

# **AGENDA**

**Regular Meeting of the Bedford City Council  
Tuesday, March 22, 2016  
Bedford City Hall Building A  
2000 Forest Ridge Drive  
Bedford, Texas 76021**

**Council Chamber Work Session 5:30 p.m.  
Council Chamber Regular Session 6:30 p.m.**

**COMPLETE COUNCIL AGENDAS AND BACKGROUND INFORMATION ARE AVAILABLE FOR REVIEW  
ONLINE AT <http://www.bedfordtx.gov>**

## **COUNCIL CHAMBER WORK SESSION**

- Review and discuss items on the regular agenda and consider placing items for approval by consent.
- Report on the Library Satisfaction Survey results.
- Presentation of the 2015 Annual Report on the Texas Commission on Environmental Quality Sanitary Sewer Overflow Initiative Program.

## **EXECUTIVE SESSION**

**To convene in the conference room, if time permits, in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:**

- a) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to "Project Orchard."
- d) Pursuant to Section 551.074, personnel matters – appointment of the Municipal Court Judge.

## **REGULAR SESSION**

### **CALL TO ORDER/GENERAL COMMENTS**

### **INVOCATION (Senior Pastor Nosa Onaiwu, Arise and Shine Church)**

### **PLEDGE OF ALLEGIANCE**

### **ANNOUNCEMENTS/UPCOMING EVENTS**

### **OPEN FORUM**

*(The public is invited to address the Council on any topic that is posted on this agenda. Citizens desiring to speak on Public Hearing(s) must do so at the time the Public Hearing(s) are opened. In order to speak during Open Forum a person must first sign in with the City Secretary prior to the Regular Session being called to order. Speakers will be called upon in the order in which they sign in. Any person not signing in prior to the commencement of the Regular Session shall not be allowed to speak under Open Forum. Further, Open Forum is limited to a maximum of 30 minutes. Should speakers not use the entire 30 minutes Council will proceed with the agenda. At the majority vote of the Council the Mayor may extend the time allotted for Open Forum.)*

### **CONSIDER APPROVAL OF ITEMS BY CONSENT**

## **COUNCIL RECOGNITION**

1. Employee Service Recognition
2. Recognition of Parks Crew Leader, Jeff Scott for the City Manager's Service Award.

## **APPROVAL OF THE MINUTES**

3. Consider approval of the following City Council minutes:
  - a) March 8, 2016 regular session

## **NEW BUSINESS**

4. Consider an ordinance amending Chapter 22, "Buildings and Building Regulations," of the Code of Ordinances of the City of Bedford, Texas, by repealing Article II "Buildings and Standards Commission," Article IX "Dangerous and Substandard Buildings," Article X "Minimum Housing Code" of Chapter 22 "Buildings and Building Regulations," and replacing it with a new Article II "Buildings and Standards Commission," Article IX "Abatement of Dangerous Buildings," Article X "Minimum Housing Code;" making amendments to each of the Articles; providing a penalty of up to \$2,000 per day for violations; providing a severability clause; providing a savings clause and an effective date.
5. Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A – Schedule of Fees, by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.
6. Consider an ordinance establishing the appointment of a municipal judge for a term to be determined by City Council in accordance with State law; providing that this ordinance shall be cumulative; providing a severability clause; and providing an effective date.
7. Consider an ordinance amending the City of Bedford Code of Ordinances, Chapter 114, Article V, Section 114-136 "Presumption that owner of vehicle illegally parked same" to include the specific locations where drivers of vehicles shall not park in areas marked with "No Parking" signs; providing for a severability clause; providing for a penalty clause; and declaring an effective date.
8. Consider a resolution authorizing the City Manager to enter into a contract with C. Green Scaping, L.P. in the amount of \$119,018 for the Miscellaneous Retaining Wall Rehabilitation Bedford Public Works and Central/Ridgewood Drive Project.
9. Consider a resolution authorizing the City Manager to enter into a contract with Cam-Crete Contracting Inc. in the amount of \$473,650 for the Concrete Sidewalk, Handicap Ramps/Concrete Street Panels, and Curb and Gutter Reconstruction at Various Locations Project.
10. Consider a resolution repealing Resolution No. 16-8 and authorizing the City Manager to enter into an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt.
11. Consider a resolution authorizing the City Manager to enter into a contract with Corporate Floors, Inc. to replace existing flooring and vinyl cove base at the Law Enforcement Center in the amount of \$26,140.05.
12. Consider a resolution authorizing the City Manager to enter into an agreement with Pyro Shows Incorporated and Adam Smith's Texas Harley-Davidson providing access to Block 2, Lot 1, Texas American Bankshares Addition, in order to stage and execute an outdoor aerial fireworks display.

**13. Report on most recent meeting of the following Boards and Commissions:**

- ✓ **Animal Shelter Advisory Board - Councilmember Fisher**
- ✓ **Beautification Commission - Councilmember Turner**
- ✓ **Community Affairs Commission - Councilmember Farco**
- ✓ **Cultural Commission - Councilmember Champney**
- ✓ **Library Advisory Board - Councilmember Farco**
- ✓ **Parks and Recreation Board - Councilmember Sartor**
- ✓ **Teen Court Advisory Board - Councilmember Gebhart**
- ✓ **Senior Citizen Liaison - Councilmember Turner**

**14. Council member Reports**

**15. City Manager/Staff Reports**

**EXECUTIVE SESSION**

To convene in the conference room in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:

- a) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to "Project Orchard."
- d) Pursuant to Section 551.074, personnel matters – appointment of the Municipal Court Judge.

**16. Take any action necessary as a result of the Executive Session.**

*(Any item on this posted agenda may be discussed in executive session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.)*

**ADJOURNMENT**

**CERTIFICATION**

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside window in a display cabinet at the City Hall of the City of Bedford, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted by the following date and time: Friday, March 18, 2016 at 5:00 p.m., and remained so posted at least 72 hours before said meeting convened.

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**Michael Wells, City Secretary**

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**Date Notice Removed**

(Auxiliary aids and services are available to a person when necessary to afford an equal opportunity to participate in City functions and activities. Auxiliary aids and services or accommodations must be requested in writing to the City Secretary's Office a minimum of seventy-two hours (72) hours prior to the scheduled starting time of the posted meeting. Requests can be delivered in person or mailed to the City Secretary's Office at 2000 Forest Ridge Drive, Bedford, TX 76021, or emailed to [mwells@bedfordtx.gov](mailto:mwells@bedfordtx.gov). Some requests may take longer due to the nature, extent and/or availability of such auxiliary aids, services or accommodations.)



# Council Agenda Background

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**PRESENTER:** Maria Redburn, Library Director

**DATE:** 03/22/16

**Work Session**

**ITEM:**

Report on the Library Satisfaction Survey results.

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

A report on the Library Satisfaction Survey will be presented reviewing:

- User Satisfaction
- Impact of Library Services

**ATTACHMENTS:**

N/A



# Council Agenda Background

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**PRESENTER:** Kenneth Overstreet,  
Interim Public Works Director

**DATE:** 03/22/16

**Work Session**

**ITEM:**

**Presentation of the 2015 Annual Report on the Texas Commission on Environmental Quality Sanitary Sewer Overflow Initiative Program.**

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

**An overview of the 2015 Annual Report and the status of current sewer projects.**

**ATTACHMENTS:**

**PowerPoint Presentation  
SSOI Report**

# **Texas Commission on Environmental Quality**

**2015 Sanitary Sewer Overflow Initiative  
(SSOI)**

# 2015 Sanitary Sewer Overflow Initiative History

A Sanitary Sewer Overflow (SSO) is an unauthorized discharge of untreated wastewater from a collection system or its components (e.g., manhole, lift station, or cleanout) prior to reaching a treatment facility.

On February 21, 2007, City of Bedford staff attended a joint Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ) workshop. Two options were presented for the City to choose between before April 5, 2007. The two options were either volunteer for the SSO Initiative with TCEQ, or default to the Capacity Management Operations and Maintenance (CMOM) program with the EPA.

# 2015 Sanitary Sewer Overflow Initiative Timeline

- ▶ April 2007 - Council approved a resolution authorizing the City of Bedford to participate in the TCEQ Sanitary Sewer Overflow Initiative (SSOI).
- ▶ January 2008 – Bedford entered into a five year SSOI agreement with TCEQ.
- ▶ December 2013 - Bedford completed the first five years of the SSOI agreement.
- ▶ February 2014 - Bedford entered into a two year extension of the SSOI agreement.
- ▶ December 31, 2016 – The two year SSOI extension with TCEQ will expire.

# 2015 Sanitary Sewer Overflow Initiative

- ▶ The City has worked with various engineering firms to evaluate the City's sewer system in the 19.1W drainage basin and to design one million dollars in renewals annually, as required by the TCEQ SSOI agreement.

## **Projects:**

- ▶ 19.1W 10" Outfall Sewer on Spring Valley – In progress
- ▶ Clean and TV Harwood Terrace, Rollingwood and Bell Manor subdivision – In progress
- ▶ 19.1W 12" Outfall Sewer on Kelmont Park - Designed

# 2015 Sanitary Sewer Overflow Initiative

In addition to renewing or replacing sewer mains, the City is required to clean 20% of the sewer system, inspect 20% of existing manholes and repair as necessary, video inspect 14,000 feet of sewer lines, and provide public education on proper disposal of grease and cooking oil.

## Completed:

- ▶ Cleaned 32% of the system lines: 263,469 feet out of 830,000 feet, exceeding the minimum requirement of 20% of the sewer system
- ▶ Inspected 38% of the system manholes: 1,042 out of 2,750 manholes, exceeding the minimum requirement of 20% of the sewer system
- ▶ Video inspected 32,521 feet of system lines, exceeding the minimum requirement of 14,000 feet

# 2015 Sanitary Sewer Overflow Initiative

The City participated in multiple activities throughout the year to help “spread the word” on the Fats, Oil, and Grease (FOG) program.

- ▶ Fats, oil, and grease articles were placed in the quarterly Bedford Connection Magazine
- ▶ Collected used cooking oil year round
- ▶ Provided apartment complexes with grease funnels
- ▶ Passed out information, grease funnels, grease lids, and fat trapper bags at the City Expo, CRUD Cruiser Day, 4<sup>th</sup> Fest, BluesFest, the Community Affairs Commission block parties, and the Community Affairs Commission Residential Roundtable

Questions?



March 02, 2016

(AUSTIN) CERTIFIED MAIL – RETURN RECEIPT REQUESTED 70142120000412226233

(FORT WORTH) CERTIFIED MAIL – RETURN RECEIPT REQUESTED 70142120000412226240

Ms. Mary Matl  
Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: Sanitary Sewer Overflow Initiative  
City of Bedford City Collection System, Bedford (Tarrant County) Texas  
RN 101388981 Enforcement Case No. 35291

This report shall serve as the City of Bedford's Annual Report of 2014 for the Sanitary Sewer Overflow Initiative Enforcement Case No. 35291. The Agreement between the City of Bedford and the Texas Commission on Environmental Quality was effective February 27, 2008.

The City entered into an agreement with Gary Burton Engineering, Inc. to prepare a 5 year Capital Improvements Plan for 2013-18 of sanitary sewer improvements necessary to complete Sanitary Sewer Overflow Initiative (SSOI) and requested to TCEQ for a 2 year extension, in accordance with Provision #12 of the Enforcement Agreement. Request was granted February 15, 2014.

### **Annual Report 2015 by Provision**

1. The City conducted a Comprehensive Wastewater Collection System Evaluation (CWCSE) in a contract with Espey Consultants, Inc. The final report was delivered in September 2008. The Public Works Wastewater Division identified numerous locations where the sanitary sewer system was in need of rehabilitation and/or reconstruction. Funds were allocated for this work in the 2007 and 2009 Wastewater Certificates of Obligation. Several locations were prioritized and several of these areas were addressed during this reporting period.
  - The City authorized an Infiltration/Inflow investigation in TRA 19.1W drainage area, which is the largest in the City. The project was completed in 2011 and it identified locations where inflow and infiltration was observed or is likely to occur during a storm water event. A Professional Services Contract has been entered into for the design of a section of sanitary sewer line renewal, point repairs and manhole rehabilitation identified in the study which was completed in 2012. The construction of this project was funded through CIP funding and will begin construction in 2013.



- The City authorized preparation of plans and specifications for Segment 11, Sulphur Branch Trunk Sewer. Engineering was completed 2012. Construction was completed on May 14, 2014.
  - On, December 2, 2013 the City entered into a contract with Gary Burton Engineering, Inc. to design the following projects:
    - Renew Basin 19.1W 10" Outfall Sewer with 12" in Kelmont Park from Schumac Lane to Shirley Way, is still in designed but has not bid out yet.
    - Based on the TV Subdivision of Harwood Terrace, Rollingwood, Bell Manor, the City compiled the data to either do spot repairs or renewals of the Sanitary Sewer Main.
1. As stated in Annual Report 2008, the City chose to use Cured in Place Piping (CIPP) as its method of line rehabilitation. There was only one CIPP project in 2011. This project was funded through the Capital Improvement Program referred to in Provision 7. (Completed)
  2. The City completed the development of the data and imagery for the City Geographic Information System (GIS) database in 2011. The GIS database is continually updated as information from field observances is reported.
  3. During 2015, the City inspected 38% of the system manholes: 1042 out of 2,750 total manholes. This meets the annual minimum requirement of 20% of the system manholes.
  4. During 2015, the City cleaned 32% of the system lines: 263,469 ft out of 830,000 total ft of system lines. This meets the annual minimum cleaning requirement of 20% of the system lines.
  5. During 2015, the City video inspected 32,521 ft of system lines, which met the annual minimum requirement of 14,000 ft of system lines.
  6. The City is using the Capital Improvement Program (CIP) to improve the existing System Infrastructure in several areas. During FY 14/15, the City completed improvements on Bedford Boys Ranch Outfall Sewer Renewal. Another completed CIP project was the Cleaning and TV of Subdivisions (Harwood Terrace, Rollingwood, Bell Manor), TWDB – Loan Funded. Renewal of Basin 19.1 W 10" Outfall Sewer with 12" in Spring Valley Dr. from Harwood to Simpson Terrace.
  7. Information on the proper disposal of grease is available on the website and is updated periodically. F.O.G. articles were placed in the quarterly Bedford Magazine in January, April, August and December 2015. The Environmental Supervisor collected used cooking oil from residents all year around. The Environmental Supervisor continued to provide apartment managers with grease funnels, as needed, to provide to their residents. City staff also passed out 500 grease funnels, grease lids and fat trapper bags to residents and visitors at



CITY OF  
**BEDFORD**  
TEXAS

Renewal of Basin 19.1 W 10" Outfall Sewer with 12" in Spring Valley Dr. from Harwood to Simpson Terrace.

7. Information on the proper disposal of grease is available on the website and is updated periodically. F.O.G. articles were placed in the quarterly Bedford Magazine in January, April, August and December 2015. The Environmental Supervisor collected used cooking oil from residents all year around. The Environmental Supervisor continued to provide apartment managers with grease funnels, as needed, to provide to their residents. City staff also passed out 500 grease funnels, grease lids and fat trapper bags to residents and visitors at City of Bedford City EXPO, ( April 11, 2015), Crude Cruiser Day , (April 12, 2015), Community Affairs Block Party, (June 11, 2015), 4<sup>th</sup> Fest, (July 4, 2015), Bedford Bluesfest, (September 4-5, 2015), Community Affairs Commission Residential Roundtable, (September 17, 2015), Community Affairs Commission Block Party, (October 1, 2015). In September 2009, the City passed a liquid waste ordinance requiring all grease and grit trap owners, as well as liquid waste haulers to be registered with the City of Bedford. Grease and grit trap owners are required to use registered haulers and must evacuate their tanks every 90 days unless they request a variance.
8. The 2015 Annual Report will be presented to Bedford City Council on March 22, 2016.
9. This Annual Report for 2015 shall satisfy the requirements set by Provision 10. Any copies of forms for manhole inspections, video inspections, or routine cleaning are available upon request. Contact Dan Mitchell at [dan.mitchell@bedfordtx.gov](mailto:dan.mitchell@bedfordtx.gov).

The City continues to make progress in implementing the provisions mandated by the Compliance Agreement. Our staff looks forward to continue working with the TCEQ to ensure the City's compliance. If you have any questions, please contact Thomas L. Hoover at the number listed below.

Sincerely,

Kenneth Overstreet  
Interim Public Works Director  
(817)952-2200  
[Kenneth.overstreet@bedfordtx.gov](mailto:Kenneth.overstreet@bedfordtx.gov)

Cc: Jeff Tate, Water Section Manager  
SSOI File



# Council Agenda Background

<b><u>PRESENTER:</u></b> Jeff Gibson, Police Chief Bobby Sewell, Interim Fire Chief Kenney Overstreet, Interim Public Works Dir.	<b><u>DATE:</u></b> 03/22/16									
Council Recognition										
<b><u>ITEM:</u></b> Employee Service Recognition  City Manager Review: _____										
<b><u>DISCUSSION:</u></b> The following employees have completed a service period and are eligible for recognition:  <table><tr><td>Matthew Wagner</td><td>Fire Department</td><td>5 years</td></tr><tr><td>Juan Noyola</td><td>Public Works</td><td>10 years</td></tr><tr><td>Robert Lapenna</td><td>Police Department</td><td>15 Years</td></tr></table>		Matthew Wagner	Fire Department	5 years	Juan Noyola	Public Works	10 years	Robert Lapenna	Police Department	15 Years
Matthew Wagner	Fire Department	5 years								
Juan Noyola	Public Works	10 years								
Robert Lapenna	Police Department	15 Years								
<b><u>ATTACHMENTS:</u></b> N/A										



# Council Agenda Background

**PRESENTER:**

Jill McAdams, *SPHR*, Human Resources  
Director  
Margaret Kiss, Parks, Recreation & Special  
Events Assistant

**DATE:** 03/22/16

Council Recognition

**ITEM:**

Recognition of Parks Crew Leader Jeff Scott for the City Manager's Service Award.

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

The Employee Recognition Award Program was redeveloped in 2014 by the Emerging Leaders Program Class I participants as their capstone project. The Program includes a focus on the PRIDE (Passion, Respect, Innovation, Dependability, Ethics) core values. For the City Manager's Service Award nominees, actions must project a positive image of the City and must demonstrate at least three of the PRIDE values. Nominations are voted on by the most recent graduating Emerging Leaders Class participants.

Jeff Scott is being recognized and honored for his actions/contributions to the City. He will receive a special art glass award and a \$100 VISA gift card. In addition, Jeff and a guest will attend an annual luncheon in honor of all recipients.

Jeff was nominated by Margaret Kiss for "his dedication and commitment in representing the City during the Boys Ranch renovation project." In her nomination Margaret writes, "He was on site during all the transfer of fish and the public outcry of disturbing the turtle and duck habitat. He set the example to his staff in working with and defusing the situation with uninformed citizens. He made himself available 24/7 to his staff regardless of the time already spent. He was on site with the guys while they pulled the turtles from the mud and oversaw the transfer of many turtles to other locations." Margaret further stated, "I am proud to be associated with such an outstanding employee." In addition, Jeff received many cards and thank you letters from Bedford citizens thanking him for his efforts during this time period.

In her nomination for Jeff, Margaret noted the following pertaining to the PRIDE values:

- **Passion:** He was on site every day working with and setting the example to his staff.
- **Respect:** He made sure that everyone kept safety first as the priority while working in hazardous conditions.
- **Innovation:** He innovated the "turtle watch" until the turtles were moved to a safer location and the mud was dry enough that the turtles and the public would not get stuck in the mud.
- **Dependability:** He was there every day and made rounds after-hours on his own initiative to make sure that the dredging situation was not hazardous to the citizens. We did have some children playing in the mud; it could have been a very dangerous situation and Jeff was there to guide them out of the mud.
- **Ethics:** He took personal pride in making sure that the Texas Parks & Wildlife was informed and on-site when needed. He kept informed and on top of the situation at all times and supported his staff.

