which by their nature may not be compatible with commercial or other manufacturing uses. Provision is also made for the location in this district are uses which may have characteristics of a noxious nature, along with the imposition of reasonable standards for the health, welfare, and safety of adjacent property owners and the community as a whole.

Sec. 98-252. Definitions.

(a) Sensitive Use means any residential dwelling, school, preschool, daycare center, in-home daycares, long term care facilities, retirement and nursing homes, community centers place of worship, public park, public or institutional buildings or facilities, hospitals or other medical care facilities, or agricultural operations.

(b) Waste Heat means heat generated as a byproduct of industrial operations.

Sec. 98-253. Use Classification - General Industrial.

Uses permitted by right. Industrial facilities and similar uses shall be restricted to industrial location identified in the currently adopted Bay City Comprehensive Master Plan. The development of property in the general industrial is intended to provide for a wide variety of light and heavy industrial uses including office warehousing, manufacturing, product assembly, and those other uses that would support such uses. Most activities shall occur inside a building; however, outside storage of materials and displays may be permitted subject to performance standards. The most recently adopted International Building Codes apply to all applicable building trades (Section 22-4).

DIVISION 2. DESIGN AND DEVELOPMENT STANDARDS FOR GENERAL INDUSTRIAL

Sec. 98-254. Utility and Grid Impact Analysis Requirements

No application for an industrial development or major technological expansion shall be accepted for review without a comprehensive Utility Impact Analysis prepared by an independent, licensed electrical/civil engineer retained by the municipality at the applicant's expense. The analysis must explicitly detail:

1. Peak Demand & Load Projections: Total estimated electrical load (megawatts/MW) at peak operational capacity, base load requirements, and projected Power Usage Effectiveness (PUE) metrics.
2. Local Grid Capacity Assessment: Evaluation of local substation and distribution/transmission line capacities. The study must identify whether infrastructure upgrades are necessary and confirm that the facility will not degrade grid reliability or shift financial cost burdens to residential ratepayers.
3. Water Consumption & Wastewater Feasibility: Projected daily and annual potable and non-potable water usage for cooling systems, peak gallon rates, source identification (public vs. private), and a complete Analysis of Wastewater Disposal Needs.
4. Emergency Power & On-Site Generation: Specifications for back-up generators, fuel storage volumes, run-time capacities, and routine testing schedules designed to minimize local ambient strain.
5. Curtailment & Load-Shedding Plan: A binding protocol detailing how the facility will rapidly reduce or shed electrical load during regional emergency grid events or transmission constraints.

Sec. 98-255. Development Plan Application Requirements.

- (1) Application fee. A fee outlined in Appendix B, Tax Rate and Fee Schedule is due at time of application submittal in addition to any other fees for land use change, platting, building permits, inspections, or certificates of occupancy. The application must be submitted to the Planning and Development Department in the form of an Industrial Site Development Plan.
- (2) The proposed Industrial Site Development Plan shall depict the following information.
 - (a) Building location, elevations, orientation, renderings/illustrations : Buildings shall be sited and oriented to minimize visual impacts of the bulk of the building when examined on a line-of-site basis from adjacent streets and Sensitive Uses
 - (b) Ground mounted equipment location: All ground-mounted equipment including generators, fuel storage tanks, and utility substations are prohibited from the front yard. Ground mounted equipment shall be located on the side farthest from any type of residential area and are not permitted adjacent to any property with a land use permitting residential development, or an existing residential development.
 - (c) Driveways and sidewalks (pedestrian routes): Provide safe and convenient vehicular access to an industrial site, including sufficient on-site queuing areas at the main entrance and delivery, loading/unloading, and staging areas.
 - (d) Setbacks - building and paving; distance; between buildings and/or containers; see Sec. 98-283, Height and area regulations.
 - (e) Landscaping and Screening Plan: The industrial site shall comply with the following landscaping and screening requirements. Additional requirements may be imposed by the City Council upon recommendation from the Planning Commission and/or Planning and Development Services Division.

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- (1) Industrial facilities shall be fully screened from visibility on any and all gateway or thoroughfare and/or adjacent streets and shall have and maintain substantial landscaping of at least 15% or more as recommended by the Planning Commission.
- (2) A wood or masonry wall or other acceptable buffer depending on the existence of hazard equipment or materials, shall be installed around the perimeter of the facility. Where adjacent to surrounding communities, the screening wall shall match existing walls in style and material to the greatest extent possible.
- (3) The wall shall be designed to withstand a blast from a hazardous material container striking it unless the containers are shown to be compliant with the blast containment requirements of applicable codes and satisfactory to the Matagorda County Fire Marshal.
- (4) For projects visible from any public right of way which is not gateway, thoroughfare or public street, a continuous hedge shall be installed adjacent to the perimeter wall. Planning Commission may consider the minimum landscaping requirement to be at least one large shrub capable of reaching a minimum height of four feet for each eight linear feet of required screening fence and one street tree for each 50 feet of required screening fence, provided that, not less than one street tree and three large shrubs are provided for each site. The Planning Commission may also apply a greater standard as it finds appropriate based on the location and characteristics of the particular site. Screening shall also be provided for truck and trash areas.
- (5) At least 50% of the site shall be pervious. All pervious areas shall be landscaped and maintained in accordance with the Land Approval Plan (Sec. 98-44). The Planning Commission may recommend approval conditioned upon a site-specific higher standard.
- (6) For sites located in currently undeveloped areas which are not visible from a gateway, thoroughfare, public street or public right of way, the City Council, upon recommendation from the Planning Commission may defer implementation of the requirement for landscaping until such time as development commences in the area. This deferral shall not operate as a precedent for the waiver of the landscaping requirements which may otherwise be applicable to development in the area. The deferral period may be ended by the Planning Commission based upon development and platting in the area. Upon such ending of the deferral period, the facility owner shall have six months upon written notice to install the requisite landscaping. Failure to install the required landscaping may result in revocation or non-renewal of the Certificate of Occupancy for the site.
- (f) Site plan drawings shall also include:
- (1) Vehicle and truck circulation within development
 - (2) Truck and trailer storage and parking areas
 - (3) Light pole/fixture locations
 - (4) Sign location: refer to the provisions of Chapter 22, Article XII, Section. 22-540 and Section 98-263 of this ordinance.
- (3) Grading Plan signed and approved by a licensed Professional Engineer shall be provided as part of the overall plan set
- (4) Stormwater Drainage Plan- containment of stormwater runoff shall be in accordance with state and local regulations, ordinances, policies, and procedures and shall protect the public water supply and drainage system from the runoff of any contaminants into the water supply or stormwater drainage system.
- (5) Floodplain requirements- industrial facilities shall not be installed in a FEMA specified Special Flood Hazard Area or other site with known history of flooding or drainage issues.

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- (6) Cybersecurity plan: An industrial facility must provide a plan which outlines the steps taken to protect industrial networks, data, and systems within operational and cyber-physical environments, including critical infrastructure and industrial control systems (ICS).

(7) Access management plan:

- a. The location and width of all driveways that will connect to a public street must be reviewed and approved by the city prior to construction and may be required to be identified at the time of platting, prior to the submission of a building permit, or at the time a land plan or site plan is submitted. This includes replats where relocating or shared access may be required or denial of an additional driveway on the newly formed lot.
- b. All driveways are required to first obtain a permit through the city. In addition, if the driveway is located on a state roadway, the city requires the applicant to obtain a driveway access permit from the Texas Department of Transportation (TxDOT). No permit from the city shall be released until a permit has been approved by TxDOT and delivered to the city. The city will adhere to the guidelines, rules adopted and approved by TxDOT on all TxDOT controlled roadways.
- c. A traffic impact study may be required as a part of the approval process for driveways and other roadway access. A traffic impact analysis (TIA), when required, shall be prepared by an individual, group, firm or corporation having demonstrated professional emphasis and experience in transportation planning, engineering and in the preparation of similar analyses. The TIA document shall bear the seal and signature of a Texas registered professional engineer.
- d. A TIA shall include the following information:
 1. Study purpose and objectives.
 2. Description of the site and study area - to include entire property or master plan, not just portion submitted for building permit or plat approval.
 3. Existing conditions in the area of the development.
 4. Recorded or approved nearby development.
 5. Trip generation and trip distribution.
 6. Projected future traffic volumes.
 7. An assessment of the change in roadway operating conditions resulting from the development traffic.
 8. Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
 9. Prior to preparation of a TIA, the design engineer is required to meet with the public works director to identify the study area, define the area of influence, non-site impacts, and determine or define essential elements such as but not limited to study area, design year, trip generation rates, trip assignments, non-site traffic estimates, etc.
 10. The TIA shall be presented in the following manner:
 11. Straightforward and in a logical sequence; step by step toward conclusions and identifying recommendations and alternatives.
 12. It shall allow the reviewer to duplicate the calculations.