**ATTACHMENTS:**

**N/A**



# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 03/22/16

**Minutes**

**ITEM:**

Consider approval of the following City Council minutes:

- a) March 8, 2016 regular meeting

City Manager Review: \_\_\_\_\_

**DISCUSSION:**

N/A

**ATTACHMENTS:**

March 8, 2016 regular meeting

STATE OF TEXAS §

COUNTY OF TARRANT §

CITY OF BEDFORD §

**The City Council of the City of Bedford, Texas, met in Work Session at 5:30 p.m. and Regular Session at 6:30 p.m. in the Council Chambers of City Hall, 2000 Forest Ridge Drive, on the 8th day of March, 2016 with the following members present:**

Jim Griffin	Mayor
Ray Champney	Council Members
Steve Farco	
Roger Fisher	
Dave Gebhart	
Rusty Sartor	
Roy W. Turner	

constituting a quorum.

Staff present included:

Roger Gibson	City Manager
Kelli Agan	Assistant City Manager
Stan Lowry	City Attorney
Michael Wells	City Secretary
Natalie Foster	Public Information Officer
Jeff Gibson	Police Chief
Wendy Hartnett	Special Events Manager
Kenny Overstreet	Interim Public Works Director
Emilio Sanchez	Planning Manager
Bill Syblon	Development Director
Brandi West	Grant Administrator

### **COUNCIL CHAMBER WORK SESSION**

Mayor Griffin called the Work Session to order at 5:30 p.m.

- **Review and discuss items on the regular agenda and consider placing items for approval by consent.**

Council discussed placing the following items on consent: 1, 4, 5, 6, 7, 8, 9 and 10.

In answer to questions from Council regarding Item #4, Special Events Manager Wendy Hartnett stated that the City used to get a five percent discount for paying early from the previous company, which accounts for the \$1,000 increase in the cost; that there is no difference in the product; that the insurance company did settle at \$94,000 and the language in the contract did cover the City for damages to a property the previous year; and that in regard to preventing damage to residential homes, all four inch shells have been taken out of the show and they have moved to a maximum of three inch shells with a more dynamic display.

Grant Administrator Brandi West presented information regarding Item #5, which is the continuation of support costs for the Repeat Victimization Unit (RVU) storefront. She stated that they learned in February the same funding was received for the same grant for the previous fiscal year. In answer to questions from Council, Ms. West confirmed that the grant is for Fiscal Year 2016-17 and does not require a match from the City. There was discussion on Ms. West helping with the Cultural District and Police Chief Jeff Gibson giving a report on RVU activities and its benefits to the community.

Ms. West presented information regarding Item #6. She stated that it is time for Bowly, the City's Police

Department canine, to retire and this item is asking for a Criminal Justice Division Justice Assistance Grant for a new canine unit. It includes a new canine, training, associated equipment and a canine-fitted SUV. The grant also does not require a match from the City. There was discussion on ensuring that that Officer Andrew Versocki is able to keep Bowly after she retires.

Chief Gibson presented information regarding Item #7, which is to allow the City of Euless to staff one officer in the RVU storefront. This would allow all three Mid-Cities agencies to have an officer in the storefront property to exchange information and work collectively as a group. There are no jurisdictional boundaries with the storefront so resources can be utilized by whoever needs them the most at the time. Follow-ups can be managed along with the RVU and costs will be shared as well.

Chief Gibson presented information regarding Item #8, which is to replace a message switch. The Department has managed to double the life of the current switch, and there have been difficulties with the equipment staying operational. This item is to buy the new switch as well as the software and other items necessary to integrate the Computer Aided Design (CAD) and New World systems together. In answer to questions from Council, Chief Gibson stated that once approved, agents from New World will be scheduled to start the project; and that funding comes from a 911 fund, bond monies, and the Information Technology Department's travel budget.

Strategic Services Manager Meg Jakubik presented information regarding Item #9. The City participates in an Oncor Steering Committee whereby Bedford works with other cities on issues related to Oncor, which gives them group negotiating power. Streetlights are not individually metered but are on a tariff schedule based on the number and type of streetlights, and estimated wattage, with the City being billed for the number of lights in operation. The Steering Committee requested that Oncor audit all of the cities and it was found that there were some additional streetlights of which they were not aware and some in their books that were no longer in operation. That information has since been channeled to the billing company so the City is appropriately billed moving forward. Oncor has brought a settlement agreement, in the amount of \$20,775.48, to back pay the City for the estimated overbilling. There is no clear way to know how long this issue occurred since the lights are not metered, so they came up with a standard calculation method. In answer to questions from Council, Ms. Jakubik stated that the Steering Committee would have been involved in developing the standard methodology; and that periodic audits may be a way to ensure this issue does not happen again. In regards to the possible buyout of Oncor, Ms. Jakubik stated that the case is currently before the Public Utility Commission; that they have to make a decision within the month whether the proposal to do a real estate investment trust is in the best interest of the public; that the Steering Committee has filed briefs stating their concerns; and that the main concern is that with the Asset Division issuing dividends to shareholders and avoiding federal taxes, no savings would be passed along to rate payers. In answer to questions from Council regarding the City maintaining an inventory of streetlights, Interim Public Works Director Kenny Overstreet stated that the City does not maintain an inventory and staff uses the Oncor website to submit outages. Ms. Jakubik further stated that all the street lights are not metered and are on a tariff schedule; that to maintain an inventory of streetlights would mean having to know the type of lights and the wattage, which would have different schedules; that LED lights have a different cost structure; and that other cities have found that switching to LED lights has not yet met the break-even point of being more cost effective.

Mr. Overstreet presented information regarding Item #10, which is to enter into the City of Grand Prairie's pavement marking contract. The contract has been used for the previous four years with Stripe-A-Zone. The budgeted amount for this item is \$120,000 and the actual cost is \$105,000. The remaining \$15,000 will be used for various other markings such as street names on curbs. In answer to a question from Council, Mr. Overstreet confirmed that interlocal agreements are a framework to get a pool of resources to have services and goods cheaper than being individually sourced out or the City trying to get them by itself; and that he is confident that this is the best deal for the City.

Mayor Griffin adjourned the Work Session at 5:54 p.m.

### **EXECUTIVE SESSION**

**To convene in the conference room, if time permits, in compliance with Section 551.001 et. Seq. Texas Government Code, to discuss the following:**

- a) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park.
- b) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons.
- c) Pursuant to Section 551.087, deliberation regarding economic development negotiations relative to "Project Orchard."

Council convened into Executive Session pursuant to Texas Government Code Section 551.087, deliberation regarding economic development negotiations relative to Block 1, Lot 1D, Shops at Central Park; Section 551.087, deliberation regarding economic development negotiations relative to Bedford Commons; Section 551.087, deliberation regarding economic development negotiations relative to "Project Orchard", at 5:56 p.m.

Council reconvened from Executive Session at 6:11 p.m.

Any necessary action to be taken as a result of the Executive Session will occur during the Regular Session of the Bedford City Council Meeting

### **REGULAR SESSION**

The Regular Session began at 6:30 p.m.

### **CALL TO ORDER/GENERAL COMMENTS**

Mayor Griffin called the meeting to order.

### **INVOCATION (Pastor David T. Freeman, First Assembly of God)**

Pastor David T. Freeman of First Assembly of God gave the invocation.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the flags of the United States and Texas were given.

### **ANNOUNCEMENTS/UPCOMING EVENTS**

Public Information Officer Natalie Foster reported that the annual Egg Hunt and Easter Celebration will be on March 19 from 10:00 a.m. to 2:00 p.m. at the Boys Ranch Activity Center and will feature arts, crafts, snacks, pictures with the Easter Bunny and an egg hunt with over 10,000 eggs. People are also invited to bring their dogs for a special egg hunt. ArtsFest will be held on April 2 from 10:00 a.m. to 8:00 p.m. and will feature live music, family art activities, juried art selections, food trucks, and craft beer and wine for sale. The Beautification Commission is looking for volunteers for Clean Up Bedford Day on April 9 and they will be given supplies and an assigned area to clean up.

Ms. Foster presented an update on the Boys Ranch construction. All of the fountains and most of the lighting structures have been put in and tested. The monument signs will be going in soon and once they are in, brick pavers will be placed. Crews laid concrete for the tee boxes for the disc golf course before the rain moved in. The lake is about half full but construction has been halted due to the rain.

Mayor Griffin stated the Volunteer Banquet was a great event and thanked Special Events Manager Wendy Hartnett, Cultural Coordinator Jeff Gibson, Old Bedford School Assistant Cortney Sims, Ms. Foster and Margaret Kiss for their hard work. He also thanked Fleet and Facility Services Manager Chuck Carlisle and members of his staff including Chris Clark and Mike Radoyevich for painting the Council Chambers.

Mayor Griffin gave special thanks to employees at the Police and Fire Departments and other members of City staff who were involved in cooperating and helping with the City of Euless in their tragedy. It was important as a City to reach out and help them, and they stepped up and did a fantastic job. He also thanked the residents who did a tremendous job showing an outpouring of love and compassion for the

people of Euless, including leaving cards and flowers, fixing food, and coming to the service for Officer Hofer. He thanked staff and the residents for showing what Bedford is about, in showing how much they care and love their neighbors, and it is a great testament about who they are as a City and a community.

## **OPEN FORUM**

Nobody chose to speak during Open Forum.

## **CONSIDER APPROVAL OF ITEMS BY CONSENT**

Motioned by Councilmember Champney, seconded by Councilmember Turner, to approve the following items by consent: 1, 4, 5, 6, 7, 8, 9 and 10.

Motion approved 7-0-0. Mayor Griffin declared the motion carried.

## **APPROVAL OF THE MINUTES**

1. **Consider approval of the following City Council minutes:**
  - a) **February 23, 2016 regular session**

This item was approved by consent.

## **PERSONS TO BE HEARD**

2. **The following individual has requested to speak to the Council tonight under Persons to be Heard:**
  - a) **Barbara Blalock, 1116 Timber View, Bedford, Texas 76021 – Requested to speak to the Council regarding the proposed ordinance eliminating parking cars and boats on driveways.**

Barbara Blalock, 1116 Timber View, Bedford, Texas – Ms. Blalock stated she attended the Council meeting on February 9 and was stunned when a man in her neighborhood berated Council Members for his perception of below standard houses in Bedford. She and her husband have lived in Timber View Estates for 25 years and it is a wonderful neighborhood. There are 20 families that have lived their longer than she has. Everybody keeps up their properties and look out for each other. They have a homeowners association that takes care of the entrances to the neighborhood and 48 out of 52 pay families pay their dues each year. She is delighted that families can buy motorhomes and boats that they might keep in their yards. In the neighborhood, she knows of only one motorhome, one boat that is now gone, and one trailer. In regards to house prices dropping because of trailers, boats and motorhomes, she does not believe that is true and stated that homes usually sell within 48 hours for top dollar. The main reasons people move out are to go to senior homes or having passed away. She did not know where the photos displayed by the man were from but they were not from Timber View Estates. She stated that if someone had enough time and energy to berate Council frequently, she suggested they go out to spend their time and energy volunteering in needy areas in Bedford, such as with the School District, Meals on Wheels, the Tarrant Area Food Bank, 6Stones and the First Methodist Church in Hurst. She asked if the neighborhood is so bad, why he not moves.

- b) **Carlo Gill, 3221 Timber Grove, Bedford, Texas 76021 – Requested to speak to Council regarding trash pick-up and parking trailers, boats, and recreational vehicles in residential areas.**

Carlo Gill, 3221 Timber Grove, Bedford, Texas – Mr. Gill stated that his concerned about this problem in the community and that nobody really cares. He has lived in his house for 30 years and he has seen some cases of large vehicles being parked and people do not care about their size or condition. He thinks that members of the City Council had some reason for this and surveyed the area of each Councilmembers' homes. He stated he found a small storage trailer at a house leased by the Mayor. It was stated by Council that the Council rules state that individual members of Council are not on trial and Mr. Gill's comments should be directed to Council as a full body. Mr. Gill stated that he checked where the Councilmembers lived and one or two have problems with boats or storage trailers. Some of the areas

had homeowners associations so had some rules and regulations on what could be parked. He displayed photos of a trailer parked at a house on Spring Valley Drive and stated that 18 out of 21 homes objected to it, and would sign a petition putting an ordinance in place. He stated that police have been called on the trailer six or seven times and nobody has done anything. From a neighbor, he learned that the previous owner used to transport horses and had horses grazing in their backyard. He asked how far people could go with this kind of thing. He stated that on Clear View Drive there is the same issue with a trailer and most people in the neighborhood objected to it. He did not want to continue this until he found out what kind of support he had in the public. He stated that 49 out of 50 people with whom he discussed this issue would back an ordinance regarding parking trailers in a residential area. He discussed kids walking out on the roads and stated that a child would probably have to die before something is done. He contacted storage places and found they charged \$119.95 per month for trailers and between \$75.00 and \$85.00 per month for boats. He stated that he has seen cords running from trailers into homes. In speaking with a friend who is an attorney about what needs to be done, he was told to get a petition. He heard that a petition was sent to the Council and it was turned down, and asked how Council can turn down a petition as they are voted in by the residents. He stated that he has not heard anything in the three times he has come to speak to Council about what kind of ordinance could be done. He was asked to go to the police who cannot do anything about it and who then refers him back to Council. He asked does somebody have to get run over before Council decides to do something. He stated that if he needed to come up with a petition he would like Council involved, but he is fine if Council does not care about it. He asked if there was a reason he could not put out a petition and how many people needed to sign it before it is approved. He showed a picture of a tractor with 250 gallon propane tanks on the trailer and stated he fought 35 years ago to stop this type of thing happening in Bedford.

Council discussed the accusation of Council doing or not doing things; sharing some of Mr. Gill's concerns; staff being in the process of researching other cities' ordinances to see how they might fit in Bedford; petitions; maintaining property owner's rights; aesthetics and quality of life; Mr. Gill's accusations being unfair; and working with Mr. Gill on an ordinance.

- c) Bobby Arriola - Requested to speak to Council regarding municipal funding to access the TLETS/TCIC/NCIC System, which is funded thru NCTCOG; giving access to those system funded by tax payer dollar and being misappropriated; and unauthorized access onto the public governmental 911 system.**

Mr. Arriola did not attend the meeting.

- d) Joyce Johnson, 1701 Brookhaven Circle, Bedford, Texas 76022 – Request to speak to Council regarding potential risks to health and air quality, due to natural gas emissions from hydraulic fracturing, and avoidance of releasing information.**

Joyce Johnson, 1701 Brookhaven Circle, Bedford, Texas – Ms. Johnson discussed the health effects of natural gas extraction; adverse health and environmental problems related to fracking sites; The National Resources Defense Council (NRDC); communities protecting themselves; curbing air pollution across the entire system by having strong air standards; bills backed by the oil and gas industry limiting the ability for local communities to decide if they want fracking in their communities; the rise of public land use; gas being taken from under the City creating holes underground; the birds in her back yard having gone away due to bad air from the fracking from a well north of her house; banning fracking on public lands; information on well sites being incomplete; maps showing vapors from fracking in North Texas and the Barnett Shale; the oil and gas industry obtaining exemptions from the Clean Air and Clean Drinking Water Acts; the Air Quality Index developed by the Environmental Protection Agency; increased levels of ozone; natural gas emissions being responsible for extreme weather; laws exempting gas companies from disclosing the nature of contaminants from fracking; horizontal drilling; toxic silica sand; decomposed plant life becoming toxic when disturbed and vapors escaping to the surface; fracking fluid causing chemicals to waft through the air; chemicals leaking into the ground water; Physicians for Social Responsibility and their public health concerns regarding the Barnett Shale; carcinogens, methane and endocrine-disrupting chemicals being released during fracking; physicians being unable to get information on what their patients have been exposed to; the United States becoming the largest exporter of gas in the world; a Cornell University paper on the impact of gas drilling on human and animal health; and a report from the EU Commission on fracking. Ms. Johnson requested that Councilmember Turner seek help and direction from the NRDC and review the reports from Cornell University and the EU Commission and give the City a report. Council stated that there is no drilling or fracking in Bedford.

## **NEW BUSINESS**

- 3. Public hearing and consider an ordinance to rezone Lot 1A, Block 6, Bedford Forum Addition, located at 1817 Reliance Parkway, Bedford, Texas from Planned Unit Development (PUD) to amended PUD, specific to Section 4.15 of the City of Bedford Zoning Ordinance, allowing for Aldwin Zim to construct three 20,000 square foot multi-tenant warehouse buildings on the site. The property is generally located east of Reliance Parkway and north of Airport Freeway. (Z-287)**

Planning Manager Emilio Sanchez presented information regarding this item, which is a request to amend the Bedford Forum Planned Unit Development (PUD) to allow Aldwin Zim to construct three, 20,000 square foot multi-tenant tilt-wall warehouse buildings at 1817 Reliance Parkway. The Planning and Zoning Commission recommended approval of this item at their February 11 meeting. The Comprehensive Land Use Plan has the property as commercial.

Mayor Griffin opened the public hearing at 7:18 p.m.

Nobody chose to speak during the public hearing.

Mayor Griffin closed the public hearing at 7:18 p.m.

In answer to a question from Council, Mr. Sanchez confirmed that the proposed plan does meet the landscaping requirements of the Bedford Forum PUD.

Motioned by Councilmember Champney, seconded by Councilmember Farco, to approve an ordinance to rezone Lot 1A, Block 6, Bedford Forum Addition, located at 1817 Reliance Parkway, Bedford, Texas from Planned Unit Development (PUD) to amended PUD, specific to Section 4.15 of the City of Bedford Zoning Ordinance, allowing for Aldwin Zim to construct three 20,000 square foot multi-tenant warehouse buildings on the site. The property is generally located east of Reliance Parkway and north of Airport Freeway. (Z-287)

Motion approved 7-0-0. Mayor Griffin declared the motion carried.

- 4. Consider a resolution authorizing the City Manager to enter into a contract with Pyro Shows for the 2016 4thFest Fireworks Program in the amount of \$30,000.**

This item was approved by consent.

- 5. Consider a resolution of the City Council of Bedford, Texas, authorizing the submission of the grant application for the Repeat Victimization Unit Storefront to the Office of the Governor, Criminal Justice Division.**

This item was approved by consent.

- 6. Consider a resolution of the City Council of Bedford, Texas, authorizing the submission of the grant application for a new Canine Unit and vehicle to the Office of the Governor, Criminal Justice Division.**

This item was approved by consent.

- 7. Consider a resolution authorizing the City Manager to enter into an Interlocal Agreement with the City of Hurst and the City of Euless for the space sharing arrangement of a police sub-station.**

This item was approved by consent.

- 8. Consider a resolution authorizing the City Manager to purchase a new Mobile Message Switch and related components from Tyler Technologies, Inc., in the amount of \$18,250.**

This item was approved by consent.

**9. Consider a resolution authorizing the City Manager to enter into a Settlement and Release Agreement with Oncor Electric Delivery Company LLC regarding audit findings for unmetered streetlights.**

This item was approved by consent.

**10. Consider a resolution authorizing the City Manager to utilize the City of Grand Prairie's Pavement Marking Service Contract with Stripe-A-Zone in the amount of \$105,000 through a Master Interlocal Cooperative Purchasing Agreement.**

This item was approved by consent.

**11. Report on most recent meeting of the following Boards and Commissions:**

✓ **Animal Shelter Advisory Board - Councilmember Fisher**

No report was given.

✓ **Beautification Commission - Councilmember Turner**

Councilmember Turner reported that the Commission will next meet on Monday, March 21. He reminded everybody about Clean Up Bedford Day and the need for volunteers, and stated that there will be free food available at Meadow Park.

✓ **Community Affairs Commission - Councilmember Farco**

Councilmember Farco reported that a residential outreach was held on February 25 and had over 100 attendees. He thanked City Manager Roger Gibson and Councilmember Fisher, as well as staff, who all did excellent jobs. He thanked members of the Commission in attendance for the work they have done for the City, including going above and beyond to ensure that citizens have access to Council and staff on a regular basis through outreaches and block parties.

✓ **Cultural Commission - Councilmember Champney**

Councilmember Champney discussed the Trinity Arts Guild's 55th anniversary.

✓ **Library Advisory Board - Councilmember Farco**

Councilmember Farco reported that 3,500 people attended the tenth annual Seuss Festival on Sunday. He reminded everybody that the Library Satisfaction Survey is available until March 15.

✓ **Parks and Recreation Board - Councilmember Sartor**

Councilmember Sartor reported that the Board met the previous week and the majority of the time was spent on discussing the Boys Ranch, which is doing well. He encouraged everybody to look at the new lights installed at the Boys Ranch at night.

✓ **Teen Court Advisory Board - Councilmember Gebhart**

Councilmember Gebhart reported that the Board met on Thursday, March 3. He was unable to attend and will have a more detailed report at the next Council meeting.

✓ **Senior Citizen Liaison - Councilmember Turner**

No report was given.

**12. Council member Reports**

Councilmember Fisher stated that the previous week, the City of Euless and the HEB area suffered a tremendous loss when Police Officer David Hofer was shot in the line of duty. Out of a tragedy, new types of heroes emerge such as, Mayor Linda Martin, the Euless City Council, Police Chief Michael Brown and his department, and the citizens of Euless. This also includes the citizens of Hurst and Bedford, and the nation, who responded with an overwhelming show of affection, and who should be commended. He stated that first responders should always get an extra pat on the back. The pageantry and honor of a first responder's funeral is amazing and is something special for very special people. He thanked residents who brought food and bought lunch for first responders. To Mayor Martin and to the City of Euless, he stated their steady leadership carried the entire Metroplex. He gave a special thank you to first responders, who do something he could not. To Officer Hofer, he stated that he did know him but that his life dedicated to service has had an impact on his life and those of his children.

Councilmember Turner seconded Councilmember Fisher's elegant expression of grief and sorrow.

Councilmember Champney discussed the excellent comments made by Councilmember Fisher and stated that the events demonstrated the sense of community and everybody coming together. He stated that most people have good will and it was heartening to see how the community came together as one to support a fallen hero. This kind of thing will continue to make the country great and there is a need for more recognition of the good that is being done. It was a tragic event but said a great deal about the local community and the national community for their support.

Councilmember Sartor echoed Councilmember Fisher's comments. He attend the ceremony with his 16 year old and his wife, and sat with a friend who has sons that are with the Euless and Bedford Police Departments, and a son whose fiancée is with the North Richland Hills Police Department. She was a proud and humble mother who knows the risk her sons take every day they go to work. He encouraged citizens to tell officers how much they are appreciated. He further stated how much he himself appreciates officers and what they do to keep everybody safe.

Councilmember Gebhart stated he was able to attend the funeral service and it was incredibly moving. What he took away from the event was how much the community respects and loves those that stand on the line to protect people from the evil that is out there. The stadium was filled for one purpose, which was to honor that man who made the ultimate sacrifice for his community. To first responders, he stated that the community stands with them, and honors and appreciates what they do. He stated if they needed anything, the Council would help provide it to them. He prayed blessings on the Hofer family and every family that has had to deal with this loss.

Mayor Griffin discussed the upcoming 6Stones Community Powered Revitalization Spring Blitz on April 8 and 9 and he encouraged people to volunteer to help improve homes in Bedford, as well as Hurst and Euless.

### **13. City Manager/Staff Reports**

City Manager Roger Gibson thanked the members of Council for their comments regarding the law enforcement community. He stated that in the last couple of years, a dangerous profession has become even more so. Line of duty deaths by gunfire from January 1 are up 300 percent over the same time period the previous year. Between the political climate and the mental health crisis that continues to get worse, their job get exponentially more dangerous. He stated that as a former police chief, when somebody thanked a police officer it went up on their commendation board, which was viewed regularly.

### **14. Take any action necessary as a result of the Executive Session.**

No action was necessary as a result of the Executive Session.

### **ADJOURNMENT**

Mayor Griffin adjourned the meeting at 7:32 p.m.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary



# Council Agenda Background

**PRESENTER:** Russell Hines, Building Official

**DATE:** 03/22/16

**Council Mission Area:** Provide a safe and friendly community environment.

**ITEM:**

Consider an ordinance amending Chapter 22, “Buildings and Building Regulations,” of the Code of Ordinances of the City of Bedford, Texas, by repealing Article II “Buildings and Standards Commission,” Article IX “Dangerous and Substandard Buildings,” Article X “Minimum Housing Code” of Chapter 22 “Buildings and Building Regulations,” and replacing it with a new Article II “Buildings and Standards Commission,” Article IX “Abatement of Dangerous Buildings,” Article X “Minimum Housing Code;” making amendments to each of the Articles; providing a penalty of up to \$2,000 per day for violations; providing a severability clause; providing a savings clause and an effective date.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

The purpose of this article is to protect the health, safety, and welfare of the citizens of the City by establishing minimum standards governing the construction, use, occupancy, management, operation and maintenance of houses and apartments.

The City shall benefit by establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make dwellings, dwelling units, and apartment houses safe, sanitary, and fit for human use and habitation.

This Article shall address:

- Responsibilities and duties of owners, managers and occupants of dwellings, dwelling units, and apartment houses.
- Authorizing and establishing procedures for the inspection of dwellings, dwelling units, and apartment houses.
- Condemnation and vacation of those dwellings, dwelling units, and apartment houses unfit for human use, occupancy and habitation.
- Penalties for the violation of the provisions of this article.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending Chapter 22, “Buildings and Building Regulations,” of the Code of Ordinances of the City of Bedford, Texas, by repealing Article II “Buildings and Standards Commission,” Article IX “Dangerous and Substandard Buildings,” Article X “Minimum Housing Code” of Chapter 22 “Buildings and Building Regulations,” and replacing it with a new Article II “Buildings and Standards Commission,” Article IX “Abatement of Dangerous Buildings,” Article X “Minimum Housing Code;” making amendments to each of the Articles; providing a penalty of up to \$2,000 per day for violations; providing a severability clause; providing a savings clause and an effective date.

**FISCAL IMPACT:**

**N/A**

**ATTACHMENTS:**

**Ordinance**

ORDINANCE NO. 16-

AN ORDINANCE AMENDING CHAPTER 22, "BUILDINGS AND BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF BEDFORD, TEXAS, BY REPEALING ARTICLE II "BUILDING AND STANDARDS COMMISSION," ARTICLE IX "DANGEROUS AND SUBSTANDARD BUILDINGS," ARTICLE X "MINIMUM HOUSING CODE" OF CHAPTER 22 "BUILDINGS AND BUILDING REGULATIONS," AND REPLACING IT WITH A NEW ARTICLE II "BUILDING AND STANDARDS COMMISSION," ARTICLE IX "ABATEMENT OF SUBSTANDARD BUILDINGS," ARTICLE X "MINIMUM HOUSING CODE;" MAKING AMENDMENTS TO EACH OF THE ARTICLES; PROVIDING A PENALTY OF UP TO \$2,000 PER DAY FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, because the predecessors to these codes were adopted as a part of Chapter 22 of the Bedford Code of Ordinances, it is the desire of the City Council to revise the Bedford Minimum Housing Code, Substandard Buildings and other miscellaneous provisions contained therein; and,

WHEREAS, it is the desire of the City Council to protect the public health, safety, and welfare of the citizens of the City by establishing minimum standards governing the use, occupancy, management, operation and maintenance of houses and apartments; and,

WHEREAS, it is the desire of the City Council to establish minimum standards governing utilities, facilities, and other physical components and conditions essential to make dwellings, dwelling units, and apartment houses safe, sanitary, and fit for human use and habitation; fixing certain responsibilities and duties of owners, managers and occupants of dwellings, dwelling units, and apartment houses; authorizing and establishing procedures for the inspection of dwellings, dwelling units, and apartment houses; and the condemnation and vacation of those dwellings, dwelling units, and apartment houses unfit for human use, occupancy and habitation and fixing penalties for the violation of the provisions of this article.

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

SECTION 1. That all matters stated in the preamble are hereby found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That Chapter 22, "BUILDINGS AND BUILDING REGULATIONS," Article II, "BUILDING AND STANDARDS COMMISSION," of the Code of Ordinances of the City of Bedford, Texas, as amended, be hereby amended in its entirety to hereafter be and read as follows:

**ARTICLE II. - BUILDING AND STANDARDS COMMISSION**

**Sec. 22-31. - Membership; responsibilities.**

- (a) The City Council shall appoint a Building and Standards Commission, which shall have all the powers, duties and obligations as provided by this chapter, by Code of Ordinances, City of Bedford, Texas, chapter 58, by V.T.C.A., Local Government Code § 54.031 et seq., or by V.T.C.A., Local Government Code § 214.001 et seq., or any successors thereto.
- (b) The membership of the Building and Standards Commissions shall consist of five members, all members must be residents of the City and must have resided within this City for 12 consecutive months preceding the appointment, and shall include two representatives from the general public; one building contractor; one registered engineer; and one licensed architect. If a building contractor, registered engineer or licensed architect is not available, the City Council may appoint such other person as it deems qualified to serve as a representative of the general public. Each member shall serve for a two-year term.
- (c) The City Council may appoint five alternate members of the commission to serve in the absence of one or more regular members as provided by state law.

ORDINANCE NO. 16-

- (d) The commission shall have separate areas of responsibility which shall include:
- (1) The quasi-judicial enforcement of City ordinances on health and safety under V.T.C.A., Local Government Code § 54.031 et seq., or any successor thereto (hereinafter referred to as a commission hearing);
  - (2) The enforcement of City ordinances on substandard buildings under V.T.C.A., Local Government Code § 214.001 et seq., or any successor thereto (hereinafter referred to as a commission hearing);
  - (3) Such other duties and authority as the City Council may provide to the commission by ordinance or direction, and any duty or authority assigned to the building commission (hereinafter referred to as a commission meeting); and
  - (4) Through commission meetings, the submission to the City Council of recommendations for the improvement and revision of the construction codes as it may, from time to time, deem necessary and proper in light of the development of new materials, methods, or techniques which would result in a better and more economical installation. All requests for use of materials or methods not covered in the construction codes shall be fully supported by factual evidence or prior approval from a recognized testing agency or such impartial qualified authority acceptable to the commission.
  - (5) All appeals from the sign ordinance, building code and fire code relative to material shall be to the Building and Standards Commission. The Building and Standards Commission's decision shall be final.

**Sec. 22-32. - Authority regarding substandard buildings.**

- (a) The Building and Standards Commission may require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building in accordance with the provisions of V.T.C.A., Local Government Code § 214.001 et seq., or any successor thereto.
- (b) The minimum standards for the continued use and occupancy of all buildings which are to be enforced by the commission are contained in Code of Ordinances, City of Bedford, Texas, sections 22-373 and 22-374.
- (c) Notice and public hearing requirements that are required to be given to the owner of a building of any proceeding before the commission under the provisions of V.T.C.A., Local Government Code § 214.001 et seq., or any successor thereto, shall be given in accordance with the notice and public hearing requirements contained in V.T.C.A., Local Government Code § 54.031 et seq., or any successor thereto.
- (d) The building official, fire marshal or code compliance official shall have the power to secure any building in accordance with V.T.C.A., Local Government Code § 214.0011, or any successor thereto, and any hearing which may be requested by the owner of such secured property shall be conducted by the commission.

**Sec. 22-33. - Proceedings.**

- (a) Hearings by the Building and Standards Commission shall be conducted as provided by V.T.C.A., Local Government Code ch. 54 and as provided by Code of Ordinances, City of Bedford, Texas section 22-32(c).
- (b) Commission meetings shall be held at the call of the chairperson and at other times as determined by the commission.
- (c) All meetings and hearings of the commission shall be held in accordance with the Texas Open Meetings Act (V.T.C.A., Local Government Code ch. 551).
- (d) All minutes of commission hearings and meetings shall be kept as provided by V.T.C.A., Local Government Code ch. 54, or any successor thereto.

ORDINANCE NO. 16-

- (e) Absences from meetings shall be regulated pursuant to section 2-170 of the Code of Ordinances.

**Sec. 22-34. - Officials to present cases to commission.**

The building official, fire marshal or code compliance official are hereby designated the appropriate officials of the City to present all cases before the building and standards commission.

**Sec. 22-35. - Appeals to commission meetings on decision of the building official, fire marshal or code compliance official.**

- (a) Any person aggrieved by any interpretation or by any decision or ruling of the building official, fire marshal or code compliance official under the minimum housing codes, construction codes or the fire protection codes, shall have the right to make an appeal to the building and standards commission. Notice of appeal shall be in writing and must be filed within 30 days. A fee of \$100.00 shall accompany such notice of appeal. Such an appeal shall be considered at a commission meeting and shall be subject to the regulations contained herein for commission meetings.
- (b) Within a period of 30 days from the filing of the appeal, the commission shall hear the appeal, together with the testimony of all parties concerned, and render a decision thereon within three days thereafter. In hearing such an appeal, the commission shall not have the power to waive or set aside the requirements of the minimum housing, construction or fire protection codes, but shall have the power to interpret its provisions, and in case of alternate types of construction or materials, shall determine whether such alternate types of construction or material is in fact equal to the standards of the construction codes, considering adequacy, stability, strength, sanitation and safety to the public health and welfare.
- (c) Any person who may be aggrieved by the decision of the commission from a commission hearing shall have a right of appeal to the City Council within ten days from the date of the commission decision. Such appeal shall be perfected by written notice addressed to the mayor and the City Council and must state a request for a hearing by the City Council. Action by the City Council on such an appeal from a commission meeting shall be final.

**Sec. 22-36. - Notice of commission meetings for appeal of a decision.**

- (a) Written notice of all Building and Standards Commission meetings at which there is an appeal of a decision of the building official, fire marshal or code compliance official under the Code of Ordinances, City of Bedford, Texas, chapter 58, must be given to the owner, occupant, mortgagee, lessee, agent or other person having an interest in such building as shown by the county deed records, and by posting a copy of the notice on the front door of each improvement situated on the affected property or as close to the front door as practicable.
- (b) The notice shall be deposited in the U.S. mail properly addressed and mailed not less than ten days prior to the date of the scheduled hearing. In addition, the notice must be published in a newspaper of general circulation in the City on one occasion before the tenth day before the date fixed for the scheduled hearing.
- (c) If the true owner is unknown, such notice shall be published in a paper of general circulation in the county, for two consecutive weeks.

Secs. 22-37—22-50. - Reserved.

SECTION 3. That Chapter 22, "BUILDINGS AND BUILDING REGULATIONS," Article IX, "ABATEMENT OF SUBSTANDARD BUILDINGS," of the Code of Ordinances of the City of Bedford, Texas, as amended, be hereby amended in its entirety to hereafter be and read as follows:

ORDINANCE NO. 16-

ARTICLE IX. ABATEMENT OF SUBSTANDARD BUILDINGS

Sec. 22-371. - Administrative liability.

No officer, agent or employee of the City shall render himself personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties under this article, and he shall be defended by the City attorney until the final determination of the proceedings therein.

Sec. 22-372. - Duties of administrative departments.

The employees of the City including but not limited to; building, fire, police, code compliance, health or other designated administrative departments or divisions of the City shall make and retain a report in writing of all buildings or structures which are, may be, or are suspected to be, substandard buildings.

Sec. 22-371 - Purpose and scope

- (1) Purpose. It is the purpose of this article to provide a just, equitable and practical method, to be cumulative with and in addition to any other remedy provided by the residential code, building code, electrical code, fire code, mechanical code, plumbing code, minimum housing code, V.T.C.A., Local Government Code, Ch. 214, or otherwise available at law, whereby buildings, as defined herein, which from any cause endanger the life, limb, health, property, safety, morals or welfare of the general public or their occupants, may be required to be repaired, vacated, demolished, removed or secured.
- (2) Scope. The provisions of this article shall apply to all buildings which are hereinafter defined as substandard, whether now in existence or whether they may hereafter become substandard.

Sec. 22-372 - Definitions

**Building Code** - The International Building Code, as adopted and amended by the City.

**Building** - Includes any building, fence, awning, canopy, sign, shed, garage, house, tent or other structure whatsoever. The enumeration of specific types of structures shall not be deemed to exclude other types of structures to which the sense and meaning of the provisions hereof in context reasonably have application.

**Building Official** - The building official, building inspector or the building official's duly authorized representative charged with the administration and enforcement of the chapter and the codes adopted herein.

**Building and Standards Commission** - The body as designated by the City Council for the purpose of hearing appeals under applicable minimum housing and substandard building codes of the City.

**Code Compliance Official** - The code compliance official, code compliance officer or the code compliance official's duly authorized representative charged with the administration and enforcement of the chapter and the codes adopted herein.

**Electric Code** - The National Electrical Code, as adopted and amended by the City.

**Fire Code** - The International Fire Code, as adopted and amended by the City.

**Fire Marshal** - The fire marshal, fire inspector or the fire marshal's duly authorized representative charged with the administration and enforcement of the chapter and the codes adopted herein.

**Mechanical Code** - The International Mechanical Code, as adopted and amended by the City.

**Minimum Housing Code** - Article X, Bedford Minimum Housing Code, of this chapter, as adopted and amended by the City.

ORDINANCE NO. 16-

Person - Any individual, proprietorship, corporation, firm, association, or other legal entity.

Plumbing Code - The International Plumbing Code, as adopted and amended by the City.

Residential Code - The International Residential Code, as adopted and amended by the City.

**Sec. 22-373 - Enforcement**

**(1) General.**

- a) **Administration.** The building official, fire marshal, code compliance official, or their designee are hereby authorized to enforce the provisions of this article. The building official, building inspector fire marshal or code compliance officer shall have the power to render interpretations of this article and to adopt and enforce rules and subsequent regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this article.
- b) **Inspections.** The building official, fire marshal, code compliance official, or their designee are hereby authorized to make such inspections and take such further actions as may be required to enforce the provisions of this article.
- c) **Right of entry.** When it is necessary to make an inspection to enforce the provisions of this article, or when the building official, fire marshal, code compliance official, or their designee has a reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this article which makes the building or premises unsafe, substandard, or hazardous, the building official, fire marshal, code compliance official, or their designee and his designated assistants may enter the building or premises at reasonable times to inspect or perform the duties imposed by this article, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises are unoccupied, the building official, fire marshal, code compliance official, or their designee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official, fire marshal, code compliance official, or their designee shall have recourse to the remedies provided by law to secure entry.

**(2) Abatement of substandard buildings.** All buildings or portions thereof which are determined after inspection by the building official, fire marshal, code compliance official, or their designee to be substandard as defined by this article are hereby declared to be public nuisances and shall be abated by repair, vacation, demolition, removal or securing in accordance with the procedures specified in this article.

**(3) Unlawful to violate article.** It shall be unlawful for any person, to erect, construct, use, occupy or maintain any building that is deemed herein to be a nuisance or cause or permit the same to be done in violation of this article.

**(4) Inspection authorized.** All buildings within the scope of this article and all construction or work for which a permit is required shall be subject to inspection by the building official, fire marshal, code compliance official, or their designee.