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13. Recommendations shall specify the time period within which the improvements should be made, particularly if the improvements are associated with various phases of the development.
 14. Recommendations shall also specify the time period for any monitoring of operating conditions.
 15. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
 16. A brief executive summary of one or two pages [shall] be provided, concisely summarizing the purpose, conclusions, recommendations, and alternatives.
- e. Large speed differentials shall be minimized to prevent unsafe conditions. Every attempt should be made to have driveway designs that create no more than 20 mph maximum speed differential on roadways. Driveway approaches accessing major thoroughfares should be situated in a manner that minimizes the number of potential conflict points. Use of deceleration lanes, acceleration lanes, turning lanes, turning bays, shared driveways, access easements for adjoining properties, cross driveway easements (an easement allowing two or more properties to share a common drive(s)), traffic signals and traffic-control devices, special lanes for pedestrians, crosswalks, medians and median markings, special signage, and other internal and external designs, signage, devices, markings, etc., shall be considered on all driveway requests.
 - f. Anyone planning on developing a site, parcel of land, or preparing a parcel of land or site for such shall be prepared to submit a driveway plan for the entire property. If the parcel to be platted is a portion of a larger tract, the city may require all driveways be identified or at a minimum the number, general location and access easements identified to allow joint use of driveway(s) located on separate tracts or parcels on the larger tract before the platting of the smaller tract or sub-parcel. A TIA may be required to take into consideration a larger section of roadway or other roadways other than the roadway immediately adjoining the tract(s) of land under consideration.
- (8) Operational experience of the following: Developer/operator, equipment manufacturer engineer, system operator, insurance and on-site operations and maintenance. Operational experience shall include any record of fire incidents with installations similar in type or kind to the project being proposed in the application.
 - (9) Decommissioning plan: refer to the provisions of Section 98-264 of this ordinance

Sec. 98-256. BUILDING PERMIT APPLICATION REQUIREMENTS

- (1) Building permit application fee. Building permit fee to be assessed as industrial based upon valuation in accordance with fee schedule approved by City Council found at Appendix B of this ordinance.
- (2) Building permit application requirements. The Building Technician, with consultation from the third-party Fire inspector shall establish forms and guidelines for the industrial facility permit application. The building permit application for an industrial facility shall include the following information at minimum:
 - (a) Final site plan drawing;
 - (b) Hazard Mitigation Analysis based on industrial facility equipment to be installed;
 - (c) Emergency Response Plan; see Section 98-257 of this ordinance
 - (d) Sound modeling, if required: (1) by the Planning Commission or City Council as a condition for approval of a Development Plan approval; or (2) by the Building Technician for an industrial facility site located within 500 feet of a property zoned or used for single-family use;

(e) Plume Study, if required: (1) by the Planning Commission or City Council as a condition for approval of a Development Plan approval; or (2) by the Building Technician for an industrial facility site located within 500 feet of a property zoned or used for single-family use; and

(f) Contact information and the operational experience for each of the following: the developer/operator, equipment manufacturer, engineer of record, system operator, insurance, and operations and maintenance.

Sec. 98-257. EMERGENCY RESPONSE PLAN

A copy of the approved Emergency Response Plan shall be given to the system owner, the Fire Department, mutual aid agencies, and the Manager/designated staff representative, and Matagorda County Emergency Management Department. The Emergency Response Plan shall be approved by the Bay City VFD, Bay City PD, Matagorda County Fire Marshal, Matagorda County Emergency Manager, and any City representatives as may be required by the city prior to the approval of the industrial facility site. The Emergency Response Plan shall at a minimum include the following:

- (1) Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions;
- (2) Procedures for inspection and testing of smoke, heat, gas and other alarms, interlocks, and controls;
- (3) Procedures to be followed in response to notifications from the industrial facility operators or alarm system, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed upon notification to Fire Department personnel for potentially hazardous conditions in the event of a system failure;
- (4) Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the Fire Department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire;
- (5) Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment;
- (6) Identify a process to manage industrial facility equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove equipment from the facility;
- (7) Other procedures as determined necessary by the City Fire Chief and County Fire Marshal to ensure the safety of occupants, neighboring properties, and emergency responders;
- (8) Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures;
- (9) A mitigation plan indicating actions for post-event response and clean-up. Should an event occur, preventative action must be completed (with corrective action report) to prevent reoccurrence;
- (10) Provide a list of emergency contacts that shall be updated annually or when significant changes are made, whichever is earlier; and

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- (11) A documented plan for natural disasters and/or extreme environmental conditions such as high ambient temperatures and/or humidity, including how flooding or brackish water would affect facility equipment if compromised and emergency procedures for mitigating the negative effects of such scenarios. How does the site ensure in the event of an emergency that the industrial site is not contaminating the ground or source water?

Sec. 98-258. PLUME MODELING.

To determine the potential toxic risk to those in proximity to the industrial facility site, including responding firefighters, a plume analysis may be required during the permitting process by the city based upon existing conditions at the site or surrounding area. When required by the city, the plume analysis shall utilize appropriate modeling to evaluate worst-case scenarios with varying weather conditions and toxic gas release rates. The plume study shall address toxicity hazards based on toxic gases expected to be released based on gas composition measurements from the cell and module level testing pursuant to UL 9540A or other testing. The plume analysis shall include equipment failures with both flaming and non-flaming scenarios. These scenarios should be based on results from relevant tests such as UL 9540A tests and include modeling of a full propagation event involving an industrial site. The modeling of multiple industrial equipment failures shall not be required except where testing or analysis indicates that this is to be reasonably expected. Model assumptions, techniques, results, and a summary document shall be provided in a report. The plume study shall be conducted by a qualified firm with experience in plume modeling for the project specific industrial site. The city shall commission the plume model and all costs incurred by the city shall be fully reimbursed by the industrial facility owner/ applicant. The city may in its discretion allow the industrial facility owner to commission the plume study required by this section.

Sec. 98-259. REMOTE MONITORING.

All industrial sites shall have a redundant 24/7 site monitoring system (approved supervising station) to detect and prevent thermal runaway. The system shall be subject to the following requirements:

- (A) The system shall have detectors for temperature, gases, and smoke installed;
- (B) System alerts and detection warnings of a potential thermal runaway, smoke detector activation, or gas detector activation or any other critical nature shall be sent to local emergency services (Fire and Police Departments/Dispatch), site and remote operators, and owners;
- (C) Alerts and detections of a potential thermal runaway, smoke detector activation, or gas detector activation shall trigger facility equipment shutdown and exhaust fan initiation at a minimum;
- (D) All critical safety systems and remote monitoring systems shall have a secondary source of power in the event of a power failure;
- (E) A plan shall be provided showing the capability of providing temporary backup power for as long as it takes for a permanent (generator) power source to be put in place. The company shall send its backup power plan to the County Fire Marshal's office at time of permitting for review. The plan shall explain how they will sustain emergency backup power until normal power is restored, especially during a natural disaster.

Sec. 98-260. SUPERVISION OF SITE.

The industrial facility shall be operated and maintained under the general supervision of a technical expert held to the following standards:

- (1) Be trained and knowledgeable in the installation, maintenance, and operation of the industrial facility, such as a person engaged in the design or operation of the industrial facility;
- (2) Possess the manufacturer's installation, specifications, ratings, listing, and operating specifications for each equipment system and any associated fire protection systems;
- (3) Immediately report any emergency condition affecting an industrial facility equipment system to Bay City Dispatch; and
- (4) Provide technical assistance about the equipment system installation to the Fire Department and, in coordination with the facility owner, identify a subject matter expert (such as a representative of the manufacturer) who can provide technical assistance about the equipment's design and performance in the event of an emergency condition affecting the equipment system.

Sec. 98-261. SITE REVIEWS AND INSPECTIONS.

(A) The city will contract with a qualified third-party expert with relevant knowledge and experience to review the industrial sites for compliance with applicable life/safety requirements. The third-party expert shall provide the following deliverables for each site:

- (1) General safety analysis of the proposed site;
- (2) Review to confirm compliance with IFC and NFPA regulations;
- (3) Review of building permit;
- (4) Inspections are conducted during construction, and a final inspection is performed prior to operations commencing; and
- (5) Any other matters requested by the city.

(B) The applicant proposing the industrial facility site shall execute a reimbursement agreement with the city at the time of Development Plan application for all costs incurred by the third-party expert for reviews and consultation with the city regarding the application. The applicant shall provide a deposit in an amount determined by the Planning and Development Services Division. The applicant shall maintain a positive balance of funds on deposit for the reimbursement of the third-party expert fees. Any unexpended funds remaining on deposit six months after the site receives an unconditional Certificate of Occupancy shall be refunded to the applicant. Any funds expended for reimbursement to the city for third party services may be applied as a credit or pre-payment against the building permit fee when the permit fee is collected by the Building Permit Technician.

(C) The Matagorda County Fire Marshal's office will be involved in all plan reviews, construction, and inspections to ensure compliance with Fire Department requirements.

Sec. 98-262. EVENT RESPONSE.

If city employees respond to an incident at the site; the operator of the industrial facility site shall adhere to the following requirements:

- (A) A technical expert with knowledge of the industrial facility operations must be on-site within one hour of any remote monitoring alert of a critical nature;
- (B) All city costs associated with the incident must be reimbursed at a rate specified by the city; and
- (C) Any third-party response requested by the city or Bay City VFD to provide for the health, safety and protection of the public will be at the cost of the industrial facility owner or and/or operator and/or property owner. (Hazardous materials company, specialized fire equipment, encapsulating agent, air monitoring, or other city assets.)

Sec. 98-263. INSURANCE. The operator of the industrial facility site shall provide and maintain, as current, a certificate of liability insurance in form and content satisfactory to the City Manager/designated representative and City Attorney. The city shall be named as an additional insured.

Sec. 98-264. ON-SITE SIGNAGE.

The operator of the industrial facility site shall post in a conspicuous location at the entrance to the facility a sign subject to the following regulations:

1. The sign shall be reflective and weatherproof and shall be placed at all entrance gates to the facility, as well as on the entrance to any buildings that may house any components of the industrial site;
2. Lettering shall be a minimum letter of three-eighths-inch permanently affixed;
3. The sign shall display the following information;
 - (a) Twenty-four/seven contact information;
 - (b) Types of technology associated with the industrial site;
 - (c) Any special hazards associated with the industrial site;
 - (d) Type of suppression system installed;
 - (e) Disconnect and other emergency shutoff information; and
 - (f) Command center location.
4. The sign shall be inspected annually by the industrial facility operator and by the city to ensure its structural integrity and legibility to the satisfaction of the city and to determine if any additional information is required by the city.

Sec. 98-265. DECOMMISSIONING.

- (1) Upon the ceasing of operations or the end of life of the facility, whichever comes first, the site shall be decommissioned based on the following criteria:
- (a) The owner shall notify the City, the Fire Chief, and the Matagorda County Fire Marshal before any work is started.
 - (b) All above and below ground features (i.e. containers, underground utilities, foundations, gravel, etc.) shall be removed from the site except for the drainage improvements and access road. The site shall be returned to its natural pre-construction ground state.
 - (c) All material removed from the site shall be disposed, reused, and recycled in accordance with state and federal requirements.
 - (d) Any adverse substances that may have entered the ground during operations shall be removed from the property and properly disposed of.
- (2) Prior to issuance of the Certificate of Occupancy or any authorization to operate the facility, the applicant shall:
- (a) Provide a Decommissioning Bond, with the applicant as the principal and the instrument shall run to the city as obligee and shall become effective on or before the beginning of operations at the site and shall remain in force until the property is fully decommissioned. The amount shall be based on a professional engineer's signed and sealed estimate of current costs to decommission the site, at build-out, with an adjusted inflation rate based on the average CPI over the last ten years from the U.S. Bureau of Labor Statistics.
 - (b) If approved by the City Council on a case-by-case basis, a bond, letter of credit or other financial security in the amount specified hereinabove in a form acceptable to the City Attorney and the City Manager/designated representative may be provided in lieu of a Decommissioning Bond.
 - (c) The bond or other security shall remain fully enforceable and in effect so long as the industrial facility exists at the site, without regard to whether it is operating or operational.