**(5) Sec. 22-374 - Substandard buildings declared**

For the purposes of this article, any building, regardless of the date of its construction, which has any or all of the conditions or defects hereinafter described to an extent that endangers the life, limb, health, property, safety, morals or welfare of the public or the occupants of the building shall be deemed and hereby is declared to be a substandard building, and a public nuisance:

- (1) Whenever any building is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety and welfare in the opinion of the building official, building inspector, fire marshal or code compliance official.

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- (2) Whenever any building, regardless of its structural condition, is unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.
- (3) Any building that is boarded up, fenced or otherwise secured in any manner if:
  - a) The building constitutes a danger to the public even though secured from entry; or
  - b) The means used to secure the building are inadequate to prevent unauthorized entry or use of the building.
- (4) Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
- (6) Whenever any building is in such a condition as to create a public nuisance known under common law or in equity jurisprudence.
- (7) Whenever any portion of a building remains on a site after the demolition or destruction of the building.
- (8) Whenever any building is abandoned so as to make such building or portion thereof an attractive nuisance or hazard to the public.
- (9) Any building existing in violation of any provision of the residential code, building code, fire code, plumbing code, mechanical code, electrical code, minimum housing code of the City to the extent that the life, health or safety of the public or any occupant is endangered.
- (10) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (11) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (12) Whenever the stress in any materials, or members or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location.
- (13) Whenever any portion of the building has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
- (14) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (15) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
- (16) Whenever any portion of a building has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (17) Whenever the building, or any portion thereof, is likely to partially or completely collapse because of:

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- a) Dilapidation, deterioration or decay;
  - b) Faulty construction;
  - c) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
  - d) The deterioration, decay or inadequacy of its foundation; or
  - e) Any other cause.
- (18) Whenever, for any reason, the building, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
- (19) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
- (20) Whenever the building, exclusive of the foundation, shows 50 percent or more damage or deterioration of its supporting member or members, or 50 percent or more damage or deterioration of its non-supporting members, including interior or exterior walls, ceilings and roofs.
- (21) Whenever the building has been so damaged by fire, wind, earthquake, flood or any other cause, or has become so dilapidated or deteriorated as to become:
- a) An attractive nuisance to children; or
  - b) A harbor for vagrants, criminals or immoral persons.
- (22) Whenever any building has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building provided by the building code, or of any law or ordinance of this State or City relating to the condition, location or structure of buildings.
- (23) Whenever any building which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the strength, fire resisting qualities or characteristics, or weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
- (24) Whenever a building, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the building official, fire marshal, code compliance official, or their designee to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease for reasons including, but not limited to, the following:
- a) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit.
  - b) Lack of, or improper kitchen sink in a dwelling unit.
  - c) Lack of hot and cold running water to plumbing fixtures in a dwelling unit.
  - d) Lack of required heating facilities.
  - e) Lack of, or improper operation of, required ventilating equipment.
  - f) Lack of minimum amounts of natural light and ventilation required by this code.
  - g) Room and space dimensions less than required by this code, the building code, or the minimum housing code.
  - h) Lack of required electrical lighting.

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- i) Dampness of habitable rooms.
- j) Infestation of insects, vermin or rodents.
- k) General dilapidation or improper maintenance.
- l) Lack of connection to required sewage disposal system.
- m) Lack of adequate garbage and rubbish storage and removal facilities.
- n) Accumulation of animal or human urine or feces, mold, or any condition that could likely harbor or spread disease.

**Sec. 22-375 - Determination by building official, building inspector, fire marshal or code compliance official.**

When the building official, fire marshal, code compliance official, or their designee has inspected or caused to be inspected any building and has found and determined that the building is substandard, the building official, fire marshal, code compliance official, or their designee may take any or all of the following actions, as he deems appropriate:

- (1) Issue notice to the record owner that the building is substandard and must be repaired, listing the deficiencies, or issue notice to the record owner that the building is substandard, and that the nature and/or the extent of the deficiencies make repair infeasible, so that the building must be demolished, listing the deficiencies;
- (2) Issue citation(s) for violation(s) of City ordinances;
- (3) Secure the building if permitted by section 22-382(1) of this article;
- (4) Recommend to the board that abatement proceedings be commenced pursuant to section 22-376 below.

**Sec. 22-376 - Public hearing for abatement of substandard buildings**

- (1) **Commencement of proceedings.** When the building official, fire marshal, code compliance official, or their designee has found and determined that a building is a substandard building, the building official, fire marshal, code compliance official or their designee may commence proceedings to cause the repair, vacation, relocation of occupants, removal, demolition or securing of the building.
- (2) **Public hearing to be held.** Except when the finds that a building is likely to immediately endanger persons or property, a public hearing before the board shall be held to determine whether a building complies with the standards set out in section 22-374 of this article. If the building official, fire marshal, code compliance official, or their designee determines that the building constitutes an immediate danger, the procedures set forth in section 22-382(b) of this article shall be followed.
- (3) **Notice.** Not less than ten days prior to the date on which the hearing is set, the building official, fire marshal, code compliance official, or their designee shall issue a notice of the public hearing directed to the record owner of the building and to all mortgagees and lien holders. The City shall use diligent efforts to determine the identity and address of any owner, lien holder or mortgagee of the building through search of the county real property records; appraisal district records; records of the secretary of state; assumed name records of the county; tax records of the City; and utility records of the City. The notice shall contain:
  - a) The name and address of the record owner;
  - b) The street address or legal description sufficient for identification of the premises upon which the building is located;
  - c) A statement that the has found the building to be substandard, with a brief and concise description of the conditions found to render the building substandard under the provisions of section 22-374 of this article.

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- d) A statement that the owner, lien holder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with this article or other City ordinances, and the time it will take to reasonably perform the work.
  - e) Notice of the time and place of the public hearing.
  - f) A statement that if the building is found to be in violation of this article, the board may order that the building be vacated, secured, repaired, removed or demolished within a reasonable time.
- (4) **Additional notice of public hearing.** Prior to the public hearing, the City may file a copy of the notice mailed pursuant to subsection (c) above in the official public records of real property in the county.
- (5) **Burden of proof.** At the public hearing, the City has the burden of proof to establish that the building or structure at issue is not in compliance with applicable City codes, and is substandard as defined by this article, and to identify the specific deficiencies or code violations; and the owner, lien holder and mortgagee have the burden of proof to establish the scope of any work that may be required to comply with this article, the time it will take to reasonably perform the work, and the financial ability and willingness of the owner, lien holder and/or mortgagee to perform the work with diligence and dispatch.
- (6) **Conduct of public hearing.** At the public hearing, the owner of the building, and all other interested persons may make their appearance and be heard. Any evidence may be received and considered by the board, provided, however, that the board shall not consider evidence as to the existence or extent of any deficiencies or code violations which were not identified in the notice to the record owner described in this section. The chairman of the board, or in his absence, any officer designated by rules adopted by the board to preside at meetings, shall preside and shall determine all questions of order. The hearing may be adjourned from day to day or continued upon a majority vote of the board.

**Sec. 22-377 - Order of Building and Standards Commission**

- (1) **Findings of the board.**
- a) If the board, by a majority vote, finds upon evidence presented at the public hearing that the building is not in violation of standards set out in section 22-374 of this article, the board shall order that the enforcement action cease; provided, however, that such order shall neither prevent the building official, fire marshal, code compliance official, or their designee from instituting a new enforcement action for other violations the building official, fire marshal, code compliance official, or their designee alleges have been determined to exist, nor shall such order prevent the building official, fire marshal, code compliance official, or their designee from instituting a new enforcement action for the same violations if the building official, fire marshal, code compliance official, or their designee later determines that the conditions as determined by the board have materially changed as to such violations.
  - b) If the board, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of standards set out in section 22-374 of this article, that such conditions can reasonably be remedied by repair within a reasonable time, and that the owner, lien holder, or mortgagee is financially able and is willing to conduct or cause such repairs to be made within a reasonable time, the board shall identify the specific violations found to exist, and order that the owner, mortgagee and/or lien holder repair such violations, and, if necessary to the public safety, vacate, secure, or relocate the occupants, within such reasonable times as determined by the board to be appropriate, as provided herein.
  - c) If the board, by a majority vote, finds upon evidence presented at the public hearing that the building is in violation of standards set out in section 22-374 of this article, and that such conditions cannot reasonably be remedied by repair, or that neither the owner, lien holder, nor the mortgagee are financially able or willing to conduct or cause such repairs

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to be made within a reasonable time, board shall identify the specific violations found to exist, and order that the owner, mortgagee or lien holder remove or demolish the building, and, if necessary to the public safety, vacate and secure the building and/or relocate the occupants, within such reasonable times as determined by the board to be appropriate, as provided herein, or order such other relief as is permitted by this article.

**(2) Time allowed to complete work.**

- a) Unless the owner, lien holder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days, the order shall require the owner, lien holder or mortgagee of the building to, within 30 days, take one or more of the following actions:
    - (1) Vacate the building;
    - (2) Secure the building from unauthorized entry;
    - (3) Repair the violations; and/or
    - (4) Remove or demolish the building.
  - b) If the owner, lien holder, or mortgagee establishes at the hearing that the work cannot reasonably be performed within 30 days, and the board allows the owner, lien holder or mortgagee more than 30 days to repair, remove or demolish the building, the board shall establish specific time schedules as the board determines are appropriate for the commencement and performance of the work and shall require the owner, lien holder or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.
  - c) The board may not allow the owner, lien holder or mortgagee more than 90 days to repair, remove or demolish the building or fully perform all work required to comply with the order unless the owner, lien holder or mortgagee:
    - (1) Submits a detailed plan and time schedule for the work at the hearing; and
    - (2) Establishes at the hearing that the work cannot be reasonably completed within 90 days because of the scope and complexity of the work.
  - d) If the board allows the owner, lien holder or mortgagee more than 90 days to complete any part of the work required to repair, remove or demolish the building, the board shall require the owner, lien holder or mortgagee to regularly submit progress reports to the building official, fire marshal, code compliance official, or their designee to demonstrate that the owner, lien holder or mortgagee has complied with the time schedules established for commencement and performance of the work. The order may require that the owner, lien holder or mortgagee appear before the board or the building official, fire marshal, code compliance official, or their designee to:
    - (1) Demonstrate compliance with the time schedules; and
    - (2) If the owner, lien holder or mortgagee, owns property, including structures and improvements on property within the City's boundaries of a value that exceeds \$100,000.00, to post cash, a surety bond, a letter of credit or third-party guaranty to cover the cost of the work ordered by the board.
- (3) Contents of order.** The order of the board must contain at minimum:
- a) An identification, which is not required to be a legal description, of the building and the property on which it is located;
  - b) A description of each violation of minimum standards present in the building; and

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- c) A description of each of the ordered actions, including a statement that the owner may repair, if determined feasible by the board, or demolish or remove, the building at his option;
- d) A statement that the City will vacate, secure, remove or demolish the building and/or relocate the occupants of the building if the ordered action is not taken within the time allowed, and charge the costs of such actions to the owner, and impose a lien against the property for all such costs; and
- e) If the board has determined that the building will endanger persons or property and that the building is a dwelling with ten or fewer dwelling units, a statement that the City may repair the building and charge the costs to the to the owner, and impose a lien against the property if the ordered action is not taken within the time allowed.

**Sec. 22-378 - Notice of order of Building and Standards Commission**

- (1) **Order shall be mailed.** After the public hearing, the building official, fire marshal, code compliance official, or their designee shall promptly mail, by certified mail, return receipt requested, a copy of the order to the record owner of the building, and each identified lien holder and mortgagee of the building.
- (2) **Order shall be filed with City secretary.** Within ten days after the date that the order is issued by the board, the building official, fire marshal, code compliance official, or their designee shall file a copy of the order in the office of the City secretary.
- (3) **Order shall be published.** Within ten days after the date the order is issued by the board, the building official, fire marshal, code compliance official, or their designee shall publish in a newspaper of general circulation within the City a notice containing:
  - a) The street address or legal description of the property;
  - b) The date the hearing was held;
  - c) A brief statement indicating the results of the order; and
  - d) Instructions stating where a complete copy of the order may be obtained.

**Sec. 22-379 - Enforcement of the order of Building and Standards Commission**

- (1) If the order is not complied with, the City may take action as provided herein. If the building is not vacated, secured, repaired, removed or demolished within the time specified by the order, the City may vacate, secure, repair, remove or demolish the building or relocate the occupants at its own expense; provided, however that remedial action by the City does not limit the ability of a municipality to collect on a bond or other financial guarantee that may be required by **section 22-377 (1)(d)** of this article.
- (2) **Posting of notice to vacate building.** If the order requires vacation and if compliance is not had with the order within the time specified therein, the building official, fire marshal, code compliance official, or their designee is authorized to require that the building be vacated. Notice to vacate shall be mailed by certified mail, return receipt requested, to the occupant of the building and it shall be posted at or upon each entrance to the building and shall be in substantially the following form:

**“SUBSTANDARD BUILDING**

**DO NOT ENTER**

**UNSAFE TO OCCUPY**

**It is a misdemeanor to occupy this building or to remove or deface this notice.**

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City of Bedford”

- (3) **Remedial action by City.** Any repair, demolition work, or securing of the building shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided. Any surplus realized from the sale of such building, or from the demolition thereof, over and above the cost of demolition and cleaning of the lot, shall be paid to the person or persons lawfully entitled thereto.
- (4) **Failure to obey order.** Any person to whom an order pursuant to section 22-377 of this article is directed who fails, neglects or refuses to comply with such order shall be guilty of a misdemeanor and may be prosecuted in municipal court in addition to any other remedies available to the City provided herein.
- (5) **Interference prohibited.** No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of the City or with any person who owns or holds any estate or interest in the building which has been ordered repaired, vacated, demolished, removed or secured under the provisions of this article; or with any person to whom such building has been lawfully sold pursuant to the provisions of this article, whenever such officer, employee, contractor or authorized representative of the City, person having an interest or estate in such building, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing, removing or securing any such building pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this article.
- (6) **Permit required.** Any work of securing, repair, removal or demolition by the property owner or any lien holder or mortgagee or their agents must be performed pursuant to valid unexpired permits issued by the City. All permits issued pursuant to an order of the board shall expire upon expiration of the time for compliance set forth in the order.

**Sec. 22-380 - Performance of work by the City**

- (1) **Procedure.** When any work of repair, removal, demolition or securing is to be performed by the City pursuant to the provisions of any order of the board, the work may be accomplished by City personnel or by private contract as may be deemed necessary. Rubble and debris shall be removed from any premises and the lot cleaned if removal or demolition is ordered. The building or building materials may be sold if removal or demolition is ordered, and the proceeds shall be used to offset other costs of the work.
- (2) **Repair to minimum standards only.** In the event repair by the City is permitted by this article or other City ordinances or State law, the City may repair the building at its own expense and assess the expenses on the land on which the building stands or is attached to only to the extent necessary to bring the building into compliance with minimum standards.

**Sec. 22-381 - Recovery of cost of securing, repair, removal or demolition**

- (1) **Costs.** The cost of any work to repair, remove, demolish, or secure a building shall be paid from City funds and shall constitute a special assessment and a lien against such property to secure payment thereof, together with ten percent interest on such amount from the date on which the work is performed; provided, however that no lien may be filed against a homestead protected by the Texas Constitution.
- (2) **Itemized account and notice of lien.** The shall keep an itemized account of the expenses incurred by the City in the securing, repair, removal or demolition of any building pursuant to this article. Upon completion of the work, the building official, fire marshal, code compliance official, or their designee shall prepare and file with the City secretary a sworn account and notice of lien containing the following information:
  - a) The name and address of the owner if that information can be determined with a reasonable effort;
  - b) A legal description of the real property on which the building is or was located;

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- c) The type of work performed; and
  - d) The amount of expenses incurred by the City in performing the work and the balance due.
- (3) **Notice filed in county records.** The City secretary shall file the notice of lien along with a copy of the order of abatement issued by the board in the official public records of real property in the county.
- (4) **Personal obligation of property owner.** The expenses incurred by the City as set forth in the sworn account of the building official, fire marshal, code compliance official, or their designee shall be a personal obligation of the property owner in addition to a priority lien upon the property. The City attorney may bring an action in any court of proper jurisdiction against the owner or property to recover the costs incurred by the City.
- (5) **Lien shall be valid and privileged.** Upon filing of the notice of lien in the official public records of real property in the county, the lien shall be valid against the property so assessed. The lien shall be privileged and subordinate only to tax liens and shall be paramount to all other liens. The lien shall continue until the assessment and all interest due and payable thereon has been paid.
- (6) **Assessment must be paid.** No utility service, building permit or certificate of occupancy shall be allowed on any such property until the assessment is paid and such lien is released by the City.
- (7) **Release of lien.** After the expenses incurred by the City, as set forth in the sworn account of the building official, building inspector, fire marshal or code compliance official, have been fully paid with interest of ten percent per annum from the date the work was performed, the building official, fire marshal, code compliance official, or their designee shall execute a release of lien which shall be filed in the official public records of real property in the county.

**Sec. 22-382 - Additional authority to secure certain substandard buildings prior to public hearing and secure, demolish, repair or remove certain substandard buildings**

- (1) **Securing of unoccupied, substandard building.** Notwithstanding any other provisions of this article, the City may secure a building if the determines:
- a) That the building violates the minimum standards set forth in this article; and
  - b) That the building is unoccupied or is occupied only by persons who do not have the right of possession of the building.
- (2) **If building creates immediate danger.** Notwithstanding any other provisions of this article, if the building official, fire marshal, code compliance official, or their designee finds that a building is likely to immediately endanger persons or property the designated City official may:
- a) Order the owner of the building, or the owner or occupant of the property on which the building is located, to repair, remove, or demolish the building, or the substandard part of the building, within a specified time; or
  - b) Repair, remove, or demolish the building, or the substandard part of the building, at the expense of the City, on behalf of the owner of the building or the owner of the property on which the building is located, and assess the repair, removal, or demolition expenses on the property on which the building was located.
- (3) **Notice of action.** Before the 11th day after the date the building is secured pursuant to section 22-382(1) above, or action is ordered pursuant to section 22-382 (2)(a) above, or the building is repaired, removed or demolished pursuant to section 22-382 (2)(b) above, the building official, fire marshal, code compliance official, or their designee shall give notice to the owner by:
- a) Personally serving the owner with written notice; or

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b) Depositing the notice in the United States mail addressed to the owner at the owner's post office address; or if personal service cannot be obtained and the owner's post office address is unknown, by:

- (1) Publishing the notice at least twice within a ten-day period in a newspaper of general circulation in the county; and
- (2) Posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown; and

In addition to the above, the building official, fire marshal, code compliance official, or their designee shall deposit notice in the United States mail to all lien holders and mortgagees who can be determined from a reasonable search of instruments on file in the office of the county clerk.

(4) **Notice.** The notice must contain:

- a) An identification, which is not required to be a legal description, of the building and the property on which it is located;
- b) A description of each of the violations of the minimum standards present in the building;
- c) A statement that the City will secure or has secured, as the case may be, the building, or that the City has taken or will take the action ordered pursuant to section 22-382(2) above;
- d) An explanation of the owner's entitlement to request a hearing about any matter relating to the City's securing, removing, demolishing or repairing of the building.

(5) **Hearing.** The board shall conduct a hearing at which the owner, lien holder and mortgagee may testify or present witnesses or written information about any matter relating to the City's securing, repairing, removing or demolishing of the building, if, within 30 days after the date the City has taken action pursuant to section 22-382(1) or (2) above, the owner, lien holder or mortgagee files with the City a written request for the hearing. The hearing shall be conducted within 20 days after the date the request is filed.

(6) **Lien.** If the City incurs expenses under this section, such expenses incurred shall be a personal obligation of the property owner in addition to a priority lien upon the property, and costs shall be recovered as provided by section 22-381 of this article.