Sec. 98-266. TRANSFER OF OWNERSHIP.

The applicant shall provide written notification to the Planning and Development Services Department at least 30 days prior to any change in ownership of an industrial facility site. A change in ownership includes any kind of assignment, sale, lease, transfer, or other conveyance of 20% or more of ownership or operating control of the applicant, the facility owner or the facility operator, or any portion thereof. The applicant or successors-in-interest or assignees shall remain liable for compliance with all conditions, restrictions and obligations contained in the approved Development Plan, the provisions of this chapter, and applicable city, state, and federal laws.

Sec. 98-267—98-270. Reserved.

PART II - CODE OF ORDINANCES
Chapter 98 - SUBDIVISIONS
ARTICLE IV. - MULTIFAMILY DEVELOPMENTS
DIVISION 3. CONSTRUCTION AND MATERIALS STANDARDS

DIVISION 3. CONSTRUCTION AND MATERIAL STANDARDS FOR GENERAL INDUSTRIAL

Sec. 98-271. Streets.

The provisions of section 98-122 shall apply to this article. In addition, the following additional requirements shall apply:

<u>Type</u>	<u>Street Width (feet)</u>	<u>Right-of-way Width (feet)</u>
<u>Cul-de-sac</u>	<u>50 Outside curb radius</u>	<u>60 Radius</u>
<u>Minor</u>	<u>36</u>	<u>60</u>

Sec. 98-272. Drainage and storm sewers.

The provisions of section 98-123 shall apply to this article.

Sec. 98-273. Water and sewer systems.

The provisions of section 98-124 shall apply to this article.

- (1) Water usage: All industrial facilities must also comply with Chapter 114, Utilities, Article III Water Service ordinance for the City of Bay City Municipal ordinances.
- (2) Sewer Discharge: All industrial facilities must also comply with Chapter 114, Utilities, Article IV Sewers and Sewage Disposal ordinance for the City of Bay City Municipal ordinances.

Sec. 98-274. Streetlights.

The provisions of section 98-125 shall apply to this article.

Sec. 98-275. Street names.

The provisions of sections 98-126 and 98-96(m) shall apply to this article.

Sec. 98-276. Natural gas.

The provisions of section 98-127 shall apply to this article. ÷

Sec. 98-277. Electric.

Industrial facilities and sites shall provide public utility capability and related electrical infrastructure sufficient in size and capacity to ensure the power requirements of the facility or site are met without adversely affecting the availability, reliability, quality, cost or safety of the electric service to other customers.

Sec. 98-278. Easements.

The provisions of section 98-101 shall apply to this article.

(Code 1985, § 27-137; Code 2000, § 98-202; Ord. of 4-26-2001)

Sec. 98-279. Fire protection.

Fire protection must be in accordance with Chapter 42 – Fire Prevention and Protection. Industrial facilities and sites are also required to meet, but are not limited to, the following applicable codes and standards adopted by Bay City, including amendments and updates

- (1) IFC and the listed NFPA references within the IFC including any and all local amendments;
- (2) NFPA 855 Standard for industrial facilities and sites. The most current version adopted by the city shall apply;
- (3) Provide a environmental site plan that includes significant environmental features such as floodplain and watercourses and general description of proposed protective and firefighting water containment measures;
- (4) There shall be an enclosure-level air monitoring system for vapor detection to the satisfaction of the Fire Chief and Fire Marshal;
- (5) Make provision for fire protection and firefighting water satisfactory to the Matagorda County Fire Marshal and BCFD Fire Chief. When connecting to public water supply, provide a water fire flow analysis at the permitting phase to ensure the existing water infrastructure including any improvements required to be made by applicant can support the anticipated firefighting demands;
- (6) Provide the Fire Department with any requested or recommended equipment needed to monitor and test the air and water for any hazards at these sites during emergencies. All monitoring equipment satisfactory to the Fire Marshal and BCFD Fire Chief shall be provided to the Fire Department by the industrial facility owner prior to the delivery of equipment to the site and at any time thereafter when a need is reasonably identified by the Fire Department;
- (7) Provide annual training to the Fire Department and mutual aid agencies for hazards and responses related to the industrial facility systems;
- (8) Furnish all necessary firefighting equipment, related to the proposed industrial facility site, as requested by the Fire Marshal to the City's Fire Department prior to delivery of equipment to the industrial site and at any time thereafter when a need is reasonably identified by the Fire Department;
- (9) The fire command center and water supply should be situated at a safe distance from the closest industrial facility enclosure, based on deflagration data and satisfactory to the Fire Marshal. At minimum, the distance should be 100 feet, as per NFPA requirements, unless approved otherwise by the Fire Marshal;

(10) The fire service command center shall be sheltered from the weather and have an overhang to reduce glare on the command center and allow emergency personnel to work under and review all emergency response plans and information needed to bring the incident under control;

(11) All industrial facility sites shall adhere to any additional requirements and/or safety items set forth by the most current version of NFPA and IFC.

(12) Any incidents that exceed a 12-hour working period shall require a third-party hazardous materials team to respond to help control/monitor them for the duration of the event;

(13) The city's Public Works approved water meters shall be installed on-site to monitor how much water is used during emergency responses to industrial facility sites; and

(14) A documented plan if an exhaust fan fails to work during an emergency.

Sec. 98-280. Waste Heat.

(1) No person, firm, or corporation shall cause, permit, allow, or maintain any artificial or mechanical source of heat, radiant energy, or exhaust that creates a condition of thermal discomfort, hazard, or damage to persons, animals, vegetation, or property beyond the external perimeter property lines of the industrial facility.

(2) Thermal discharge, venting, or exhaust from any equipment, machinery, or operation shall not raise the ambient temperature at any external perimeter property line above naturally occurring conditions when measured at a height of 4 feet above ground level.

(3) Outdoor equipment and energy systems must be equipped with shielding, insulation, or dispersion devices to minimize radiant heat impacts.

(4) Exhaust from heating, ventilation, air conditioning, or industrial equipment shall be directed and diffused in such a manner as to prevent concentrated heat exposure to anywhere outside of industrial facility, neighboring properties, or public rights-of-way.

(5) Rooftop or wall-mounted heat exhaust systems shall be equipped with baffles, louvers, or dispersal devices to prevent heat plumes from causing discomfort or damage to adjacent buildings or damage to vegetation.

Sec. 98-281. Noise.

Any noise that emanates from all activity associated with any industrial development is limited to a maximum sound level of 60 dBa during the daytime and 55 dBa at nighttime. Such levels are measured at the property line. Notwithstanding the foregoing, noise shall be further subject to Chapter 38, Article V, Noise of the Bay City Code of Ordinances, as amended. A sound modeling study that demonstrates compliance with the maximum sound levels must be prepared by a licensed professional engineer specializing in acoustics and submitted to the Planning and Development Services Division prior to approval of a final site plan. The maximum sound level in this section does not apply to:

i. Demolition work on buildings, structures, or appurtenances and/or the testing of generators consistent with the requirements of the Planning and Development Services;

ii. Any situation arising from sudden and reasonably unforeseen events (beyond the control of the facility operator) that require the response of emergency vehicles or temporary use of emergency generators.

iii. Generator testing conducted between 9:00 a.m. until 4:00 p.m. unless testing at a time outside of this range is required by Planning and Development Services.

Sec. 98-282. Lighting.

- (1) Concealment and shielding. The industrial development shall comply with **dark sky lighting fixtures**. Light sources shall be concealed or shielded with luminaries containing shielding, skirts, or cut-offs with a cutoff angle not exceeding ninety (90) degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For the purposes of this requirement, the angle shall be measured using a line drawn from the direction of light rays at the light source or reflector and a line perpendicular to the ground from the light source above from which no light is emitted.
- (2) Glare prohibited. Lighting shall not cast glare onto adjacent lots or street in any way that decreases the safety of pedestrians and vehicles.
- (3) Maximum spillover. In no case shall exterior lighting add more than .25 footcandles to illumination levels at the property line.
- (4) Free standing light fixtures shall not exceed thirty (30) feet in height. For the purposes of this requirement, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture.
- (5) Uplighting. Light fixtures used to illuminate flags, statues, and other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
- (6) Building mounted fixtures. Building mounted lighted fixtures shall be attached to walls, and the top fixture shall not be lower than ten (10) feet or higher than eighteen (18) feet above finished grade, except entry/exit lighting positioned above the entry/exit.
- (7) Security Lighting. Any exterior device (luminaire) designed for security lighting shall be protected by weather- and vandal-resistant covering, be a managed light source, and directed down to minimize glare and intrusiveness.
- (8) (8) unless otherwise specified in this ordinance, the maximum allowable correlated color temperature (CCT) for outdoor Luminaires is 3000K.

Sec. 98-283. Height and area regulations. The maximum height of buildings and structures, the minimum dimensions of lots, setbacks for yards and parking lots shall be as follows pertaining to height and area regulations:

- (1) Minimum lot area: One-quarter acre (10,890 square feet).
- (2) Maximum height of structures: 75 feet from finished grade, measured at the top of the building plate (roof deck).
 - (A) Maximum stories: 3 stories above finished grade.
 - (B) Accessory structures between primary structure and property line shall be a maximum of 30 feet.
- (3) Minimum Building Setbacks:
 - (A) Residential Adjacency:
 - (i) Minimum front building setback: five hundred (500) feet to nearest property line of residentially zoned property, and five hundred (500) feet to nearest property line of residentially occupied property outside of City limits.

- (ii) Ground mounted equipment, including but not limited to generators, fuel tanks, cooling equipment, heat exchangers, universal power lines or any other outdoor equipment related to the functioning on the principal use shall be prohibited from locating in any of the following:
 - a. Between a building wall and a public or private street; and
 - b. Within five hundred (500) feet of a residentially planned and/or developed property.

(B) Front, side, and rear yards

- (iii) Greater of 50 feet, or
- (iv) Building collapse zone

(C) Pavement setback to street right of way: 25 feet minimum

(D) Pavement setback to SH35/SH60 right of way: 40 feet minimum

(E) Pavement setback to side and rear yards: 15 feet minimum

(4) Minimum parking lot setback:

- (A) Ten feet.
- (B) 15 feet, when adjacent to a residential district.

Sec. 98-284. Development and performance standards.

- (1) When a development, project, construction or use allowable in this district is proposed, a minimum of a six-foot solid screening fence of wood or masonry construction shall be erected and permanently maintained along the adjacent property line to a residential zone.
- (2) Odors or fumes created by industrial processes must be contained so that no odors may be sensed at the lot line which exceed the lowest amount set forth in table III, pertaining to odor thresholds, of Chapter 5 of Physiological Effects, of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, latest edition

Secs. 98-285—98-290. Reserved.



**EXECUTIVE SUMMARY
BUSINESS OF THE CITY COUNCIL
CITY OF BAY CITY, TEXAS**

Meeting Date:	9/15/2026	Date Submitted:	September 04, 2026
Prepared By:	Herb Blomquist	Presented By <i>(if different)</i>	
Department:	Public Works	Type of Agenda Item:	Regular

ITEM TITLE: Ordinance – Industrial Facilities (Water/Wastewater Provisions)

AGENDA LANGUAGE:

Ordinance – Discuss, consider, and/or approve an Ordinance of the City Council of the City of Bay City, Texas amending Chapter 114 “Utilities” of the Code of Ordinance by adopting Section 114-74 “Industrial Facilities” to provide for the regulation of cooling system requirements and Section 114-155 “Prohibited Discharges” by adding regulatory requirements for Industrial Facility Discharges; repealing all related ordinances or parts of ordinances in conflict therewith; providing for the severability clause; providing for publication and providing an effective date.

EXECUTIVE SUMMARY/BACKGROUND

Industrial Facilities are large buildings that house heavy equipment, large computer systems, hazardous materials and chemicals, and other items which are used to support and to manufacture finished products and goods for consumers sold both locally and abroad.

Bay City is periodically approached by private investors and developers desiring to position industrial development sites/facilities in Bay City. Currently, Bay City has no ordinance language in place to properly position, guide, or regulate industrial development. Two key issues with industrial facilities are water consumption and waste disposal associated with the industrial process. This ordinance provides a regulatory framework for limiting water consumption by regulating cooling system requirements and by adding regulatory requirements for Industrial Facility Waste Discharges with the primary goal of protecting the health, welfare, and safety of Bay City residents.

STRATEGIC PLAN GOALS ADDRESSED:

	☒		☐		☒		☒		☐		☒
Safety & Community Appearance		Community & Civic Engagement		Infrastructure		Planning & Development		Culture & recreation		Operational Excellence	

FINANCIAL NOTES
N/A

RECOMMENDATION: Approval of recommended revisions

ATTACHMENTS: Ordinance and Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS AMENDING CHAPTER 114 “UTILITIES” OF THE CODE OF ORDINANCES IS AMENDED BY ADOPTING ARTICLE III SECTION 114-74 “INDUSTRIAL FACILITIES” TO PROVIDE FOR THE REGULATION OF COOLING SYSTEM REQUIREMENTS AND ARTICLE IV SECTION 114-155 “PROHIBITED DISCHARGES” BY ADDING REGULATORY REQUIREMENTS FOR INDUSTRIAL FACILITY DISCHARGES; REPEALING ALL RELATED ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND PRESCRIBING AN EFFECTIVE DATE.

WHEREAS, Section 2.02 of the City’s Charter permits the City to pass and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health; morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and may provide suitable penalties for the violations of any ordinance;

WHEREAS, the City Council of the City of Bay City finds that future commercial and industrial growth, if not properly regulated may become a public nuisance and pose serious threats to the public’s health and safety; and

WHEREAS, after careful consideration by the City Council, it is of the opinion that the commercial and industrial development in the City are in need of regulation; and

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendments to the Municipal Code of Ordinances. The City of Bay City’s Municipal Code of Ordinances, Chapter 114 entitled “Industrial Facilities” Article III (entitled “Water”) Section 114-74 “Industrial Facilities” and Article IV (entitled “Sewers and Sewage Disposal”) Section 114-115 entitled “Prohibited Discharges”, are amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as shown on the attached Exhibit A.

Section 3. Cumulative. This Ordinance shall be cumulative of all fee provisions of the Code of Ordinances of the City of Bay City, Texas as to the fees set forth herein on the effective date of this Ordinance, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

Section 4. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 5. Effective Date. This Ordinance shall be in full force and effect on _____ day of September, 2026

PASSED AND APPROVED ON this _____ day of September, 2026

Robert K. Nelson, Mayor

ATTEST:

APPROVED AT TO FORM:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Robert K. Nelson Mayor	_____	_____	_____
Blayne Finlay Mayor Pro Tem	_____	_____	_____
Cory McCray	_____	_____	_____
Jim Folse	_____	_____	_____
Brad Westmoreland	_____	_____	_____
Susan Reardon	_____	_____	_____

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

Chapter 114 UTILITIES¹

ARTICLE III. WATER²

DIVISION 1. GENERALLY

Sec. 114-54. Service to premises outside city.

No premises located outside the city limits shall be furnished water by the city unless the owner of such premises agrees to petition for annexation if the city requests him to do so. The owner of such premises shall be financially responsible for extending utilities to said premises.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-55. Tapping charges.

- (a) The tapping charges for connections with the city water mains and laterals shall be as set out in appendix B to the Code of Ordinances.
- (b) If field verification is required to located city utilities, a fee shall be charged as set forth in appendix B to the Code of Ordinances.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-56. Service application.

- (a) Any person desiring water service from the city, shall make application therefor to the director of public works or his/her designate on forms provided for such purpose. The following information shall be required:
 - (1) The uses for which water is desired.
 - (2) The name of the person, or the owner of the premises, to be served.
 - (3) The location of the premises to be served, including the number of the lot and block, name of the street and the house number.
 - (b) Upon the approval of the application for water service, the director of public works or his/her designate shall issue a permit therefor.
 - (c) The city reserves the right to inspect plumbing on premises to which the connection is to be made and determine if it complies with all city ordinances, American Water Works Association (AWWA) standards, and Texas Commission on Environmental Quality (TCEQ) rules and regulations prior to opening new service.
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- (d) Any person knowingly furnishing the city with false or fraudulent information, shall be guilty of an offense and, upon conviction thereof, shall be fined as provided in section 114-20 of this Code. Each day that such violation continues shall constitute a separate offense and be punishable as such. This penalty shall be in addition to any other remedy, penalty or sanction provided for herein.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-57. Connection fees.

See appendix B to the Code of Ordinances for connection fees.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-58. Notice of discontinuance by consumer.

Any person wishing to discontinue the use of water supplied from the city must give notice thereof to the city manager or his/her designee; otherwise, the charge will be entered until such notice has been given.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-59. Taps.

Upon the payment of the required tapping fee, the director of public works or his/her designate shall make or cause to have made, the necessary connections for water service. Every premises connected to the waterworks system of the city, or otherwise being served thereby, shall have a separate service connection, curbstop, and box.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-60. Use of fire hydrants.

It shall be unlawful for any person to open or close any fire hydrant or end of the line blow off valve connected with the city's waterworks system, or lift or remove the covers of any gate valve or shutoffs thereof, without the permission of the director of public works or his/her designate, except in case of fire, and then only under the direction of officers of the fire department.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-61. Meters.

All meters connected to the city's waterworks system shall be set by the employees of the city. Privately owned meters shall be installed by a licensed contractor or plumber and shall be inspected by the city and meet city specifications. If the meter becomes defective and fails to register, the consumer will be charged at the average daily consumption, as shown by the meter when in order. All water that passes through the meter shall be charged for, whether used or not. All services shall be properly metered by a standard water meter, except for fire lines, which shall be metered by a city-approved leak detector meter. All meters shall be the property of the city and shall be kept in repair by the city.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-62. Covering meters, boxes.

It shall be unlawful for any person to cover over or conceal from view any water valve box, service or meter box. The customer shall keep the space occupied by the meter and the meter box or vault free from rubbish, animals or obstructions of any kind. In the event the water meter box or vault is buried or obstructed, the department may give written notice to the customer requiring such person to uncover or remove obstructions from the meter box or vault within ten days of the notice. If the customer does not remove the obstruction, the city may remove the obstruction and charge the customer or property owner the city's cost for such work. If the customer or property owner fails to make payment, the city may file a lien against the property as provided in subsection 114-22(5) of this Code.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-63. Unauthorized resumption of service.

It shall be unlawful for any person to turn on the water supply to any building or to any supply pipe where the supply has been turned off for the nonpayment of the monthly water charge, an inactive account, or for the violation of any applicable ordinance or regulation. If it is determined by inspection of the utility department that terminated water service has been restored without such consent, the customer in whose name the account appears or the owner of the property, if the account is inactive, shall be assumed to have restored the water service and will be subject to penalties identified in the ordinance and fees identified in appendix B, fee schedule.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-64 Drought contingency plan

- (a) *Declaration of policy, purpose and intent.* In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation and fire protection and to protect and preserve public health, welfare and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City hereby adopts the following regulations and restrictions on the delivery and consumption of water. Water uses regulated or prohibited under this Drought Contingency Plan are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section (k) of this Plan.
- (b) *Public involvement.* Opportunity for the public to provide input into the preparation of the plan was provided by the City by posting a public meeting agenda in a visible location at City Hall whereby discussions by the city council and acceptance was listed as an agenda item.
- (c) *Public education.* The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of handouts, the City of Bay City website, press releases, and/or utility bill inserts.
- (d) *Coordination with regional water planning groups.* The water service area of the City is located within Region K of the Water Planning Group. The City has provided a copy of this plan to the Region K Planning Group.
- (e) *Authorization.* The city manager or his/her designee is hereby authorized and directed to implement the applicable provision of this plan upon determination that such implementation is necessary to protect public health, safety and welfare. The city manager or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this plan.