(7) **Violation.** It shall be unlawful to fail to comply with an order issued pursuant to this section.

**Sec. 22-383 - Additional authority to vacate and secure certain unsanitary substandard buildings prior to hearing**

(1) **If unsanitary conditions create danger.** Notwithstanding any other provisions of this article, if the building official, fire marshal, code compliance official, or their designee determines that the interior of a building is in such an unsanitary condition as to be unfit for human occupancy because of trash, garbage, filth, vermin or rat infestation, an accumulation of animal or human urine or feces, mold, any condition that could likely harbor or spread disease, or any other condition that is to likely to endanger the health and safety of occupants or citizens of the City, then the building official, fire marshal, code compliance official, or their designee shall order the building immediately vacated and secured from entry and occupation.

(2) **Notice of hearing.** At the time a building is vacated pursuant to this section, the building official, fire marshal, code compliance official, or their designee shall personally serve all occupants with written notice of a right to request a hearing with the City manager. The City manager shall conduct a hearing at which the occupant or the occupant's representative may testify or present witnesses or written information about any matter relating to the City's vacating and securing of the building, if, within 30 days after the date the City has taken action pursuant to section 22-383(1) above, the occupant or the occupant's

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representative files with the City manager's office a written request for the hearing. Written requests for a hearing may only be filed Monday through Thursday during normal City business hours, and the hearing shall be conducted within 72 business hours after the date the written request is filed. The City manager will preside over the hearing.

- (3) **Hearing.** After considering all information and facts presented, the City manager or his replacement shall make a determination and issue an order instructing the building official, fire marshal, code compliance official, or their designee to do any of the following:
- a) Reverse the order to vacate and secure the building.
  - b) Modify the duration of the order to vacate and secure if the occupant or the occupant's representative provides evidence that the interior of a building can be brought into compliance with the minimum standards of Bedford City Ordinances and this article.
  - c) Continue to enforce the order vacating and securing the building until a hearing is set with the board.
  - d) Initiate proceedings pursuant to section 22-376 of this article.
- (4) **Violation.** It shall be unlawful to fail to comply with an order issued pursuant to this section.

### Sec. 22-384 - Judicial review

- (1) Any owner, lien holder, or mortgagee jointly or severally aggrieved by a board order issued under this article may file in district court a verified petition setting forth that the order is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed by an owner, lien holder, or mortgagee within 30 calendar days after the respective dates a copy of the final order of the board is mailed to them by certified mail with return receipt requested, or such order shall become final as to each of them upon the expiration of each such 30 calendar day period.
- (2) On the filing of the petition, the court may issue a writ of certiorari directed to the City to review the order of the board and shall prescribe in the writ the time within which a return on the writ must be made, which must be longer than ten days, and served on the relator or the relator's attorney.
- (3) The City may not be required to return the original papers acted on by it, but it is sufficient for the City to return certified or sworn copies of the papers or of parts of the papers as may be called for by the writ.
- (4) The return must concisely set forth other facts as may be pertinent and material to show the grounds of the order appealed from and shall be verified.
- (5) The issuance of the writ does not stay proceedings on the order appealed from.
- (6) Appeal in the district court shall be by trial de novo. The court may reverse or affirm, in whole or in part, or may modify the order brought up for review.
- (7) Costs may not be allowed against the City.
- (8) If the order of the board is affirmed or not substantially reversed but only modified, the district court may allow to City all attorney's fees and other costs and expenses incurred by it and may enter a judgment for those items, which may be entered against the property owners, lien holders, or mortgagees as well as all persons subject to the proceedings before the board. The City reserves the right to recover all Attorney's fees, cost and expenses incurred as allowed by law, and determined by District Court.

### Sec. 22-385 - Civil penalty

- (1) **Civil penalty authorized.** In addition to any other enforcement authority provided for by law, the board may, by order, approved after a hearing, assess a civil penalty against a property owner as provided for herein for failure to comply with an order issued by the board pursuant to section 22-377 of this article.

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- (2) **Showing required.** The civil penalty may be assessed if it shown at the hearing that:
- a) The property owner was notified of the contents of the order issued pursuant to **section 22-377** of this article; and
  - b) The property owner committed an act in violation of the order or failed to take an action necessary for compliance with the order.
- (3) **Amount of penalty.** The civil penalty may be assessed in an amount not to exceed \$1,000.00 per day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed (10) ten dollars per day for each violation.
- (4) **Notice of hearing.** Not less than ten days prior to the date on which the hearing is set, the property owner shall be sent a notice of the hearing by certified mail/return receipt requested. The notice shall contain:
- a) A copy of the order issued by the board pursuant to **section 22-377** of this article;
  - b) A statement that the building official, fire marshal, code compliance official, or their designee has determined that the property owner committed an act in violation of that order, or failed to take an action necessary for compliance with that order, together with a description of the acts that violated the order, or a description of what actions the owner failed to take that were necessary for compliance with the order;
  - c) A statement that at the hearing the board may assess a civil penalty not to exceed \$1,000.00 per day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed ten dollars \$10.00 per day for each violation; and
  - d) Notice of the time and place of the hearing.
- (5) **Copy of order filed with district clerk.** If a civil penalty is assessed, the City secretary shall file with the district clerk of the county in which the property is located, a certified copy of the order assessing the civil penalty stating the amount and duration of the penalty.
- (6) **Enforcement.** The civil penalty may be enforced by the City in a suit brought by the City in a court of competent jurisdiction for a final judgment in accordance with the assessed penalty. A civil penalty under this subsection is final and binding and constitutes prima facie evidence of the penalty in any suit.

**Sec. 22-386 - Immediate demolition**

Notwithstanding all other provisions of this article, nothing herein shall be deemed a limitation on the duty of the City to summarily order the demolition of any building or structure where it is apparent that the immediate demolition of such building or structure is necessary to the protection of life, property or general welfare of the people in the City.

Secs. 22-387–22-410. – Reserved

SECTION 4. That Chapter 22, "BUILDINGS AND BUILDING REGULATIONS," Article X, "MINIMUM HOUSING CODE," of the Code of Ordinances of the City of Bedford, Texas, as amended, be hereby amended in its entirety to hereafter be and read as follows:

ARTICLE X. - MINIMUM HOUSING CODE

**Division 1. - General Provision**

**Sec. 22-411. - Short Title.**

This article shall be known as the "Bedford Minimum Housing Code."

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**Sec. 22-412. - Legislative Finding of Fact.**

It is hereby found and declared that there exists in the City, structures used for human habitation, which are or may become in the future, substandard with respect to structure, equipment or maintenance and further that such conditions together with inadequate provision for light and air, insufficient protection against fire hazards, lack of proper heating, unsanitary conditions, and/or overcrowding constitute a menace to the health, safety, welfare, and reasonable comfort and/or quality of life of its citizens. It is further found and declared that the existence of such conditions, factors or characteristics will, if not remedied, create slum and blighted areas requiring large scale clearance, and further that, in the absence of corrective measures, such areas will experience a deterioration of values, a curtailment of investment and tax revenue, and an impairment of economic values. It is further found and declared that the establishment and maintenance of minimum structural and environmental standards are essential to the prevention of blight and decay and the safeguarding of public health, safety, and general welfare.

**Sec. 22-413. - Purpose of Article.**

The purpose of this article is to protect the public health, safety, and welfare of the citizens of the City of Bedford, Texas, by establishing minimum standards governing the construction, use, occupancy, management, operation and maintenance of dwellings, dwelling units and multi-family dwelling complexes; establishing minimum standards governing utilities, facilities, and other physical components and conditions essential to make dwellings, dwelling units, and multi-family dwelling complexes safe, sanitary, and fit for human use and habitation; fixing certain responsibilities and duties of owners, managers and occupants of dwellings, dwelling units, and multi-family dwelling complexes; authorizing and establishing procedures for the inspection of dwellings, dwelling units, and multi-family dwellings; and the condemnation and vacation of those dwellings, dwelling units, and multi-family dwelling units or complexes unfit for human use, occupancy and habitation and fixing penalties for the violation of the provision of this article. This article is hereby declared to be remedial and essential to the public interest, safety, health and welfare and it is intended that this article be liberally construed to effectuate the purposes as stated above. The building official, fire marshal, code compliance official or their designee shall determine the applicability of sections of this article for dwellings, dwelling units, and multi-family dwelling complexes. Further it is declared that it is not the purpose of this article that it shall be used as an instrument for the harassment of any persons.

**Sec. 22-414. - Definitions.**

For the purpose of sections 22-415 through and including 22-537 of this article, the following words and phrases shall have the meanings respectively ascribed to them:

**Accessory buildings.** A subordinate building detached from the main building used for purposes incidental to the primary occupancy of the main building.

**Administrator.** City manager or his designee.

**Apartment.** A room or suite of rooms arranged, designed or occupied as a residence by a single family, individual or group of individuals.

**Apartment building.** Any structure containing more than four dwelling units.

**Apartment house.** Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as more than four dwelling units or which is occupied as the home or residence of more than four families living independently of each other and maintaining separate cooking facilities.

**Apartment Inspection Program Manager.** The program manager and the program managers designee responsible for the day to day administration and enforcement of the provisions of this article as designated by the City Manager.

**Authority having jurisdiction.** A person who has the delegated authority to determine, mandate, and enforce code requirements established by the City of Bedford.

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**Bathroom.** Enclosed space containing one or more bathtubs, showers, or both, and which may also include toilets, lavatories or fixtures serving similar purposes.

**Bedroom.** Room used or intended to be used for sleeping purposes and not as a kitchen, bathroom, living room, closet, hallway, utility space, entry way, garage, patio or breezeway.

**City.** City of Bedford.

**Current building code.** The most recent building code as amended in effect in the City of Bedford on any date, now or in the future, on which the dwelling unit is or could be occupied.

**Duplex.** Single family attached dwelling unit.

**Dwelling.** The structure occupied for residential purpose.

**Dwelling Unit.** Any room or group of rooms occupied, or which is intended or designed to be occupied as the home or residence of one individual, group of individuals, family or household, for housekeeping purposes and shall also include multi-family dwelling complexes.

**Efficiency unit.** The equivalent of a one-bedroom unit.

**Extermination.** The control and elimination of insects, rodents and vermin by eliminating their harborage places and by removing, or making inaccessible, materials that may serve as their food and by poisoning, spraying, fumigating, trapping; or by any other approved means of pest elimination.

**Family.** One or more persons related by blood, adoption or marriage, or living together as a single housekeeping unit.

**Floor space.** The total area of all habitable space.

**Follow-up Inspection.** An inspection necessitated to monitor compliance for violations discovered during a previous inspection, or violations discovered that may pose a health or safety hazard to the community.

**Garbage.** Is putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

**Grade.** The natural surface of the ground, or surface ground after completion of any change in contour.

**Gross floor area.** The total square foot area of all floors in a building measured to the outside faces of all exterior walls or to the line of an omitted wall whichever includes the largest area.

**Habitable room.** A room or enclosed floor space used or designed to be used for living, sleeping, cooking or eating purposes, not including bathrooms, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

**Habitable space.** The space occupied by one or more persons while living, sleeping, eating, and cooking; excluding kitchenettes, bathrooms, toilet rooms, laundries, pantries, dressing rooms, closets, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, and basement or cellar recreation rooms.

**Infestation.** The presence, within or contiguous to a dwelling unit, or apartment, of insects, rodents, vermin, or other pests.

**Kitchen.** Space used for cooking or preparation of food and deemed habitable space.

**Landlord.** The owner, property manager or resident manager of a property, apartment building, dwelling or structure, or any other person held out by any owner or property manager as the appropriate person with whom the tenant normally deals concerning the rental agreement of the property, apartment building, dwelling or structure.

**License.** Multiple family dwelling complex license.

**Litter.** Garbage, refuse, and rubbish and all other waste material.

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**Multiple family dwelling complex.** Any building or group of buildings which provide more than four dwelling units on a single platted lot, or if the land on which the building or buildings is unplatted, when any building or group of buildings which provide more than four dwelling units on a contiguous tract of land under a common ownership. Is also referred to as a multi-family dwelling complex in this article.

**Multiple family dwelling complex license.** License issued by the City pursuant to this article and referred to as "License" in this article.

**Multi-family license fee.** Refer to Appendix A of the Bedford Code of Ordinances for Fee Schedule.

**Occupant.** Any person living, sleeping in or having actual possession of a dwelling unit or apartment.

**Owner.** A person claiming, or in whom is vested, the ownership, dominion, or title of real property, including but not limited to:

- (1) the owner of fee simple title;
- (2) the holder of a life estate;
- (3) the holder of a leasehold estate for an initial term of five years or more;
- (4) the buyer in a contract for deed; and
- (5) a mortgagee, receiver, executor, or trustee in control of real property, but not including the holder of a leasehold estate or tenancy for an initial term of less than five years.

**Person.** Includes an individual, corporation, business trust, estate, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

**Plumbing.** Includes all of the following supplied facilities, equipment and devices; gas pipes, water pipes, toilets, lavatories, sinks, laundry tubs, catch basins, wash basins, bathtubs, shower baths, sewer pipes, and sewerage system, septic tanks, drains, vents, traps, and any other fuel-burning or water-using fixtures and appliances, including private fire hydrants, together with all connections to water, waste and sewer or gas pipes.

**Potable water.** Water duly approve as satisfactory and safe for drinking by the Texas Department of Health.

**Premises.** A lot, plot or parcel of land, including any structures thereon.

**Property Maintenance Inspection Report.** The report issued to the landlord that provides a description of the code violations identified during the primary inspection(s) and the score.

**Property manager.** A person who has managing control of real property.

**Rating Inspection.** The inspection performed annually that establishes the score from which the number of additional tier inspections to be performed during the 12-month period of registration.

**Refuse.** All putrescible and nonputrescible solid wastes (except body wastes) including, but not limited to, garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles and solid market and industrial wastes.

**Resident manager.** A property manager or agent of a property manager who resides in the apartment complex.

**Rooming house.** A dwelling other than eleemosynary or other nonprofit institution, consisting of at least one dwelling unit occupied by four or more persons not related by blood, marriage or adoption. This shall not be construed as meaning apartment houses.

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**Rubbish.** Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

**Sanitary Condition.** The state of being clean, free from dirt, free from impurities, infection and/or disease.

**Score.** The record of points deducted from a scale of 100, based on the number of violations identified during an inspection and from which an annual tier designation is assigned to the multi-family complex.

**Secondary Inspection.** An inspection performed following the rating inspection to determine compliance with minimum housing code(s).

**Single location.** Property held in common ownership that is compact and contiguous property separated only by public streets.

**Standard Operating Procedures.** The objective guidelines followed by the City to calculate the score.

**Structure.** That which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**Tenant.** Any person who occupies a dwelling unit for living or dwelling purposes with the landlord's consent.

**Tier 2 Inspection.** An instance of one inspection performed following the secondary inspection to determine compliance with minimum housing code(s).

**Tier 3 Inspection.** An instance of two inspections performed following the secondary inspection to determine compliance with minimum housing code(s).

**Tier Designation.** The tier designation assigned by the apartment inspection program manager that establishes the conditions applicable to the continued operation of the complex and the number of tier inspections that will be performed during the 12-month period of registration.

**Unfit for human habitation.** Same as the term "uninhabitable and substandard dwelling or building."

**Violation.** A failure to uphold the requirements of City of Bedford Ordinances, State or Local laws.

### **Sec. 22-415 – Overview for Multi-Family Inspections**

- (1) Annual rating and secondary inspections will be performed at all multi-family dwelling complexes in the City as provided in this article. The rating and secondary inspection will be conducted by or under the supervision of the apartment inspection program manager.
- (2) The purpose of the rating inspection is to identify the existence of any violations of this Code or any other City codes in order to determine what improvements need to be made to the property.
- (3) Pursuant to each inspection, the apartment inspection program manager will calculate the score for the complex from a starting total of 100 points. Points shall be deducted for violations of City standards discovered during the inspection. For the rating inspection, the score will determine in which of three tiers the complex belongs. The tier designation will establish the number of additional tier inspections that are required during the 12-month period of registration. To ensure objectivity and fairness, the above-referenced point deductions will be based on standard operating procedures of the apartment inspection program manager.
- (4) The rating inspection shall always establish a score for the tier designation. The secondary and tier inspections shall always establish a score to determine what improvements have been made and need to be made to the property

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- (5) A tier 1 designation indicates that the complex is in good condition. The property will continue to receive their rating and secondary inspection and no tier inspections will be required at that complex during the 12-month period of registration. The tier 1 designation established by the rating inspection shall remain in place during the 12-month period of registration.
- (6) A tier 2 designation indicates that the complex has a moderate number of violations. The property will continue to receive their rating and secondary inspection. In addition, the tier 2 designation will require one (1) tier inspection at that complex during the 12-month period of registration. The tier 2 designation established by the rating inspection shall remain in place during the 12-month period of registration. For tier 2 designations, the secondary inspection score greater than 89 may provide relief from the required tier inspection established by the original rating inspection.
- (7) A tier 3 designation indicates that the complex has a high number of violations. The property will continue to receive their rating and secondary inspection. In addition, the tier 3 designation will require two (2) tier inspections at that complex during the 12-month period of registration. The tier 3 designation established by the rating inspection shall remain in place during the 12-month period of registration. For tier 3 designations, the secondary or tier inspection score greater than 75 may provide relief from the required tier inspections established by the original rating inspection.
- (8) Tier ratings;
  - a) Tier 1 - Score ratings earned from 90 to 100.
  - b) Tier 2 - Score ratings earned from 76 to 89.
  - c) Tier 3 - Score ratings earned equal to or less than 75.
- (9) Score ratings for tier Inspections;
  - a) Score ratings earned from 90 to 100 do not require tier inspections.
  - b) Score ratings earned from 76 to 89 require one tier inspection.
  - c) Score ratings earned equal to or less than 75 require two tier inspections.
- (10) Penalty scores for non-corrected violations;
  - a) Additional one-point penalty shall be assessed for first instance of each non-corrected violation(s) noted on previous inspection.
  - b) Additional two-point penalty shall be assessed for second instance of each non-corrected violation(s) noted on previous inspection.
  - c) Additional three-point penalty shall be assessed for third instance of each non-corrected violation(s) noted on previous inspection.

Secs. 22-416 – 22-430. Reserved

DIVISION 2. – Multi-Family License Requirements/Change in Ownership

Sec. 22 – 431 - Applicability and Administration

- (1) Division 2 shall apply to all multi-family dwelling units and complexes located in the City.
- (2) The building official, fire marshal, code compliance official, or their designee is authorized to administer and enforce provisions of this article.