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- (f) *Application.* The provisions of this Plan shall apply to all persons, customers and property utilizing water provided by the City. The terms 'person' and 'customer' as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.
- (g) *Definitions.* For the purposes of this Plan, the following definitions shall apply:
- (1) *Aesthetic water use:* water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.
 - (2) *Commercial and institutional water use:* water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants and office buildings.
 - (3) *Conservation:* those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.
 - (4) *Customer:* any person, company or organization using water supplied by the City.
 - (5) *Domestic water use:* water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation or for cleaning a residence, business, industry or institution.
 - (6) *Even number address:* street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6 or 8 and locations without addresses.
 - (7) *Industrial water use:* the use of water in processes designed to convert material of lower value into forms having greater usability and value.
 - (8) *Landscape irrigation use:* water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks and rights-of-way and medians.
 - (9) *Non-essential water use:* water uses that are not essential nor required for the protection of public, health, safety and welfare, including:
 - a. Irrigation of landscape areas, including parks, athletic fields and golf courses, except otherwise provided under this Plan;
 - b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
 - c. Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
 - d. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - e. Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - f. Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
 - g. Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
 - h. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
 - i. Use of water from hydrants for construction purposes or any other purposes other than firefighting.
 - (10) *Odd numbered address:* street address, box numbers or postal route numbers in 1, 3, 5, 7 or 9.

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- (h) *Triggering criteria for initiation and termination of drought response stages.* The City of Bay City's water system is comprised of six water wells and five water plants. Bay City personnel monitor these plants daily. Water usage is tracked by metering and daily reading of the water wells and water plants. This also allows the City to determine which areas have the most demand. The city manager or his/her designee shall monitor water supply and/or demand conditions on a monthly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in social media, newspaper of general circulation, direct mail to each customer, signs posted in public places, posting on the City's website, etc. The triggering criteria described below are based on average daily usage and known system capacity limits of the water system wells.

(1) *Stage 1—Mild Water Shortage Conditions.*

- a. Requirements for initiation: Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, defined in Section (g) definitions when the total daily water demand equals or exceeds 75 percent of the city's water wells pumping capacity for seven consecutive days.
- b. Requirements for termination: Stage 1 of the plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days.

(2) *Stage 2—Moderate Water Shortage Conditions.*

- a. Requirements for initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses defined in section (g) definitions when the total daily water demand equals or exceeds 85 percent of the City's water wells pumping capacity for seven consecutive days.
- b. Requirements for termination: Stage 2 of the plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

(3) *Stage 3—Severe Water Shortage Conditions.*

- a. Requirements for initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this plan when the total daily water demand equals or exceeds 90 percent of the City's water wells pumping capacity for seven consecutive days.
- b. Requirements for termination: Stage 3 of the plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

(4) *Stage 4—Emergency Water Shortage Conditions.*

- a. Requirements for initiation: Customers shall be required to comply with the requirements and restrictions for Stage 4 of this plan when the city manager or his/her designee determines that water supply emergency exists based on:
 - (i) Major water line breaks, pump or system failures occur which cause unprecedented loss of capability to provide water service; or maintain an adequate level in the storage facilities.
 - (ii) Natural or man-made contamination of the water supply source(s).
- b. Requirements for termination: Stage 4 of the plan may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days.

(5) *Stage 5—Water Allocation.*

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- a. Requirements for initiation: Customers shall be required to comply with the water allocation plan prescribed in Section 0) and comply with the requirements and restrictions from Stage 4 of this plan when the city manager or his/her designee determines that water shortage conditions threaten the public's health, safety and welfare. Conditions may include (but are not limited to): catastrophic system failure, major water line breaks which cause loss of capability to provide water service and natural or man-made disasters that affect the water supply sources(s).
 - b. Requirements for termination: Water rationing may be rescinded when all the conditions listed as triggering events have ceased to exist for a period of 30 consecutive days.
 - (i) *Drought response stages.* The city manager or his/her designee, shall monitor water supply and/or demand conditions daily and in, accordance with the triggering criteria set forth in Section (h) of the Plan, shall determine that a mild, moderate, severe, critical or emergency condition exists and shall implement the following notification procedures:
 - (1) *Notification of the public.* The city manager or his/her designee shall notify the public by means of some combination of the following effective and efficient communication methods as deemed necessary by the current conditions:
 - Drought status on the City's homepage website with corresponding information
 - Irrigation schedule
 - Recommended water conservation methods
 - Publication in a newspaper of general circulation and/or press release
 - Direct mail to each customer
 - Public service announcements
 - Signs posted in public places, HOA and church bulletin boards
 - Take-home fliers at schools/businesses
 - City Emergency Notification System
 - (2) *Additional notifications.* The city manager or his/her designee shall notify directly or cause to be notified direction, the following individuals and entities:
 - Mayor and Members of City Council
 - Police Chief
 - Fire Chief
 - All City of Bay City Department Heads
 - County Emergency Management Coordinators
 - Texas Commission on Environmental Quality (TCEQ)
 - Critical water users such as hospitals and dialysis clinics
 - Other individuals or entities as deemed necessary
 - (3) *Stage 1—Mild Water Shortage Conditions.*
 - a. Goal: Achieve a voluntary ten percent reduction in the total daily water demand.
 - b. Supply management measures: The City will reduce flushing of water mains and irrigation of public landscape areas to manage limited water supplies and/or reduce water demand.

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- c. Voluntary water use restrictions:
 - i. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8) and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9) and to irrigate landscapes only between the hours of midnight and 10:00 am and 8:00 pm to midnight on designated watering days.
 - ii. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.
- (4) *Stage 2—Moderate Water Shortage Conditions.*
- a. Goal: Achieve a 15 percent reduction in total daily water demand.
 - b. Supply management measures: The City will reduce flushing of water mains and will reduce irrigation of public landscape areas to once per week to manage limited water supplies and/or reduce water demand.
 - c. Water use restrictions: Under potential penalty for violation, the following water use restrictions shall apply to all persons:
 - i. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 and 8) and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9) and irrigation of landscaped areas is further limited to the hours of midnight until 10:00 a.m. and between 8:00 p.m. and midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five gallons or less, or drip irrigation system.
 - ii. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of midnight and 10:00 a.m. and between 8:00 p.m. and midnight. Such washing, when allowed, shall be done with a hand-held bucket or hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
 - iii. Use of water to fill, refill or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited except on designated watering days between the hours of midnight and 10:00 a.m. and between 8:00 p.m. and midnight.
 - iv. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculating system.
 - v. Use of water from hydrants shall be limited to fire-fighting related activities or other activities necessary to maintain public health, safety and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Bay City Utility Department.
 - vi. The following uses of water are defined as non-essential and are prohibited:

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1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surfaced areas;
 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 3. Use of water for dust control;
 4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
 5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(5) *Stage 3—Severe Water Shortage Conditions.*

- a. Goal: Achieve a 20 percent reduction in total daily water demand.
- b. Supply management measures: The City will cease watering all public landscape areas and will only flush main lines to prevent health risks to manage limited water supplies and/or reduce water demand.
- c. Water use restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:
 - i. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and midnight and shall be by means of hand-held hoses, hand-held buckets or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
 - ii. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 10:00 a.m. and between 6:00 p.m. and 10:00 p.m.
 - iii. The filling, refilling or adding of water to swimming pools, wading pools and Jacuzzi-type pools is prohibited.
 - iv. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculating system.
 - v. No applications for new, additional, expanded or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved.
 - vi. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(6) *Stage 4—Emergency Water Shortage Conditions.*

- a. Goal: Achieve a 40 percent reduction in daily water demand.
- b. Supply management measures: The City will cease watering all public landscape areas, discontinue flushing main lines and will utilize alternative supply source(s) to manage limited water supplies and/or reduce water demand.
- c. Water use restrictions:

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- i. Irrigation of landscaped areas is absolutely prohibited.
 - ii. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.
- (j) *Water allocation.* In the event that water shortage conditions threaten public health, safety and welfare the city manager or his/her designee is hereby authorized to ration water according to the following water allocation plan:
- (1) *Single-family residential customers.*

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per household	Gallons per month
1 or 2	6,000
3 or 4	7,000
5 or 6	8,000
7 or 8	9,000
9 or 10	10,000
11 or more	12,000

'Household' means the residential premises served by the customer's meter. 'Persons per household' includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a customer's household is comprised of two persons unless the customer notifies the City of a greater number of persons per household on a form prescribed by the city manager or his/her designee. The city manager or his/her designee shall give his best effort to see that such forms are mailed, otherwise provided, or made available to every residential customer. If, however, a customer does not receive such a form, it shall be the customers responsibility to go to the City of Bay City Utility Department offices to complete and sign the form claiming more than two persons per household. New customers may claim more persons per household at the time of applying for water service on the form prescribed by the city manager or his/her designee. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Bay City Utility Department on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Bay City Utility Department in writing within two days. In prescribing the method for claiming more than two persons per household, the city manager or his/her designee shall adopt methods to insure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Bay City Utility Department of a reduction in the number of persons in a household shall be fined not less than \$250.00. If a single-family residential dwelling exceeds its allocation, the customer responsible for the bill at such dwelling shall pay a surcharge of 12 times the base monthly rate for water service.

- (2) *Master-metered multi-family residential customers.* The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (i.e. apartments, mobile homes, etc.) shall be allocated 6,000 gallons per month for each dwelling unit. It shall be assumed that such a customers meter serves two dwelling units unless the customer notifies the City of Bay City Utility Department of a greater number on a form prescribed by the city manager or his/her designee. The city manager or his/her designee shall give his best effort to see that such forms are mailed, otherwise provided, or made available to every such customer. If, however, a customer does not receive such a form, it shall be the customers responsibility to go to the City of Bay City Utility Department offices to complete and sign the form claiming more than two dwellings. A dwelling unit may be claimed under this provision whether it is occupied or not. New customers may claim more

dwelling units at the time of applying for water service on the form prescribed by the city manager or his/her designee. If the number of dwelling units served by a master meter is reduced, the customer shall notify the City of Bay City Utility Department in writing within two days. In prescribing the method for claiming more than two dwelling units, the city manager or his/her designee shall adopt methods to ensure the accuracy of the claim. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter or fails to timely notify the City of Bay City Utility Department of a reduction in the number of persons in a household shall be fined not less than \$250.00. If a master-metered multi-family residential dwelling exceeds its allocation, the customer responsible for the bill at such dwelling shall pay a surcharge of 12 times the base monthly rate for water service.