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**Sec. 22 – 432 - License Requirements/Change in Ownership**

- (1) No multi-family dwelling complex may be operated within the City without a license. The landlord of a complex shall apply for a license with the City. A license shall be valid for a 12-month period of registration upon issuance and must be renewed on an annual basis.
- (2) The landlord of a multi-family dwelling complex shall be eligible for issuance of a license within 30 days after the property maintenance inspection report is issued to the landlord.
- (3) Upon a change in ownership or name, the new landlord of the complex shall have 30 days from the date of the change of ownership to file an application for registration and a new license with the City. A change in ownership occurs when over 50 percent of the interest in the complex is transferred to a different person.
- (4) License applications received more than 30 days after the renewal date has expired, or 30 days after a name or ownership change has occurred, shall be assessed a late fee.
- (5) The landlord must be current with any and all fees, taxes, and assessments owed to the City prior to the issuance or renewal of a license.
- (6) Continued maintenance and observance of the standards contained in this article are conditions that shall be complied with in order to retain a license and to obtain any renewal of a license.
- (7) All City building, electrical, plumbing, heating, air conditioning, health, code compliance, zoning, fire safety and other applicable ordinances not specifically identified in the main body of this chapter shall be complied with at all times.
- (8) In the event that a valid license is not maintained, the City retains the right to revoke the certificate of occupancy.
- (9) The license application on record shall be on a form prescribed by the City and shall at a minimum contain the following information about the complex:
  - a) The trade name, physical address, business mailing address, e-mail address(es), and related website(s), telephone numbers, total number of units;
  - b) The names of designated employees or authorized representatives who shall be assigned to respond to emergency conditions and a telephone number where said employees can be contacted during any 24-hour period. Emergency conditions shall include fire, natural disaster, flood, burst pipes, collapse hazard and violent or property crime;
  - c) The names, addresses, e-mail address(es), and related website(s), telephone numbers, of the property owner, property manager, resident manager, registered agent, all federal, state, and local funding agencies; and the type of business entity which owns the complex;
  - d) The names, addresses, e-mail address(es), and related website(s), telephone numbers, of any mortgage lien holders;
  - e) The number of buildings, number of units per building broken down as to number of efficiencies, one-bedroom, two-bedroom, and three-bedroom; number of other buildings including the washateria, clubhouse, office, etc.;
  - f) The trade name of the complex. It shall be unlawful for any person to use or permit to be used more than one trade name at a single location.
  - g) Acknowledgment of receipt of copy of the “Minimum Housing Code Ordinance” and agreement to abide by the code as a condition to receiving and maintaining a license.
- (10) A landlord commits an offense and the license to operate may be revoked if the landlord:
  - a) Operates a multi-family dwelling complex which is not currently licensed with the City;

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- b) Fails to pay fees as required by this City ordinance;
- c) Maintains a property in violation of this article or City ordinance;
- d) Commits any other violation of this article or City ordinance.

(11) It shall be unlawful for any person to own, operate, manage or maintain a multi-family dwelling complex in the City without a current license having been issued for each complex. Any person owning, operating, managing or maintaining a complex at more than one location shall obtain a license for each separate location.

**Sec. 22-433 - License, Rating Inspection, Secondary Inspection, and Tier inspection Fees**

- (1) No license shall be issued until all prerequisites have been met.
- (2) The fee to be paid for a license shall be charged per dwelling unit, per month, per 12-month period of registration. Should additional dwelling units be constructed on a multi-family premises after a license has been issued, no certificate of occupancy shall be issued for the new units until the regular fee per dwelling unit has been paid. An office, washateria, clubhouse, workout facilities, enclosed garages, etc., will be counted as a unit.
- (3) The landlord shall pay the license fee(s) as set forth in Appendix A "Schedule of Fees."
- (4) The landlord shall pay the fees for inspections upon completion of the required inspection. The inspections required for payment of fees include; rating inspection, secondary inspection and tier inspection(s) as set forth in Appendix A "Schedule of Fees."
- (5) Should the license or inspection fee(s) payment be made by check or other instrument, which is not honored, the license for which the payment(s) was made shall become null and void without additional action for collection by the City.
- (6) The applicable license and inspection fees shall be set forth in Appendix A "Schedule of Fees."

**Sec. 22-434 - Noncompliance; Enforcement**

- (1) Upon failure to comply with the terms of this article after receipt of written notice from the apartment inspection program manager, building official, fire marshal, code compliance official, or their designee setting out the violation(s) and the time allowed to rectify the violation(s), the City may, at its discretion, take any or all of the following actions:
  - a) Prohibit the landlord from re-letting any unit in violation of this article that becomes vacant until the violation(s) have been rectified;
  - b) Impose a penalty upon the owner as provided in section 22-537 of this article.
  - c) Revoke the owner's certificate of occupancy and the license authorized by this article to operate the entire multi-family dwelling complex.
    - 1. The City will notify the landlord in writing that such authority will be exercised and identify the specific date that the current license to operate will be invalid.
    - 2. The landlord will be required, after receipt of notification from the City, to issue a formal written notice to all tenants at least 60 days before the specific date on which the license to operate becomes invalid stating that all units must be vacated. This written notice shall also be posted prominently in the leasing office.
  - d) The City may take any or all of the following actions on any property which is assigned a tier 3 designation in two consecutive primary inspections as contained in the property maintenance inspection reports:
    - 1. Prohibit the landlord from re-letting any unit in the multi-family dwelling complex that becomes vacant or renewing any leases for a term that would go beyond the date the license to operate becomes invalid. It shall be a violation of this article for the landlord to rent any unit after notice from the City that such action is prohibited.

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2. Direct the fire department, police department, or other appropriate department to conduct safety surveillance and inspections to prevent imminent threats to the health and safety of residents, at the owner's expense, until the violations have been rectified.
- (3) If the City takes any enforcement action that mandates the involuntary relocation of tenants prior to the end of their contractual rental term, the cost of such relocation expenses shall be borne by the landlord.
- a) If the landlord fails to provide tenant(s) relocation expenses, the City may provide reasonable relocation expenses to eligible tenant(s). The landlord shall be responsible for repayment of the cost of such tenant(s) relocation expenses to the City. The failure to pay such expenses within 30 days from notice of same shall result in the City placing a lien on the property to secure such repayment.
  - b) The City may assess expenses incurred under section 22-434(3)(a) against the real estate on which the relocation occurs. To obtain a lien against the property, the City shall file with the county clerk a statement, signed by the mayor or an official of the City designated by the mayor, of the amount so expended and costs which statement shall state the name of the owner, if known, and the legal description of the property. Such amount shall bear interest at the rate of ten percent from the date the City incurs the expense and shall become a privileged lien against the real property, second only to tax liens and liens for street improvements. The City may bring a suit for foreclosure in the name of the municipality to recover the expenditures and interest due. The statement of expense filed with the clerk or a certified copy thereof shall be prima facie proof of the amount expended in such exercise for relocation of tenant(s).

**Sec. 22-435 - License Display, Replacement and Transferability**

- (1) Each license issued pursuant to this article shall be posted and displayed in the office of the complex in a conspicuous place to which tenants have access, if an on-site office is provided. If no office exists at the location, a copy of the license shall be given to each tenant upon request.
- (2) A replacement license may be issued lost, destroyed or mutilated license during the 12-month period of registration. A replacement license will be subject to the same fee(s) for late registration as assigned in Appendix A "Schedule of Fees."
- (3) A license is not assignable or transferable.
- (4) The form of the license shall be prepared by the apartment inspection program manager.

**Sec. 22-436 – Multi-Family Dwelling Complex License Standards for Display of Maximum Density Requirements/Records Maintained of Tenants**

- (1) Notwithstanding the provisions of all other City ordinances, the maximum number of persons per dwelling unit in a multi-family dwelling complex is as follows:
  - a) No more than two occupants per each bedroom are permitted to reside in a unit plus one additional occupant. For example: in a one-bedroom or efficiency unit, the density shall not exceed three occupants; in a two-bedroom unit, the density shall not exceed five occupants; in a three-bedroom unit, the density shall not exceed seven occupants.
  - b) To assist compliance with this requirement, all licensees shall display in a conspicuous place, contiguous to the displayed license, the following notice, the form of which shall be furnished by the City:

CITY OF BEDFORD IMPOSES THE  
FOLLOWING MAXIMUM DENSITY  
REQUIREMENTS:

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One-Bedroom or Efficiency Unit - No more than three occupants per unit.
Two-Bedroom - No more than five occupants per unit.
Three-Bedroom - No more than seven occupants per unit.

In the alternative, the licensee may display a similar notice, contiguous to the displayed license that states licensee's density requirements provided the requirements are as strict or stricter than the standards set by subsection (1)(a) of this section.

- (2) The licensee shall keep a current and up to date record that documents the number of tenants occupying each unit. The records shall be available for review by the multi-family program manager or designee during regular working hours and upon receipt of reasonable notice.
- (3) It shall be unlawful and a violation of this article for an owner, property manager, resident manager, or other responsible party to knowingly permit or allow a violation of any of the terms of this section. It shall be unlawful for a tenant to violate any of the terms of this section or to permit or allow any persons to reside in the dwelling unit in violation of this section.
- (4) Density requirements of subsection (1)(a) of this section shall not be applicable to tenants residing in a dwelling unit on the effective date of this article nor during the time these same tenants continue to reside in the same dwelling unit.
- (5) An owner shall not be prohibited from establishing a more restrictive density for each dwelling unit within a multi-family dwelling complex, provided the density is based upon persons per each established bedroom. The established density shall be posted contiguous to the displayed license and shall be on a form provided by the administrator.

Secs. 22-437—22-450. Reserved.

**DIVISION 3. - Minimum Housing Standards/Responsibilities/Owner and Occupant**

**Sec. 22 - 451 - Minimum Floor Area Generally.**

Each dwelling unit shall contain at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of additional habitable floor space for each additional occupant.

**Sec. 22 - 452 - Minimum Floor Area for Sleeping Purposes.**

In each dwelling unit of two or more rooms, each room occupied for sleeping purposes shall contain at least 70 square feet of floor space for one occupant and shall contain an additional 50 square feet of floor space for each additional occupant of said sleeping rooms.

**Sec. 22 - 453 - Maximum Density.**

Maximum density for each multi-family dwelling unit (occupant load) shall be as follows:

- (1) One-bedroom or efficiency unit, no more than three occupants per unit.
- (2) Two-bedrooms, no more than five occupants per unit.
- (3) Three-bedrooms, no more than seven occupants per unit.

**Sec. 22 - 454 - Ceiling Height.**

At least one-half of the floor area of every habitable room of a dwelling unit shall have a ceiling height of at least seven feet; and the floor area of that part of any room where the ceiling height

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is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

**Sec. 22-455. - Minimum Responsibilities of Owner.**

The owner, lessor or property manager of an apartment, dwelling unit, multi-family complex and one or two family dwellings shall be primarily responsible for the maintenance of the property, structural soundness and operative condition of all installed systems, including but not limited to plumbing, electrical, heating, air conditioning systems thereof, and shall be responsible for the following:

- (1) Structure.
- (2) Water and sewer systems in safe operating condition and free from leaks.
- (3) Provide in all dwelling units a kitchen sink and a lavatory basin. Such kitchen sink and lavatory shall be connected to the municipal water and sewer systems.
- (4) Provide in all dwelling units a flush water toilet and a bathtub or shower connected to the municipal water and sewer systems.
- (5) Every kitchen sink, lavatory basin and bathtub or shower in each dwelling unit required by the provisions of this article shall be connected and functioning with both hot and cold water lines. The owner shall provide and maintain connected and functioning water-heating equipment and facilities for every dwelling unit which shall be connected with water lines with a design capability of heating water to a temperature of 120 degrees Fahrenheit as to permit an adequate supply of hot water to be drawn at every required kitchen sink, lavatory basin, and bathtub or shower at a temperature of not less than 100 degrees Fahrenheit. Such water-heating facilities shall be capable of meeting the requirements of this section regardless of whether or not the heating facilities of the apartment or dwelling unit are in operation.
- (6) Air conditioning shall function to at least 20 degrees differential between the inside and outside temperature. If the owner pays the electrical bill, the owner shall provide the required electricity.
- (7) Every dwelling unit or apartment with heating facilities shall be provided with a design capability of safely and adequately heating all habitable rooms to a temperature of at least 68 degrees Fahrenheit at a distance of three feet above floor level, and the facilities shall be operable when necessary to maintain the temperature, but gas jets installed prior to 1978 may be provided in lieu of other heating facilities. Where the owner or property manager pays the fuel bills or utilities for the heating equipment, the owner or property manager shall be responsible to provide heat to each dwelling unit. Portable heating equipment, including but not limited to, kerosene heaters, portable propane heaters or portable electric heaters may not be used to meet the requirements of this section other than for temporary emergency uses not to exceed 15 days when the devices are used in accordance with the manufacturer's instructions.
- (8) Ensure that every bedroom in a dwelling unit shall have at least one window or opening facing directly to the outdoors capable of being opened to the maximum size allowed by the design of the window fixture.
- (9) Repair all cracked or broken out (partial or complete) windows.
- (10) All windows and doors must meet the requirements of the current building code, except those which conformed within all applicable laws at the time of their construction and which have been adequately maintained.
- (11) Every opening in any dwelling unit which is used for ventilation purposes from a dwelling unit directly to or from outdoor space shall be equipped with insect-proof screening, which shall be provided by the owner and shall be installed and maintained in a manner affording

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complete protection against entry into the dwelling unit of flies, mosquitoes and other insects.

- (12) Repair or replace all window screens on operable window(s).
- (13) Maintenance, waterproof and repair of structure and materials on the exterior to prevent deterioration due to the elements which shall include but not be limited to: paint, gutters, loose siding, siding with holes, excessive cracks or rotted boards which permit air or water to penetrate rooms or the void spaces in walls or other structural components, loose roof covering, holes or leaks in roof which cause damage to the structure or rooms, rotting, and sagging or deteriorating supports for steps, stairs and porches.
- (14) Exterminate insects, rodents or other pests in all occupied and unoccupied units of duplex, triplex or other multiple-family dwellings, a minimum of once a year by a state-licensed exterminator, and single-family dwellings as needed by the owner or by a state licensed exterminator. If the occupant fails to maintain the dwelling unit free from rodents, insects and vermin, such shall be the ultimate responsibility of owner.
- (15) Provide central garbage and refuse disposal where there are more than four dwelling units on the premises
- (16) Provide and maintain railings for stairs, steps, balconies, porches, and elsewhere as specified in the building code in force at the time of construction. Replacement of any required railings shall be in compliance with the current edition of the building code. Buildings in existence at the time of adoption of this article may have their existing use continued if such use was legal at the time of the adoption of this article, provided such continued use is not dangerous to life.
- (17) Repair holes, cracks, loose surface materials and other defects in balconies, stairs, porches, steps, floors, walls, ceilings, entry ways, breezeways and sidewalks.
- (18) Maintain floors, walls, ceilings and all supporting structural members in a sound condition, capable of bearing imposed loads safely, in conformity with the current building code.
- (19) Repair or replace chimney flue and vent attachments that do not function properly.
- (20) Repair, replace dilapidated, failing or deteriorated retaining walls for health or safety hazards and erosion control.
- (21) Provide and maintain a moisture-resistant finish or material for the flooring or sub-flooring of each bathroom, shower room, and toilet room.
- (22) Provide screened cross-ventilation openings of not less than one and one half square feet for each 25 lineal feet of wall in each basement, cellar, and crawl space.
- (23) Eliminate a hole, excavation, sharp protrusion, and other object or condition that exists on the land and is reasonably capable of causing injury to a person.
- (24) Securely cover or close a well, cesspool, or cistern.
- (25) Provide drainage to prevent standing and stagnant water on the premises.
- (26) Remove dead trees or portions of dead trees and tree limbs that are capable of causing injury to a person.
- (27) Connect plumbing fixtures and heating equipment that the owner supplies in accordance with the applicable codes.
- (28) Provide and maintain in operating condition supply lines for electrical service to each dwelling unit intended for human occupancy.
- (29) Provide and maintain approved use and operation condition of electrical fixtures, appliances, circuits and outlets in compliance with the electrical code adopted by the City.

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- (30) Electrical service disconnects on apartment buildings shall have approved identification (e.g. apartment/unit numbers or letters) placed on the front cover and in a position that is plainly legible and visible. These numbers/letters shall contrast with their background. Identification shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of one (1) inch in height with a minimum stroke width of one eighth (1/8) inch.
- (31) Connect to a chimney or flue each heating and cooking device that burns solid fuel or burns a fuel that must be vented to the outside.
- (32) Maintain the interior of a vacant structure or vacant portion of a structure free from rubbish or garbage. Secure all vacant or unoccupied dwelling units from unauthorized entry and vandalism.
- (33) Maintain the exterior of the property or structure under their control free from rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, vermin, and unsanitary conditions.
- (34) Secure all vacant or unoccupied dwelling units from unauthorized entry.
- (35) Install and maintain multi-family complex parking lots, fire lanes and required paved areas, including legible parking stripes and fire lanes, in accordance with City ordinances.
- (36) Maintain all required fire detection and extinguishing appliances including but not limited to: smoke detectors, fire alarm systems, fire hydrants and portable fire extinguishers. All dwelling units must be equipped with operable smoke detectors of an approved type. 120 volt smoke detectors with battery backup shall be located in each sleeping area, and hallways adjacent to each sleeping area. For purposes of this section, the fire marshal and/or building official will have final determination on what items are required based upon the codes in effect at the time the building was built and subsequent applicable changes.
- (37) Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be kept free of lint and equipped with a back draft damper. Screens or cages shall not be installed at the duct termination.
- (38) Maintain all swimming pool equipment in operating conditions.
- (39) Maintain all swimming pools in a sanitary condition at all times.
- (40) Provide and maintain all gas service lines to each dwelling unit that is heated by natural gas or has water heating devices or cook stove fueled by natural gas. If the owner pays the gas bill, the owner shall provide necessary gas service.
- (41) Remove or repair inoperable, junked, unregistered and or abandoned vehicle(s) from the property.
- (42) Single Family occupancies shall have approved numerals of a minimum (4) inches high with a minimum one-half (1/2) inch stroke width and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.
- (43) For multi-family properties, install and maintain premises identification numbers which shall be eight inches (8") high with a stroke width of one inch (1") minimum for all buildings and for all unit doors a minimum of two inches (2") high with a stroke width of one-eighth inch (1/8") minimum.
- (44) For multi-family properties, provide reflective Subsequent building addresses installed in conjunction with fire lane marking where a single street address number is used to designate the buildings official address. Subsequent building addresses shall be installed as follows:
  - a) The marking shall be a minimum of 24 inches by 12 inches red rectangle painted on the pavement, in conjunction to the red fire lane markings.

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- b) The red rectangle shall have white reflective numbers that indicate the street address of the building.
  - c) Numbers shall be in bold font, measuring a minimum of 10 inches in height, easily readable from a moving vehicle.
  - d) Subsequent building addresses shall only be installed on private property, near the center of the building. Where the front and end of the building, or any part of the front or end of the building border a fire lane, the numbers shall be required on each side. Maintenance of the Subsequent numbers shall be the same as required for fire lanes.
- (45) Provide, in all dwelling units, safe and unobstructed means of egress leading to safe and open space at ground level. When an unsafe condition exists through lack of or improper location of exits, additional exits may be required to be installed. The use of burglar bars or other security devices that prevent an immediate exit from the interior of the dwelling unit is prohibited.
- (46) Provide, in all multi-family complexes, safe and unobstructed means of egress required by the current building code in corridors and breezeways leading to safe and open space at ground level.
- (47) Provide, in all multi-family dwelling complexes, stairways and under stairways free and clear of storage.
- (48) Multi-family properties shall install and maintain on each balcony, patio, landing or similar structure of each multi-family dwelling unit an approved sign readily visible to the occupants that prohibits the use of any grill, hibachi, smoker, electrical heating element, or similar apparatus within ten (10) feet of all apartment structures. Signs shall be at least thirty (30) square inches with the word "PROHIBITED" in one (1) inch letters, and the remaining message in at least one-fourth (1/4) inch letter, red letters on white background, and provide the following warning:
- PROHIBITED- THE USE OF ANY GRILL, HIBACHI, OR SMOKER IN OR WITHIN TEN FEET OF ALL APARTMENT STRUCTURES, PATIOS AND CARPORTS. BEDFORD FIRE CODE - FINE UP TO \$2000.00**
- (49) Fences shall be adequately maintained by the owner(s) or person(s) in charge of the property and shall not become dilapidated or deteriorated.
- (50) The owner, lessor or property manager of an apartment, dwelling unit, multi-family complex and one or two family dwellings shall maintain the premises of the buildings, structures and property in accordance with the City of Bedford Code of Ordinances, Section 54-68 "Declaration of Nuisance."