- (3) *Commercial customers.* A monthly water usage allocation shall be established by the city manager or his/her designee or for each non-residential commercial customer other than an industrial customer who uses water for processing purposes. The non-residential customers allocation shall be approximately 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 75 percent of whose monthly usage is less than 2,000 gallons, shall be allocated 2,000 gallons. The city manager or his/her designee shall give his best effort to see that notice of each non-residential customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Bay City Utility Department to determine the allocation. Upon request of the customer or at the initiative of the city manager or his/her designee, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage, (2) one non-residential customer agrees to transfer part of its allocation to another non-residential customer, or (3) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the city manager or his/her designee. If a non-residential customer exceeds its allocation, the customer responsible for the bill at the non-residential unit shall pay a surcharge of 12 times the base monthly rate for water service.
- (4) *Industrial customers.* A monthly water usage allocation shall be established by city manager or his/her designee, for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be approximately 90% percent of the customer's water usage baseline. Ninety days after the initial imposition of the allocation for industrial customers, the industrial customer's allocation shall be further reduced to 85 percent of the customer's water usage baseline. The industrial customer's water usage baseline will be computed on the average water usage for the last three-month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than six months, the monthly average for the period for which there is a record shall be used for any monthly period for which no billing history exists. The city manager or his/her designee shall give his best effort to see that notice of each industrial customer's allocation is mailed to such customer. If, however, a customer does not receive such notice, it shall be the customer's responsibility to contact the City of Bay City Utility Department to determine the allocation, and the allocation shall be fully effective notwithstanding the lack of receipt of written notice. Upon request of the customer or at the initiative of the city manager or his/her designee the allocation may be reduced or increased, (1) if the designated period does not accurately reflect the customer's normal water usage because the customer had shut down a major processing unit for repair or overhaul during the period, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shut down or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce usage is limited, (5) the customer agrees to transfer part of its allocation to another industrial customer, or (6) if other objective evidence demonstrates that the designated allocation is inaccurate under present

conditions. A customer may appeal an allocation established hereunder to the city manager or his/her designee.

Industrial customers whose allocation is less than 100,000 gallons per month:

If an industrial customer exceeds its allocation, the customer responsible for the bill at the industrial facility shall pay a surcharge of 12 times the base monthly rate for water service. Industrial customers whose allocation is 100,000 gallons per month or more:

If an industrial customer exceeds its allocation, the customer responsible for the bill at the industrial facility shall pay a surcharge as follows:

- Three (3) times the block rate for each 1,000 gallons in excess of the allocation up through 5 percent above allocation.
- Six (6) times the block rate for each 1,000 gallons from 5 percent through 10 percent above allocation.
- Nine (9) times the block rate for each 1,000 gallons from 10 percent through 15 percent above allocation.
- Twelve (12) times the block rate for each 1,000 gallons more than 15 percent above allocation.

The surcharges shall be cumulative. As used herein, "block rate" means the charge to the customer per 2,000 gallons at the regular water rate schedule at the level of the customer's allocation.

(k) *Enforcement.*

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

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- (4) A Police Officer, Code Compliance Officer, Code Enforcement Officer or other employee so designated by the City Charter and/or ordinance, may issue a citation to a person he/she reasonably believes to be in violation of this chapter. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, the offense charged, and shall direct him/her to contact the Court no sooner than 3 days and no later than 12 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violators immediate family or is a resident of the violators residence. The alleged violator shall appear in City of Bay City Municipal Court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in City of Bay City Municipal Court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in City of Bay City Municipal Court before all other cases.
- (I) Variance. The city manager or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:
- (1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
 - (2) Alternative methods can be implemented which will achieve the same level of reduction in water use.
 - (3) Persons requesting an exemption from the provisions of this chapter shall file a petition for variance with the City of Bay City Utility Department within five days after the Plan or a drought response stage has been invoked. All petitions for variances shall be reviewed by the city manager or his/her designee, and shall include the following:
 - a. Name and address of the petitioner(s)
 - b. Purpose of water use
 - c. Specific provision(s) of the Plan from which the petitioner is requesting relief
 - d. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if the petitioner complies with this chapter.
 - e. Description of the relief requested
 - f. Period of time for which the variance is sought
 - g. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date
 - h. Other pertinent information
 - (4) Variances granted by the City of Bay City Utility Department shall be subject to the following conditions, unless waived or modified by the city manager or his/her designee:
 - a. Variances granted shall include a timetable for compliance
 - b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.
 - (5) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

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- (m) *Severability.* It is hereby declared to be the intention of the City of Bay City, City Council (the governing body of City of Bay City) that the sections, paragraphs, sentences, clauses, and phrases of this chapter are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Bay City, City Council (governing body of the City of Bay City) without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020; Ord. No. 1727, § 2, 5-14-2024)

Sec. 114-65. Right of entry; time; purposes.

Every person receiving water from the city shall, at all times, permit the city water employee, or other officer or agent of the city, to enter the premises or building to examine the pipes and fixtures, the manner in which the water is used and for the purpose of repairing, reading or testing the meters.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-66. City's reserved rights; liability exemption.

- (a) *Shutting off all water; purposes.* The city reserves the right at any time to turn off the water in its mains for the purpose of cleaning, repairing or making any connections or extensions, or for the purpose of repairing machinery, reservoir or any part of the waterworks system.
- (b) *Exemption from liability.* The city shall not be liable for any damages on account of leakage or breakage of pipes on any premises.
- (c) *Proof of ownership.* Whenever ownership is a prerequisite to any right in this article, the city reserves the right to consider any reasonable proof thereof.
- (d) *Right to make other rules.* The city reserves the right to make such other rules and regulations as may be necessary for the preservation, protection and economical administration of its water system.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-67. Control of water service connection.

The city shall own and maintain that part of the water service connection extending from the main to the meter, including the service line, meter, meter box, vault enclosure, and attached electronic devices. No person may remove, repair or tamper with any of the elements of the water service connection except with the consent of the utility official. Violation of this section shall be punishable by a fine set forth in appendix B to the Code of Ordinances. Provided, however, this section does not prohibit the resident or custodian of the property from shutting off the water at the meter if necessary, to prevent water loss due to frozen water pipes and other emergencies. All connections to the city's water system shall have a private shut off valve.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-68. City's installation and maintenance.

- (a) The city will install and maintain its lines and equipment on its side of the meter according to the city's design standards, but the city is not required to install or maintain any lines or equipment on the customer's

side of the meter. If loss or damage to the property of the city is caused by the negligence or misuse of the customer, the customer is liable for the costs of repairs.

- (b) The customer must protect the city's potable water supply by installing, operationally testing and maintaining backflow assemblies and methods as required, approved and accepted by the city.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-69. Customer's installation.

- (a) The customer is responsible for installing, providing, repairing, and maintaining all water service facilities located on the customer's side of the meter.
- (b) To receive city service, the customer must convey to the city any property rights necessary to extend the city's lines or extensions thereof or other equipment necessary or incidental to the supplying of service to the customer, without reimbursement from the city.
- (c) The customer must maintain the premises so that city's agents have safe and unobstructed access to all portions hereof for the purpose of maintaining, removing, or replacing the city's property, reading meters, inspecting plumbing systems, and backflow methods and assemblies and other apparatus on new and remodeled installation, and all other purposes incident to the supplying of service to the customer.
- (d) The customer's service connections are to be located at a point readily accessible to the city's service facilities. The service connection point is to be determined by the city, using the most direct route to city facilities, and the point may be relocated if deemed necessary by the city.
- (e) All installations must conform with city plumbing, building, mechanical, energy conservation, fire, and electrical codes, and with any other city ordinance governing the customer's installation.
- (f) Where and as required by the city's ordinance, backflow prevention assemblies, devices and methods must be installed, maintained and operationally tested by a licensed plumber or backflow assembly tester at the expense of the customer, provided water service is directly or indirectly connected, or interconnected to the city's potable water distribution system.
- (g) The customer will install and maintain operable a water shut off valve on the customer's side of the meter.
- (h) If the customer's plumbing fixtures are lower than the castings onto the city's mains, the customer must install the necessary backflow protection equipment.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-70. Private water well.

It shall be unlawful for any person to drill or repair any water well within the city limits or the extraterritorial jurisdiction of the city when city water is available if such property is situated within 300 feet of a city water main. In the event city water is not available, the director of public works may issue a serviceability letter permitting the water well.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-71. Wellhead protection.

- (a) The following requirements have been adopted to prevent pollution of water pumped from the wellheads of city-owned wells, as set out below:

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- (1) It shall be unlawful for any person to construct a tile or concrete sanitary sewer, sewer appurtenance, septic tank, storm sewer, or cemetery within 50 feet of a city water well. With respect to sanitary or storm sewers, it is an affirmative defense to prosecution under this subsection (1) that the sanitary or storm sewer is located ten feet or more from the city water well, is constructed of ductile iron or PVC pipe that meets American Water Works Association standards, has a minimum working pressure of 150 psi or greater, and is equipped with pressure type joints.
 - (2) It shall be unlawful for any person to allow livestock in pastures within 50 feet of a city water well.
 - (3) It shall be unlawful for any person to construct an on-site sewage facility tank perforated drain field, tank absorption bed, or tank evapotranspiration bed, or to construct a petroleum or chemical storage tank or liquid transmission pipeline within 150 feet of a city water well.
 - (4) It shall be unlawful for any person to irrigate an area within 150 feet of a city water well with spray from an on-site sewage facility.
 - (5) It shall be unlawful for any person to construct a water well within 150 feet of a city water well unless the well complies with all applicable state regulations.
 - (6) It shall be unlawful for any person to construct a sewage wet well or sewage pumping station within 300 feet of a city water well.
 - (7) It shall be unlawful for any person to construct a drainage ditch for industrial waste or sewage treatment waste within 300 feet of a city water well.
 - (8) It shall be unlawful for any person to construct a sewage treatment plant, animal feed lot, or solid waste disposal site within 500 feet of a city water well.
 - (9) It shall be unlawful for any person to apply sludge or effluent from a septic tank or sewage treatment plant on land within 500 feet of a city water well.
 - (10) It shall be unlawful for any person to drill an oil or gas well, including an injection well for recovery of oil or gas within 500 feet of a city water well.
- (b) It is a defense to prosecution under subsection (a) of this section that the actor has obtained a variance in writing from the utility official. The utility official shall grant a variance upon a showing by the applicant that:
 - (1) The facility or activity will not contaminate the groundwater; and
 - (2) The facility or activity is not prohibited under any other provision of this Code.
 - (c) The department shall investigate existing facilities whether located within or without the distance requirements of subsection (a) and determine if those facilities are a pollution hazard to city well water. The department shall recommend acquisition of such facilities in the event the department determines that the facilities are a pollution hazard to city well water and the owner refuses to take action necessary to abate the pollution hazard.
 - (d) Any person who violates any provision of this section shall be guilty of an offense and upon conviction thereof shall be subject to a fine as set forth in appendix B of the Code of Ordinances. Each day in which a violation occurs shall constitute a separate offense. In addition to criminal prosecution, the legal department may seek appropriate judicial remedies to protect city ground water from contamination.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-72. Misuse of water; damage to waterworks system.

- (a) No person shall apply water furnished by the city to any use different from that named in the application or contract for water service, nor shall any customer supply water to other persons or to other families or

permit them to take water, nor shall any person, after the water is introduced to any building or upon any property make any tap or connection upon such property for the purpose of altering, repairing, or making extensions or attachments to furnish water to other families on such property. Misuse of water also includes theft of water service, making an unauthorized connection, construction of a by-pass of the water meter or use of any other device or arrangement that would prevent the water meter from correctly measuring the customer's water supply from the city. Any waste or misuse of water shall be an offense.

- (b) It shall be an offense for any person to use water from a connection to a city water main except through a meter properly measuring the flow.
- (c) In any case of misuse of water or customer damage to any property of the city waterworks, the city will bill the customer for previously unbilled utility costs for all water not recorded on the meter, and any wastewater service based thereon. The city may also bill the customer for any other city costs, including personnel costs, incurred in investigating and correcting the unlawful use or damage to city property.
- (d) The city may terminate a customer's utility service for any misuse or damage to city waterworks system.
- (e) It is prima facie evidence that a person has misused water or tampered with the meter if the person is the customer or owner of the property and:
 - (1) Water is prevented from passing through the city's meter;
 - (2) The city's meter is prevented from correctly registering the quantity of water supplied to the property unless the faulty measurement is due to age, normal wear and tear or natural causes;
 - (3) Water is diverted or bypassed around the meter;
 - (4) The city's meter or service connection to the property is removed; or
 - (5) Wastewater is prevented or diverted from flowing from the property into the city's wastewater system.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-73. Customer service inspection prior to connection, reconnection or transfer of service.

Prior to the original connection, reconnection or transfer of water and/or sewer service to a tenant or property owner, the city at its option shall perform a customer service inspection of the customer's private system and verify the integrity thereof. Any defects discovered in the private line shall be repaired by the property owner or his/her agent prior to obtaining the original connection, reconnection or transfer of city water and/or sewer service.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

[Sec. 114-74. Cooling System Requirements: All industrial facilities with cooling system requirements shall employ closed-loop cooling systems, or similar cooling technology, which minimizes water use, and eliminates the need for continuous withdrawals from the City's public water supply for heat rejection.](#)

Secs. 114-~~74~~⁷⁵—114-86. Reserved.

ARTICLE IV. SEWERS AND SEWAGE DISPOSAL³

DIVISION 3. USES

Sec. 114-154. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approving authority means the city manager of the city, or his/her duly authorized representative.

Biochemical oxygen demand (BOD) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20 degrees centigrade.

Building sewer means the extension from the building drain to the public sewer or other place of disposal (also called "house lateral" and "house connection").

Chemical oxygen demand (COD) means the measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater, expressed in mg/l, as the amount of oxygen consumed from a chemical oxidant in a specific test but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

City means the City of Bay City, Texas, or any authorized person acting in its behalf.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Director means the director of public works (including water and wastewater) of the city, or his/her duly authorized deputy, agent or representative.

Garbage means animal and vegetable wastes and residue from the preparation, cooking and dispensing of food; and from handling, processing, storage and sale of food products and produce.

Industrial waste means waste resulting from any process of industry, manufacturing, trade or business from the development of any natural resource; or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the city's sewerage system.

³State law reference(s)—General authority to enact rules regulating sewage disposal, V.T.C.A., Water Code § 26.176; municipal utilities, V.T.C.A., Local Government Code § 552.001 et seq.; sanitation and environmental quality, V.T.C.A., Health and Safety Code § 341.001 et seq.

Milligrams per liter (mg/l) means the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

Natural outlet means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

Normal domestic wastewater means wastewater, excluding industrial wastewater, discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 mg/l and the BOD is not more than 250 mg/l.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

Person means and includes the corporation, organization, government or governmental subdivision or agency, business trust, estate trust, partnership association and any other legal entity.

PH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

Public sewer means pipe or conduit, carrying wastewater or unpolluted drainage, in which owners of abutting properties shall have the use, subject to control by the city.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes, or a combination of both, and into which stormwater, surface water, groundwater and other unpolluted wastes are not intentionally passed.

Slug means any discharge of water, wastewater or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than 15 minutes, more than five times the average 24-hour concentration or flows during normal operation.

Standard methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater, as prepared, approved and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

Storm sewer means a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater means rainfall or any other forms of precipitation.

Suspended solids means solids, measured in mg/l, that either float on the surface of or are in suspension in water, wastewater or other liquids, and which are largely removable by a laboratory filtration device.

To discharge means and includes to deposit, conduct, drain, emit, throw, run, allow to seep or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

Trap means a device designed to skim, settle or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Unpolluted wastewater means water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in the receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;

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- (6) Not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the Texas Commission on Environmental Quality (TCEQ);
 - (7) Color not exceeding 50 units, as measured by the platinum-cobalt method of determination, as specified in the "standard methods."

Waste means rejected, unutilized or superfluous substances in liquid, gaseous or solid form, resulting from domestic, agricultural or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions and industrial establishments, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities means and includes all facilities for collection, pumping, treating and disposing of wastewater and industrial wastes.

Wastewater service charge means the charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

Wastewater treatment plant means structures used for the receiving, processing and treating of wastewater.

Watercourse means a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-155. Prohibited discharges.

- (a) No person may discharge to the public sewers any waste which, by itself or by interaction with other wastes, may:
- (1) Injure or interfere with wastewater treatment processes or facilities;
 - (2) Constitute a hazard to humans or animals; or
 - (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.

(b) Industrial Discharges shall be considered prohibited discharges and must be handled in accordance with Significant Industrial User (SIU) guidelines as specified by Texas Commission of Environmental Quality (TCEQ).

- (c) All discharges shall conform to the requirements of this division.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-156. Chemical discharges.

- (a) No discharge to public sewers may contain:
- (1) Cyanide greater than one mg/l;
 - (2) Fluoride other than that contained in the public water supply;
 - (3) Chlorides in concentrations greater than 250 mg/l;
 - (4) Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; or
 - (5) Substances causing an excessive chemical oxygen demand (COD).
- (b) No waste or wastewater discharged to public waters may contain:

- (1) Strong acid, iron pickling wastes or concentrated plating solutions, whether neutralized or not;
 - (2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit or (zero and 65 degrees Celsius);
 - (3) Objectionable or toxic substances exerting an excessive chlorine requirement to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; or
 - (4) Obnoxious, toxic or poisonous solids, liquids or gases in quantities sufficient to violate the provisions of section 114-155(a).
- (c) No waste, wastewater or other substance may be discharged into the public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel at the wastewater facilities.
- (d) All waste, wastewater or other substance containing phenols, hydrogen sulfide or other taste- and odor-producing substances shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal or other agencies with jurisdiction over discharges to receiving waters.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-157. Heavy metals and toxic materials.

- (a) No discharges may contain concentrations of heavy metals greater than the amount specified in subsection (b) of this section.
- (b) The allowable concentrations of heavy metals, stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with the standard methods" for discharge to inland waters, are as follows:

Metal	Average	Not to Exceed Daily Composite	Grab Sample
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

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- (c) No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority, specifying the conditions of pretreatment, concentrations, volumes and other applicable provisions.
 - (d) Prohibited hazardous materials include, but are not limited to:
 - (1) Antimony;
 - (2) Beryllium;
 - (3) Bismuth;
 - (4) Cobalt;
 - (5) Molybdenum;
 - (6) Uranyl ion;
 - (7) Rhenium;
 - (8) Strontium;
 - (9) Tellurium;
 - (10) Herbicides;
 - (11) Fungicides; and
 - (12) Pesticides.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-158. Particulate size.

- (a) No person may discharge garbage into public sewers, unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimensions are prohibited.
- (b) The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-159. Stormwater and other unpolluted drainage.

- (a) No person may discharge to the public sanitary sewers:
 - (1) Unpolluted stormwater, surface water, groundwater, roof runoff or subsurface drainage;
 - (2) Unpolluted cooling water;
 - (3) Unpolluted industrial process waters;
 - (4) Other unpolluted drainage; or
 - (5) Make any new connections from inflow sources.
- (b) In compliance with the Texas Water Quality Act and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in subsection (a) of this section may be discharged.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-160. Temperature.

No person may discharge liquid or vapor having a temperature higher than 150 degrees Fahrenheit (or 65 degrees Celsius), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to 110 degrees Fahrenheit.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-161. Radioactive wastes.

- (a) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.
- (b) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for the discharge of radioactive wastes into public sewers.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-162. Impairment of facilities.

- (a) No person may discharge into the public sewers any substance capable of causing:
 - (1) Obstruction to the flow in sewers;
 - (2) Interference with the operation of the treatment processes of the facilities; or
 - (3) Excessive loading of the treatment facilities.
- (b) Discharges prohibited by subsection (a) of this section include, but are not limited to, materials which exert or cause concentrations of:
 - (1) Inert suspended solids greater than 250 mg/l, including, but not limited to:
 - a. Fuller's earth;
 - b. Lime slurries; and
 - c. Lime residues;
 - (2) Dissolved solids greater than 500 mg/l greater than the concentration in the public water supply, including, but not limited to:
 - a. Sodium chloride; and
 - b. Sodium sulfate;
 - (3) Excessive discoloration, including, but not limited to:
 - a. Dye wastes; and
 - b. Vegetable tanning solutions; or
 - (4) Biochemical oxygen demand (BOD), chemical oxygen demand (COD) or chlorine demand in excess of normal plant capacity.