**Sec. 22-456. - Emergency Telephone Number.**

The owner or manager of a multiple family dwelling complex shall provide to each tenant an emergency telephone number or other means of communications which shall be answered 24 hours each day by an employee of the owner or property manager of the multiple family dwelling unit or City representatives in which the tenant resides in order that the tenant may report needed repairs, emergencies or seek information or answers relative to landlord-tenant matters which cannot wait until regular business hours.

**Sec. 22-457. - Disclosure of Ownership.**

- (a) The owner, lessor, sub-lessor or agent thereof of a dwelling unit shall disclose to the tenant and City the name and business address of the owner of the dwelling unit rented by the tenant, as well as the name and street address of any property management company which is managing the dwelling unit rented by the tenant in accordance with state law.
- (b) It shall be unlawful for any owner or manager to fail or refuse to comply with Section 92.201, 92.202, 92.203 or 92.204 of V.T.C.A. Property Code, as amended.

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**Sec. 22-458. - Minimum Responsibilities of Occupant.**

An occupant shall:

- (1) Maintain the exterior and interior of the property or structure under their control free from rubbish, garbage, and other conditions that would encourage infestation of insects, rodents, vermin, and unsanitary conditions.
- (2) An occupant shall keep occupied area and all plumbing equipment and facilities provided in a clean, sanitary condition at all times.
- (3) An occupant shall connect plumbing fixtures and heating equipment that the occupant supplies in accordance with the applicable City codes.
- (4) An occupant shall not alter a dwelling unit or its facilities so as to create a non-conformity with sections 22-431 through 22-537 of this article.
- (5) Occupants must adhere to all applicable garbage and trash disposal standards.
- (6) Occupants shall not tamper with any required fire protection apparatus.

Secs. 22-459—22-469. Reserved.

**DIVISION 4. - INSPECTIONS**

**Sec. 22-470 – Inspections - Authorized**

- (1) The apartment inspection program manager, building official, fire marshal, code compliance official, or their designee is hereby authorized to make inspections as allowed by State or Local law, to determine the condition of the premises located within the City in order that City officials may perform their duties of safeguarding the safety, health and welfare of the occupants and of the general public.
- (2) The owner, resident manager or property manager, as a condition to the issuance of the license required by this article, shall consent and agree to permit and allow the apartment inspection program manager, building official, fire marshal, code compliance official, or their designee to make the following inspections when and as needed to ensure compliance with this article.
  - b. The apartment inspection program manager, building official, fire marshal, code compliance official, or their designee has right and access to inspect as allowed by State or Local law, all portions of the premises and structures located on the premises.
  - c. The apartment inspection program manager, building official, fire marshal, code compliance official, or their designee has right and access to inspect as allowed by State or Local law, all unoccupied units upon giving reasonable notice to the owner, resident manager or property manager.
- (3) The apartment inspection program manager, building official, fire marshal, code compliance official, or their designee may enforce the provisions of this article upon presentation of proper identification to the occupant in charge of any unit, and may enter, with the occupant's permission, any unit between the hours of 8:00 a.m. and 5:00 p.m.; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life or severe property damage, the Apartment inspection program manager, building official, fire marshal, code compliance official, or their designee may enter a dwelling unit at any time, and the requirement for presentation of identification and the occupant's permission shall not apply. Whenever the apartment inspection program manager, building official, fire marshal, code compliance official, or their designee is denied admission to inspect any premises under this provision, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection. In applying for such a warrant, the apartment inspection program manager, building official, fire marshal, code compliance official, or their designee shall submit to the

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magistrate an affidavit setting forth their belief that a violation of this article exists with respect to the place sought to be inspected and the reasons for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the occupant thereof, if known. If the magistrate finds that probable cause exists for an inspection of the premises in question, a warrant may be issued authorizing the inspection, such warrant describing the premises with sufficient certainty to identify the premises. Any warrants issued will constitute authority for the Apartment inspection program manager, building official, fire marshal, code compliance official, or their designee to enter upon and inspect the premises described therein.

**Sec. 22-471 – Multi-Family Property Maintenance Inspection Report**

- (1) A landlord will be provided a property maintenance inspection report for all applicable dwelling units within the multi-family dwelling complex within ten business days of the completion of a primary inspection.
- (2) The report shall be in written form as prescribed by the Apartment Inspection Program Manager.
  - a) If required, the report shall include places for marking whether a dwelling unit complies with the standards set by this section and shall include the number persons occupying the dwelling unit excluding overnight guests.
  - b) The property maintenance inspection reports shall be maintained by the landlord for all applicable property conditions, buildings and identified dwelling units within the multi-family dwelling complex for a minimum of three years.

**Sec. 22-472. - Right of Entry of Owner.**

Every occupant of a dwelling unit shall give the owner thereof, his agent or employee access to any part of such dwelling unit, or its premises, at all reasonable times for the purpose, of making repairs or alteration or for such other purposes as are necessary to effect compliance with the provisions of this article.

Secs. 22-473 - 22-490. Reserved.

**DIVISION 5. - Substandard Dwellings**

**Sec. 22-491 – Abatement of Substandard Buildings**

Any substandard condition in an apartment, dwelling unit, multi-family complex and one or two family dwellings regulated by this article shall be subject to abatement in accordance with Article IX of this chapter.

**Sec. 22-491 – Repair/Vacation/Demolition of Substandard Buildings**

Repair, vacation or demolition of an apartment, dwelling unit, multi-family complex and one or two family dwellings regulated by this article shall be subject to the provisions in accordance with Article IX of this chapter.

**Sec. 22-492. – Posting Notice/Substandard Buildings.**

Notice shall be subject to the provisions in accordance with Article IX of this chapter

**Sec. 22-493. - Violation for Failure to Obey Posted Notice.**

A person commits an offense if:

- (1) Without authority from the City, they remove or destroy a placard placed by the City.
- (2) The person occupies a vacant dwelling unit on which a placard has been placed.
- (3) The owner and/or property manager of a dwelling unit, authorizes a person to occupy a vacant dwelling unit on which the City has placed a placard.

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**Sec. 22-494. - Emergency action by the City.**

Where an abandoned dwelling unit or units, apartment complex or multiple family dwelling complex exists, or an unsanitary swimming pool or foundation exists, and the Administrator, Building Inspector, Fire Marshal or Code Compliance Officer determines said buildings or pool or foundation pose an immediate danger to the life or safety of any person, said official may give notice to the owner or property manager that the abandoned dwelling unit or units, apartment or multiple family dwelling complex must be fenced according to this section or that the unsanitary swimming pool or fountain may be secured or drained, and if said remedial actions are not accomplished within ten days after delivery of notice, said official may have a fence erected to enclose the property or have the pool secured or drained, and any expenses incurred by the City in doing or having the work done shall be liened on the real estate upon which such expense is incurred. On filing with the county clerk of Tarrant County a statement by the administrator of such expenses, City shall have a lien thereon to secure the expenditure so made and ten percent interest per annum on the amount from the date of such expense. For any such expenditures, and interest, as aforesaid, suit may be instituted and foreclosure had in the name of the City; and the statement so made, as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements.

The specifications for the fence shall be six feet in height. The City may choose to include three strands of barb wire about the six-foot fence on vertical arms or arms directed inward, notwithstanding any other ordinance. Appropriate placards shall be posted in conspicuous locations throughout the area.

Secs. 22-495—22-510. Reserved.

**DIVISION 6 – Appeals to the City**

**Sec. 22-517 – Apartment Inspections - Appeals to the City; Property Maintenance Inspection Report**

- (1) A landlord may appeal scores or findings contained in the property maintenance inspection report or a decision to revoke the license and/or certificate of occupancy to operate the complex as provided in this section.
- (2) An appeal shall be filed with the City manager no later than 10 days following the date the property maintenance inspection report was issued to the landlord. Appeals filed after that date shall be considered untimely and the property maintenance inspection report shall be considered a final determination.
- (3) Burden of proof. The applicant shall have the burden of proving to the City manager that the property conditions existing at the time the inspection was performed did not warrant the action taken by the City. The City Manager shall hear the appeal within 30 business days.
- (4) The decision of the City manager may be appealed to the Building and Standards Commission.

**Sec. 22-518. Substandard Buildings - Appeals to the City.**

- (1) The owner, resident manager or property manager of such property may appeal any decision or order of the administrator to the Building and Standards Commission, by filing at the office of the Building and Standards Commission, within five working days (Monday through Friday) of such decision or order, a written appeal to the Building and Standards Commission on a form to be supplied by the Building and Standards Commission.
- (2) As soon as practicable after receiving the written appeal, the Building and Standards Commission shall fix a date, time and place for the hearing of the appeal. Written notice of such date, time and place of the hearing shall be given to each appellant by the Building and Standards Commission, or his agent, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid,

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addressed to the appellant at his address shown on the written appeal, or if none, to the address shown on the last issued license.

- (3) Failure of any person to file an appeal in accordance with the provisions of this code shall constitute a waiver of his right of a hearing by the Building and Standards Commission or the administrator.

Secs. 22-519—22-530. Reserved.

**DIVISION 7. – Utilities to Master Metered Multi-Family Dwelling Complexes**

**Sec. 22-531 - 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:

**Essential utility service.** Gas, electric, water and sanitary sewer.

**Master metered multi-family dwelling complex.** A multi-family dwelling complex where the occupants are provided one or more utility services for which they do not pay the utility company directly.

**Utility company.** The entity providing gas, electric service, water or sanitary sewer to a master metered multi-family dwelling complex.

**Utility interruption.** The termination of utility service to a master metered multi-family dwelling complex by a utility company for nonpayment of billed service or non-compliance with an applicable code.

**Sec. 22-532 - Records of Ownership and Management Maintained by Utility Companies**

- (1) Before providing utility service to a new account at a master metered multi-family dwelling complex, a utility company shall obtain:
- a) The name and address of the owner or owners of the complex;
  - b) The name and address of the party responsible for paying the utility bills; and
  - c) The name and address of any lien holders or mortgagees, if any.
- (2) The utility company shall maintain a record of the information obtained under subsection (1) of this section and shall make the information available to the administrator.
- (3) The applicant for utility service shall provide the information required in subsection (1) of this section to the utility company.

**Sec. 22-533 - Notice to Tenants**

- (1) The landlord of a master metered multi-family dwelling complex shall maintain a notice in accordance with subsection (2) of this section containing the name, address and telephone number of the person with authority and responsibility for making payment to the utility companies for utility bills. The landlord shall correct the notice within ten days of any change in the information given in the notice.
- (2) The notice must be made available upon written request from any tenant.
- (3) For the purpose of this section, the notice may be placed on the inside of a glass door or window in the property manager's office or a tenant's apartment as long as all requirements of subsection (1) of this section are met.
- (4) A person commits an offense if he knowingly removes or mutilates a posted notice required under subsection (1) of this section.
- (5) It is a defense to prosecution under subsection (4) of this section if the person was authorized by the landlord to replace the notice in order to correct the information.

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**Sec. 22-534 - Notice of Utility Interruption**

- (1) A utility company shall make a reasonable effort, including but not limited to messenger delivery, to provide notice of a pending utility interruption to tenants of a master metered multi-family dwelling complex.
- (2) A person commits an offense if he knowingly:
  - a) Interferes with an employee of a utility company posting notices of a utility interruption at dwelling units of a master metered multi-family dwelling complex; or
  - b) Removes a notice of utility interruption posted at a dwelling unit of a master metered multi-family dwelling complex.
- (3) It is a defense to prosecution under subsection [22-534(2) b.] that the person is the resident of the dwelling unit from which notice was removed.
- (4) A utility company providing gas, electricity, water or sanitary sewer shall send to the administrator a copy of each termination of service letter or notice sent to the landlord of a master metered multi-family dwelling complex prior to disconnecting service.

**Sec. 22-535 - Nonpayment of Utility Bills; Essential Utility Service**

- (1) The party responsible for paying utility bills of a master metered multi-family dwelling complex commits an offense if there is failure to pay a utility bill and the nonpayment results in the interruption to any dwelling unit of a utility service essential to the habitability of the unit and to the health of the occupants. Essential utility services are gas, electric, water and sanitary sewer.
- (2) The party responsible for paying utility bills of a master metered multi-family dwelling complex who violates subsection (1) of this section is guilty of a separate offense for each dwelling unit to which utility service is interrupted.
- (3) It is a defense to prosecution under this section that the tenant occupying a dwelling unit to which utility service is interrupted is in arrears in rent to the multi-family dwelling complex.

**Sec. 22-536 - Notice of Violation**

- (1) When the administrator determines that there is a violation of this article, he shall give notice of the violation to the owner or the person responsible for paying utility bills. The notice must be in writing, specifying the alleged violations and providing a length of time for compliance. Notices shall be effective as follows:
  - a) Notice to the owner of a multiple-family dwelling complex shall be effective upon placing the notice in the U.S. mail, postage paid and addressed to the name and address shown on the multiple-family dwelling complex application for the current multiple-family dwelling complex license, or by hand delivery.
  - b) Notice to the owner of a dwelling unit or units which do not constitute a multiple-family dwelling complex shall be effective upon placing the notice in the U.S. mail, postage paid, to the owner's address shown on the latest Tarrant Appraisal District tax roll, or by hand delivery to the owner.
- (2) If the owner of the property resides outside the county, the administrator may give notice to the property manager. Upon receipt of a notice of violation, the property manager shall notify the owner of the specifics of the notice of violation and shall make every reasonable effort to have the owner correct the violation.
- (3) The administrator has the authority to enforce provisions of this article.

**Sec. 22-537 - Penalty.**

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Any person, firm, or corporation violating the terms and provisions of this chapter shall be deemed guilty of a misdemeanor, and shall be punished as provided in section 1-7 of this Code of Ordinances, and each day that such violation continues shall be as a separate offense; this penalty shall be cumulative of all other remedies. Any such violation shall be deemed as a violation of a provision governing public health and sanitation under said section 1-7 of this code.

Secs. 22-538—22-550. - Reserved.

**SECTION 5. SEVERABILITY CLAUSE.** That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or 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 invalid or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6. SAVINGS CLAUSE.** That the Code of Ordinances, City of Bedford, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 7.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Bedford, and upon conviction shall be punishable by a fine not to exceed the sum of two thousand dollars (\$2,000.00) or five hundred (\$500.00) for each offense, as allowed by law. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication as provided by the Bedford City Charter and the laws of the State of Texas.

**PRESENTED AND PASSED** this 22nd day of March 2016, by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

\_\_\_\_\_  
Jim Griffin, Mayor

**ATTEST:**

\_\_\_\_\_  
Michael Wells, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Stan Lowry, City Attorney



# Council Agenda Background

**PRESENTER:** Meg Jakubik, C.G.F.O., Strategic Services Manager

**DATE:** 03/22/16

**Council Mission Area:** Demonstrate excellent customer service in an efficient manner.

**ITEM:**

Consider an ordinance amending the City of Bedford Code of Ordinances Appendix A – Schedule of Fees, by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

**City Attorney Review:** N/A

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

Staff has been in the process of updating the “Buildings and Building Regulations” section of the City of Bedford Code of Ordinances. Should the proposed Chapter 22 be adopted by the City Council, the Fee Ordinance requires an update to match the new program being established for Multi-Family licenses and inspection program. Below are the changes as a result of the revised program.

**Building Department:**

- Multi-Family License Fee decreased from \$10.00 per unit, per month, to \$1.10 per unit, per month (pg. 15).
- Added fees for New Registration due to ownership change and an associated late fee (pg. 15).
- Added fees for the Rating Inspection and mandatory Secondary Inspection for all properties at \$10.00 per unit, per inspection (pg. 15).
- Added fees for inspections pertaining to properties rated as Tier 2 and Tier 3 at \$10.00 per unit, per inspection (pg. 15).

**Stormwater Department:**

- Updated definition for state mandated annual inspection applications to include apartments (pg. 34).

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending the City of Bedford Code of Ordinances Appendix A – Schedule of Fees, by updating fees imposed by the City; containing a savings clause; repealing all ordinances in conflict herewith; and providing for an effective date.

**FISCAL IMPACT:**

Actual impact will be determined upon completion of the rating inspections for all properties.

**ATTACHMENTS:**

Red-line ordinance

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AN ORDINANCE AMENDING THE CITY OF BEDFORD CODE OF ORDINANCES APPENDIX A - SCHEDULE OF FEES, BY UPDATING FEES IMPOSED BY THE CITY; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That the City of Bedford Code of Ordinances Appendix A - Schedule of Fees, is hereby amended in its entirety to read as follows:

**ADMINISTRATION**

**ENGINEERING**

Plan Review	\$250.00 for first two reviews. \$100.00 per review after the initial two reviews.
Inspection Fee	4% of the cost construction of the public portion of street, drainage, sidewalk, fire lanes, drive approaches, fire suppression, grease/grit traps, traffic improvements, water and/or sanitary sewer improvements in private construction projects.

**PLANNING AND ZONING**

Final plat	\$100.00 + \$25.00 per lot
Final plat filing fee	\$75.00 + \$3.50 for each additional mylar
Preliminary plat	\$100.00 + \$25.00 per lot
Replat	\$100.00 + \$25.00 per lot
Replat filing fee	\$75.00 + \$3.50 for each additional mylar
Site plan	\$205.00 + 205.00 each acre over one
Zoning application	\$205.00 + 205.00 each acre over one
Zoning Board of Adjustment Application	\$100.00
Variance	\$100.00
Special Exception	\$100.00

**ORDINANCE NO. 16-**

**Special Event Permits** **\$100.00** application fee plus the actual cost of city personnel up to **\$50.00** per hour, per employee and the actual cost of city equipment up to **\$75.00** per hour. Parades, runs of 5 kilometers in distance or less and marches that are six hours or less which are sponsored by the Hurst-Euless-Bedford Independent School District or non-profit groups, as recognized by the Federal or State government, will be exempt from all special event application fees and reimbursement charges.

**Yearly Mobile Food Unit Permit** **\$400.00** one-time per calendar year  
**Fee Refunds:** The fee is fully refundable prior to the review process beginning. Once the application review process has begun only 35 percent of the Mobile Food Unit Permit paid will be issued if the permit is withdrawn or cancelled.

**One Day Only Mobile Food Unit Permit** **\$100** one day only fee  
**Fee Refunds:** The fee is fully refundable prior to the review process beginning. Once the application review process has begun only 35 percent of the Mobile Food Unit Permit paid will be issued if the permit is withdrawn or cancelled.

**Outside Sales or Storage of Merchandise** **\$100.00**

**Gas Well Permit** **\$10,000.00**

**Annual Gas Well Inspection** **\$2,500.00**

**VITAL STATISTICS**

**Birth certificate** **\$23.00** for each certified copy

**Death certificate** **\$21.00** for the first copy  
**\$4.00** for each additional copy

**RETURNED CHECK FEE** **\$30.00**

Also applies to bank drafts returned as insufficient funds.

**PUBLIC INFORMATION**

“Cost of Public Information shall be in accordance with the guidelines adopted by the General Services Commission pursuant to Government Code Chapter 5552, subchapter F”. At their discretion, city departments may waive the fee for copies of less than 11 pages.