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- (c) No person may discharge into the public sewers any substance that may:
- (1) Deposit grease or oil in the sewer lines in such manner as to clog the sewers;
 - (2) Overload skimming and grease-handling equipment;
 - (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamendability of the substance to bacterial action; or
 - (4) Deleteriously affect the treatment process due to excessive quantities.
- (d) No person may discharge any substance into the public sewers which is:
- (1) Not amenable to treatment or reduction by the processes and facilities employed; or
 - (2) Amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- (e) The approving authority shall regulate the flow and concentration of slugs when they may:
- (1) Impair the treatment process;
 - (2) Cause damage to collection facilities;
 - (3) Incur treatment costs exceeding those for normal wastewater; or
 - (4) Render the waste unfit for stream disposal.
- (f) No person may discharge into the public sewers solid or viscous substances which may violate subsection (a) of this section if present in sufficient quantity or size, including, but not limited to:
- (1) Ashes;
 - (2) Cinders;
 - (3) Sand;
 - (4) Mud;
 - (5) Straw;
 - (6) Shavings;
 - (7) Metal;
 - (8) Glass;
 - (9) Rags;
 - (10) Feathers;
 - (11) Tar;
 - (12) Plastics;
 - (13) Wood;
 - (14) Unground garbage;
 - (15) Whole blood;
 - (16) Paunch manure;
 - (17) Hair and fleshings;
 - (18) Entrails;

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- (19) Paper products, either whole or ground by garbage grinders;
 - (20) Slops;
 - (21) Chemical residues;
 - (22) Plant residues; or
 - (23) Bulk solids.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-163. Compliance with existing authority.

- (a) Unless exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging:
 - (1) Wastewater;
 - (2) Industrial waste; or
 - (3) Polluted liquids.
- (b) Unless unauthorized by the Texas Commission on Environmental Quality (TCEQ), no person may deposit or discharge any waste included in subsection (a) of this section on public or private property in or adjacent to any:
 - (1) Natural outlet;
 - (2) Watercourse;
 - (3) Storm sewer; or
 - (4) Other area within the jurisdiction of the city.
- (c) The approving authority shall verify, prior to discharge, that waste, which is authorized to have discharges, will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-164. Approving authority requirements.

- (a) If discharges or proposed discharges to public sewers may deleteriously affect wastewater facilities, processes, equipment or receiving waters; create a hazard to life or health; or create a public nuisance; the approving authority shall require:
 - (1) Pretreatment to an acceptable condition for discharge to the public sewers;
 - (2) Control over the quantities and rates of discharge; and
 - (3) Payment to cover the cost of handling and treating the wastes.
- (b) The approving authority is entitled to determine whether a discharge or proposed discharge is included under subsection (a) of this section.
- (c) The approving authority shall reject wastes when it determines that a discharge or proposed discharge is included under subsection (a) of this section.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-165. Approving authority review and approval.

- (a) If pretreatment or control is required, the approving authority shall review and approve the design and installation of equipment and processes.
- (b) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.
- (c) Any customer responsible for discharges requiring pretreatment, flow-equalizing or other facilities shall provide and maintain the facilities in effective operating condition at customer's own expense.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-166. Requirements for traps.

- (a) Discharges requiring a trap include:
 - (1) Grease or waste, containing grease in excessive amounts that will impede or stop the flow in the public sewers;
 - (2) Oil;
 - (3) Sand;
 - (4) Flammable wastes; and
 - (5) Other harmful ingredients.
- (b) Any customer responsible for discharges requiring a trap shall, at the customer's own expense and as required by the approving authority:
 - (1) Provide equipment and facilities of a type and capacity approved by the approving authority;
 - (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and
 - (3) Maintain the trap in effective operating condition.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-167. Requirements for building sewers.

Any customer responsible for discharges through a building sewer carrying industrial wastes shall, at the customer's own expense and as required by the approving authority:

- (1) Install an accessible and safely located control manhole;
- (2) Install meters and other appurtenances to facilitate observation sampling and measurement of the waste;
- (3) Install safety equipment and facilities, including, but not limited to, ventilation, steps, etc.) where needed; and
- (4) Maintain the equipment and facilities.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-168. Sampling and tests.

- (a) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining in the existence of hazards to health, life, limb and property.

(Note: The particular analysis involved will determine whether a 24-hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, biochemical oxygen demand (BOD) and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, eight-hour or some other period may be required. Periodic grab samples are used to determine pH and oil and grease).

- (b) Examination and analysis of the characteristics of waters and wastes required by this division shall be:
- (1) Conducted in accordance with the latest edition of the standard methods; and
 - (2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the city.
- (c) Biochemical oxygen demand (BOD) and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.
- (d) The city shall determine which users or classes of users may contribute wastewater which is of greater strength than normal domestic wastewater. All users or classes of users so identified shall be sampled for flow, BOD, TSS and pH as directed by the city.
- (e) The city may select an independent firm or laboratory to determine flow, BOD and suspended solids if necessary. Flow may alternately be determined by water meter measurements if no other flow device is available and no other source of raw water is used.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-169. User charge system.

- (a) Persons making discharges of industrial waste into the city's system shall pay a charge to cover all costs of collection and treatment.
- (b) When discharges of any waste into the city's system are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:
- (1) Terms of acceptance by the city;
 - (2) Payment by the person making the discharge, in accordance with the sewer user charge system, as established in subsection (d) of this section;
 - (3) New sewer construction and sewer connection procedures and requirements shall be in accordance with chapter 98, subdivisions and section 22-266 (the plumbing code);
 - (4) A sewer application approved with connection fee paid; and
 - (5) Construction of sewer connections shall be approved by city inspectors prior to sewer use.
- (c) The user charge system shall be computed annually, based on the following formula:

$$C_u = (C_t \div V_t) \times V_u$$

The symbols in the equation of this subsection are defined as follows:

C_u = User's charge for operation and maintenance costs of wastewater facilities of the city.

C_t = Total operation and maintenance costs of wastewater facilities of the city.

V_u = Total volume contributed from all users.

V = Total volume contributed from the user.

The annual rate, established by the formula, is set forth in division 5 of this article and will become effective on the 60th day following the close of the city's fiscal year.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-170. Continuation of discharge of industrial waste.

A customer discharging industrial wastes into public sewers prior to the effective date of the ordinance from which this division is derived may continue without penalty, so long as the customer does not increase the quantity or quality of discharge without the permission of the approving authority.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-171. Conditions of permits.

- (a) The city may grant a permit to discharge to persons meeting all requirements of the savings clause, provided that the person:
 - (1) Submit an application within 60 days after the effective date of the ordinance from which this division is derived on forms supplied by the approving authority;
 - (2) Secure approval by the approving authority of plans and specifications for pretreatment facilities when required; and
 - (3) Has complied with all the requirements for agreements or arrangements, including, but not limited to, provisions for the:
 - a. Payment of charges;
 - b. Installation and operation of pretreatment facilities; and
 - c. Sampling and analysis to determine quantity and strength; and
 - (4) Provides a sampling point subject to the provisions of this division and approval of the approving authority.
- (b) A person applying for a new discharge shall:
 - (1) Meet all conditions of subsection (a) of this section; and
 - (2) Secure a permit prior to discharging any waste.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-172. Power to enter property.

- (a) The director and other duly authorized employees of the city, bearing proper credentials and identification, are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this division.
- (b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.

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- (c) Except when caused by negligence or failure of the person to maintain safe conditions, the city shall indemnify the company against loss or damage to its property for personal injury or property damage asserted against the person and growing out of the sampling operation.
 - (d) The director and other duly authorized employees of the city, bearing proper credentials and identification, are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:
 - (1) Inspection, observation, measurement, sampling or repair;
 - (2) Maintenance of any portion of the sewerage system lying within the easements; and
 - (3) Conducting any other authorized activity.

All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

- (e) No person acting under the authority of this provision may inquire into any processes, including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point, having a direct bearing on the kind and source of discharge to the public sewers.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

State law reference(s)—Entry powers and inspections, V.T.C.A., Water Code §§ 26.171, 26.173.

Sec. 114-173. Authority to disconnect service.

- (a) The city may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:
 - (1) Acids or chemicals damaging to sewer lines or treatment processes are released to the sewer, causing accelerated deterioration of these structures or interfering with the proper conveyance and treatment of wastewater;
 - (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or
 - (3) The customer:
 - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
 - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
 - c. Fails to pay monthly bills for water and sanitary sewer services when due; or
 - d. Repeats a discharge of prohibited wastes to public sewers in violation of sections 114-155 through 114-162.
- (b) If service is disconnected pursuant to subsection (a)(2) of this section, the city shall:
 - (1) Disconnect the customer;
 - (2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and

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- (3) Continue disconnection until such time as the industrial customer provides pretreatment/additional treatment or other facilities designed to remove the objectionable characteristics from customer's wastes.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-174. Notice.

The city shall serve persons discharging in violation of this division with written notice, stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-175. Continuing prohibited discharges.

No person may continue discharging in violation of this division beyond the time limit provided in the notice.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-176. Violations and penalties.

- (a) Any person violating any of the provisions of this division is guilty of a misdemeanor and, upon conviction, shall be fined as set forth in appendix B of the Code of Ordinances. Each day a violation of this division continues shall be a separate offense.
- (b) The city council, by majority vote, may direct legal counsel to pursue an injunction or writ of mandamus or other valid legal remedy in district, state or appellate courts to enforce this division.
- (c) In addition to proceeding under the authority of subsection (a) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under the authority of statutes or other ordinances against a person's continuing prohibited discharges.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-177. Failure to pay.

In addition to sanctions provided for by this division, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

(Ord. No. 1659, § 1(Exh. A), 12-1-2020)

Sec. 114-178. Penalty for criminal mischief.

The city may pursue all criminal and civil remedies to which it is entitled under the authority of statutes and ordinances against a person negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

Secs. 114-179—114-209. Reserved.