**NOTARY FEE** **\$5.00**

**MUNICIPAL COURT ON-LINE TRANSACTION FEE** **\$3.00**

**ANIMAL CONTROL**

**ADOPTION**

Fee	
Cats	\$55.00
Dogs (less than 50 lbs.)	\$70.00
Dogs (50 – 75 lbs.)	\$90.00
Dogs (over 75 lbs.)	\$100.00
	or equivalent (as approved by the Police Chief)

**ADOPTER REQUEST WAIVER FOR SPAY/NEUTER REQUIREMENT**

Refundable Deposit (upon proof of sterilization within 30 days)	\$25.00
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**ADOPTER REQUEST WAIVER FOR RABIES VACCINATION REQUIREMENT**

Refundable Deposit (upon proof of vaccination within 30 days)	\$10.00
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**CARCASS REMOVAL HOUSEHOLD PETS**

40 pounds or less	\$10.00
41 to 100 pounds	\$20.00
101 pounds or over	\$50.00

**IMPOUNDMENT DURING CONSECUTIVE TWELVE MONTH PERIOD**

First offense	\$35.00 + \$8.00 per day
Second Offense	\$50.00 + \$8.00 per day
Third Offense	\$75.00 + \$8.00 per day
Fourth Offense	\$100.00 + \$8.00 per day
Vaccination certificate coupon fee	\$10.00

**BOARDING DURING IMPOUNDMENT**

\$8.00 per day

**DAILY RABIES QUARANTINE FEE**

The greater of \$55.00 or \$12.00 per day, not to exceed \$120.00 for a ten day quarantine period.

**RELINQUISHMENT OF ANIMAL**

Animals suspect of rabies	\$55.00
Animals for euthanasia	\$40.00
Dogs and cats	\$15.00
All others	Reimbursement of all incurred expenses associated with the care and disposition of the relinquished animal

**LICENSING**

<b>Surgically sterilized animal</b>	<b>\$5.00</b>
<b>Unsterilized animal</b>	<b>\$15.00</b>
<b>Duplicate tags</b>	<b>\$3.00</b>

**PERMITS**

<b>Multi-pet</b>	<b>\$15.00</b>
<b>Permit Eligible/Non-Domestic</b>	<b>\$150.00 per animal</b>

**BUILDING DEPARTMENT**

**BUILDING PERMIT FEES**

Registration Fee (For all contractors and trades)	\$100.00
Renewal Fee (For all contractors and trades)	\$100.00
<b>Total value of all construction</b>	
\$1.00 to \$500.00	\$30.00
\$501.00 to \$2,000	\$30.00 for first \$500, plus \$4.00 for each additional \$100, or fraction thereof, up to and including \$2000.
\$2,001 to \$25,000	\$90.00 for the first \$2,000., plus \$18.00 for each additional \$1,000. or fraction thereof, up to and including \$25,000.
\$25,001 to \$50,000	\$509 for the first \$25,000, plus \$13.00 for each additional \$1,000, or fraction thereof, up to and including \$50,000.
\$50,001 to \$100,000	\$837 for the first \$50,000, plus \$9.00 for each additional \$1,000, or fraction thereof, up to and including \$100,000.
\$100,001 to \$500,000	\$1,292 for the first \$100,000, plus \$7.00 for each additional \$1,000, or fraction thereof, up to and including \$500,000.
\$500,001 to \$1,000,000	\$4,204 for the first \$500,000 plus \$6.00 for each additional \$1,000, or fraction thereof, up to and including \$1,000,000.
\$1,000,001 and up	\$7,290 for the first \$1,000,000 plus \$5.00 for each additional \$1,000, or fraction thereof.
Residential construction valuation shall be a minimum of:	\$65.00 per square foot
Sidewalk and or Approach (center lot)	\$26.00
Sidewalk and or Approach (corner lot)	\$38.00

**BUILDING INSPECTION FEES**

Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour minimum \$30.00, or cost to (minimum charge one-half hour) City of Bedford, whichever is greater.
Additional plan review required by changes,	\$60.00 per hour
Additions or revisions to plans minimum	\$30.00 or cost to (minimum charge one-half hour) City of Bedford, whichever is greater.
For use of outside consultants for plan checking and inspections, or both.	Actual cost.
Plan review fee	65% of building permit fee

For construction projects, 65% of the building permit fee will be due upon submittal of the permit application. Upon approval and issuance of the permit, the remainder 35% of the permit fee shall be paid upon obtaining the permit. If the applicant fails to obtain a building permit, then the 65% will be retained as the plan review fee.

**BUILDING AND STANDARDS COMMITTEE**

Application for appeal	\$100.00
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**Fee Refunds:**

Not more than 35 percent of the permit fee paid when no work has been done. Not more than 35 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

**CERTIFICATE OF OCCUPANCY**

Change of occupancy	\$60.00
Temporary certificate of occupancy	\$60.00

**ELECTRICAL**

Dwelling units; apartments	\$63.00 + .10/sf
Commercial buildings	
(a) Less than 1,000	\$53.00 + .11/sf
(b) 1,001-10,000	\$71.00 + .07/sf
(c) 10,001-50,000	\$133.00 + .06/sf
(d) 50,001-greater	\$620.00 + .05/sf
Pools (above and below ground), spas and hot-tubs	\$63.00 each
Minimum permit fee	\$45.00 each
Electrical construction pole	\$45.00 each
Addition or relocation of outlets	\$4.00
Temporary utilities	\$71.00 each
Reconnect for Certificate of Occupancy	\$63.00 each
Service circuits Ampere rating of conductor	\$0.24 each
Feeder circuits Ampere rating of conductor	\$0.24 each
Branch circuits	\$6.00 each
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour minimum or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour minimum \$30.00 or cost (minimum one- half hour charge) to City of Bedford, whichever is greater.
Additional plan review required by changes, additions or revisions to plans	\$60.00 per hour minimum \$30.00 or cost (minimum one- half hour charge) to City of Bedford, whichever is greater.

**ORDINANCE NO. 16-**

**Plan review fee** 65% of building permit  
For construction projects, 65% of the building permit fee will be due upon submittal of the permit application. Upon approval and issuance of the permit, the remainder 35% of the permit fee shall be paid upon obtaining the permit. If the applicant fails to obtain a building permit, then the 65% will be retained as the plan review fee.

**Fee Refunds**

Not more than 35 percent of the permit fee paid when no work has been done. Not more than 35 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

**FENCES:**

All fences are required to have a permit.

<b>Residential</b>	<b>\$30.00</b>
<b>Multi-family</b>	<b>Valuation calculated per total cost of construction.</b>
<b>Commercial</b>	<b>Valuation calculated per total cost of construction.</b>
<b>Inspections outside of normal business hours</b>	<b>\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.</b>
<b>Re-inspection fees</b>	<b>\$60.00 per hour minimum or cost to City of Bedford, whichever is greater.</b>
<b>Inspection for which no fee is specifically indicated</b>	<b>\$60.00 per hour minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.</b>
<b>Additional plan review required by changes, additions or revisions to plans</b>	<b>\$60.00 per hour minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.</b>
<b>For use of outside consultants for plan checking and inspections, or both</b>	<b>Actual cost.</b>

**GRADING**

Minimum permit Fee	\$38.00
50 cubic yards or less	\$23.00
51 to 100 cubic yards	\$34.00
101 to 1,000 cubic yards	\$34.00 for the first 100 cubic yards plus \$16.00 for each additional 100 cubic yards or fraction thereof.
1,001 to 10,000 cubic yards	\$175.00 for the first 1000 cubic yards plus \$13.00 for each additional 1000 cubic yards or fraction thereof.
10,001 to 100,000 cubic yards	\$297.00 for first 10,000 cubic yards, plus \$61.00 for each additional 10,000 cubic yards or fraction thereof.
100,001 cubic yards or more	\$843.00 for the first 100,000 cubic yards plus \$34.00 for each additional 10,000 cubic yards or fraction thereof.
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour, or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour, minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.
Additional plan review required by changes, additions or revisions to plans	\$60.00 per hour, minimum \$30.00 or cost to (minimum charge one-half hour) City of Bedford, whichever is greater.
For use of outside consultants for plan checking and inspections, or both.	Actual cost.

**IRRIGATION**

Minimum Permit Fee	\$38.00
Lawn sprinkler system on any meter	\$68.00
Vacuum breakers or backflow protective devices from 1 to 4.	\$68.00
Vacuum breakers or backflow protective devices 5 or more.	\$2.00
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour, minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.
Additional plan review required by changes, additions or revisions to plans	\$60.00 per hour, minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater
For use of outside consultants for plan checking and inspections, or both.	Actual cost.

**MECHANICAL SYSTEMS**

Minimum Permit Fee	\$38.00
Installation or relocation of heating or air conditioning equipment in residential occupancy	\$45.00
Installation or relocation of heating or air conditioning equipment in multi-family, per unit	\$38.00
Repair, alteration or addition to heating, cooling refrigeration unit, including installing controls	\$38.00
Install heating equipment in commercial occupancy:	
Electrical - per kW up to 5 kW	\$9.00
Each additional kW	\$2.00
Gas - 100,000 BTU or less	\$14.00
Each additional 25,000 BTU	\$3.00

ORDINANCE NO. 16-

Install air conditioning equipment in commercial occupancy per ton up to 5 tons	\$23.00
Each additional ton	\$5.00
Install hood served by mechanical exhaust	\$12.00
Install appliance or equipment regulated by Code but not classed in appliance categories for which no other fee is listed	\$23.00
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour, or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour, minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.
Additional plan review required by changes, additions or revisions to plans	\$60.00 per hour, minimum \$30.00 or cost (minimum one-half hour charge) to City of Bedford, whichever is greater.
For use of outside consultants for plan checking and inspections, or both.	Actual cost.
<b>MISCELLANEOUS</b>	
Residential Roof/Reroof	\$50.00
Demolition	Based on value of work
Total Value of Demolition	
\$1.00 - \$500	\$30.00
\$501 - \$1,000	\$50.00
\$1,001 - \$5,000	\$144.00
\$5,001 - \$10,000	\$234.00
\$10,001 - \$25,000	\$504.00
\$25,001 - \$50,000	\$834.00
\$50,001 - \$75,000	\$1,062.00
\$75,001 and up	\$1,287.00

ORDINANCE NO. 16-

Moving building permit	\$75.00
Mowing/maintenance administrative fee	\$100.00
Residential Roof/Reroof	\$50.00
Right of way Utilization	Utility franchise holders are exempt from fees. All others are \$1,000.00 per bore and \$1.00 per lineal foot.
Temporary Building	\$38.00
Tree Removal	\$7.50 Per Acre

Plan review fee 65% of Building Permit  
For construction projects, 65% of the building permit fee will be due upon submittal of the permit application. If the applicant fails to obtain a building permit, then the 65% will be retained as the plan review fee.

**Fee Refunds**

Not more than 35 percent of the permit fee paid when no work has been done.

Not more than 35 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

**PLUMBING**

Minimum Permit Fee	\$38.00
Per fixture or trap	\$11.00
Per building or trailer sewer	\$23.00
Rainwater systems - per drain	\$11.00
Private sewage disposal system	\$60.00
Water heater/boiler	\$11.00
Gas piping system of 1 to 4 outlets	\$8.00
Gas piping system of 5 or more, per outlet	\$2.00
Gas line repair/test	\$38.00
Industrial waste pretreatment interceptor	\$60.00
Installation or repair of water piping	\$30.00
Installation or repair of drainage or vent piping	\$30.00
Lawn sprinkler system on any meter	\$68.00

ORDINANCE NO. 16-

Vacuum breakers or backflow protective devices on tanks, vats, from 1 to 4 traps.	\$68.00
Vacuum breakers or backflow protective devices on tanks, vats, 5 or more.	\$2.00
Water Well, backflow protective device.	\$150.00 (Bedford Code of Ordinances, 78-2.)
Plumbing for residential new construction:	\$75.00
Lawn sprinkler	\$68.00
Plumbing water piping repair	\$30.00
Plumbing drainage piping repair	\$30.00
<b>Apartment:</b>	
(a) One bedroom efficiency, per apartment	\$45.00
(b) All other units, per unit	\$60.00
(c) Building sewer, per unit	\$23.00
<b>Commercial Construction:</b>	
(a) Each plumbing fixture	\$11.00
(b) Sewer Line	\$23.00
(c) Interceptors	\$60.00
(d) Rainwater systems	\$11.00
(e) Backflow protection device	\$68.00
Inspections outside of normal business hours	\$60.00 per hour minimum \$120.00, or cost (minimum two hour charge) to City of Bedford, whichever is greater.
Re-inspection fees	\$60.00 per hour or cost to City of Bedford, whichever is greater.
Inspection for which no fee is specifically indicated	\$60.00 per hour, minimum \$30.00 or cost (minimum one- half hour charge) to City of Bedford, whichever is greater.
Additional plan review required by changes, additions or revisions to plans	\$60.00 per hour, minimum \$30.00, or cost to City of Bedford, whichever is greater. (minimum charge one-half hour)

ORDINANCE NO. 16-

For use of outside consultants for plan checking and inspections, or both.

Actual cost.

**SIGNS**

Permanent, 1 to 50 sf.	\$50.00
Permanent, 51 to 100 sf.	\$100.00
Permanent, 101 to 200 sf.	\$200.00
Permanent, 201 to 300 sf.	\$300.00
Permanent, 301sf and over (per square foot)	\$1.00
Portable Sign	\$100.00
Banner Sign	\$50.00
Apartment Banner Sign	\$25.00
Weekend advertising (per year)	\$100.00
Grand Opening sign	\$30.00
Real Estate Land Sale	\$30.00
Open House	\$10.00
Commercial Complex Sale or Lease Free-standing	\$30.00
Commercial Unit Sale or Lease Wall Sign	\$30.00
New Commercial Building	\$30.00
New Commercial Building on Hwy 183, Hwy 121 or Hwy 157	\$30.00
Political Sign as defined in Ordnance #00-2536	No Fee
Sign for Non-Profit as defined in Ordnance #00-2536	No Fee
Municipal Banner as defined in Ordnance #00-2536	No Fee

A change in a sign face without changing the copy due to damage or deterioration shall not constitute a new sign for fee calculation.

ORDINANCE NO. 16-

**GARAGE SALE PERMIT**  
Additional signs

**\$10.00 with 3 signs included**  
**\$2.00 per sign/maximum 2 signs**

**MULTI-FAMILY ~~FEES~~LICENSE FEE** \_\_\_\_\_

License Fee \_\_\_\_\_ **~~\$1.10~~10.00 per month per unit**

New Registration Fee \_\_\_\_\_ **~~\$25.00~~ to re-issue registration  
for change in ownership**

New Registration Late Fee \_\_\_\_\_ **~~\$75.00~~ for registration re-  
issue more than 30 days after  
ownership change**

Rating Inspection Fee \_\_\_\_\_ **~~\$10.00~~ per unit**

Secondary Inspection Fee (mandatory) \_\_\_\_\_ **~~\$10.00~~ per unit**

Tier 2 Inspection Fee (x1 additional inspection) \_\_\_\_\_ **~~\$10.00~~ per unit**

Tier 3 Inspection Fee (x2 additional inspections) \_\_\_\_\_ **~~\$10.00~~ per unit per inspection**

**FIRE DEPARTMENT**

**AMBULANCE FEES**

Pricing for ambulance service shall be established to conform to the reasonable and customary reimbursement allowances as established by ninety-five percent of applicable insurance carriers, as reviewed and approved by the City Manager on a quarterly basis.

**Ambulance Subscription Fee** **\$60.00 per household**

**REPORTS**

**Fire Incident Reports** **\$2.00 first page, additional  
page \$1.00**

**E.M.S. Incident Report** **\$2.00 each report**

**FIRE MARSHAL/INSPECTIONS**

**Certificate of Occupancy** **\$60.00**

**Temporary Certificate of Occupancy** **\$60.00**

**After Hours Inspections  
(after 5:00 p.m. or on weekend)** **First two hours \$150.00  
Each addition hour \$50.00**

**FIRE PROTECTION SYSTEMS**

**ORDINANCE NO. 16-**

**A fee schedule as provided:**

<b>1-10 devices</b>	<b>\$75.00</b>
<b>11-25 devices</b>	<b>\$100.00</b>
<b>26-100 devices</b>	<b>\$200.00</b>
<b>101-200 devices</b>	<b>\$275.00</b>
<b>201-500 devices</b>	<b>\$500.00</b>
<b>Per device for each device over 500</b>	<b>\$1.00</b>

**FIRE SPRINKLER SYSTEMS**

<b>Underground</b>	<b>\$150.00</b>
<b>Aboveground, 1-19 heads</b>	<b>\$75.00</b>
<b>Aboveground, 20-100 heads</b>	<b>\$100.00</b>
<b>Aboveground, 101-300 heads</b>	<b>\$200.00</b>
<b>Aboveground, 301-1,000 heads</b>	<b>\$400.00</b>
<b>Per head for each over 1,000 heads</b>	<b>\$1.00</b>
<b>Fire Pump, additional</b>	<b>\$150.00</b>

**ACCESS CONTROL**

<b>1-10 Doors</b>	<b>\$75.00</b>
<b>11-25 Doors</b>	<b>\$100.00</b>
<b>26-100 Doors</b>	<b>\$200.00</b>
<b>101-200 Doors</b>	<b>\$275.00</b>
<b>201-500 Doors</b>	<b>\$500.00</b>
<b>Per device for each device over 500</b>	<b>\$1.00</b>

**FIRE ALARM SYSTEM MONITORING PERMIT**

<b>Residential Permit fee</b> <b>(Residential fee waived if Burglar Alarm permit fee is already paid)</b>	<b>\$50.00 annual fee</b>
<b>Commercial (Non-Residential) Permit fee</b>	<b>\$100.00 annual fee</b>

**FALSE ALARM FEE – Residential**

<b>First 3 False Alarm Calls</b>	<b>No Fee</b>
<b>4<sup>th</sup> &amp; 5<sup>th</sup> Alarm Calls</b>	<b>\$75.00/per call</b>
<b>6<sup>th</sup> &amp; 7<sup>th</sup> Alarm Calls</b>	<b>\$250.00/per call</b>

**ORDINANCE NO. 16-**

**8<sup>th</sup> and above Alarm Calls \$500.00/per call**

**(All calls will be calculated within a twelve (12) month period)**

**FALSE ALARM FEE – Commercial (Non-Residential)**

**First 3 False Alarm Calls No Fee**

**4<sup>th</sup> & 5<sup>th</sup> Alarm Calls \$150.00/per call**

**6<sup>th</sup> & 7<sup>th</sup> Alarm Calls \$500.00/per call**

**8<sup>th</sup> and above Alarm Calls \$1,000.00/per call**

**(All calls will be calculated within a twelve (12) month period)**

**FIRE MARSHAL ANNUAL PERMIT**

**(Tax exempt agencies shall be exempted from the annual fire marshal permit fees.)**

**5000 sq. ft. or less \$30.00 annually**

**5001 to 10,000 sq. ft. \$40.00 annually**

**10,001 to 25,000 sq. ft. \$50.00 annually**

**25,001 to 50,000 sq. ft. \$60.00 annually**

**50,001 to 75,000 sq. ft. \$80.00 annually**

**75,001 to 100,000 sq. ft. \$100.00 annually**

**100,001 to 200,000 sq. ft. \$120.00 annually**

**200,001 sq. ft. or more \$280.00 annually**

**Annual permit fees will be assessed per building unit/occupant, in accordance with Article IV; Chapter 58, section 58-99, 12(d) of the Fire Code.**

**Any floors over four \$30.00 per floor**

**Each apartment building \$5.00 annually**

**HAZARDOUS MATERIALS ANNUAL PERMIT (includes flammable/combustible liquids)**

**POUNDS (POWDER AND SOLIDS)**

**Less than 1,000 \$25.00**

**1,001 to 2,000 pounds \$37.50**

**2,001 to 5,000 pounds \$70.00**

**Over 5,001 pounds \$137.50**

**GALLONS (LIQUIDS AND GELS)**

Less than 25 gallons	\$25.00
More than 25 gallons but less than 100 gallons	\$37.50
Over 100 gallons but less than 1,000 gallons	\$70.00
Over 1,000 gallons (Fees are in addition to Fire Marshal permit)	\$137.50

**PLAN REVIEW FEES**

Plan Review	\$60.00
Fire Alarm System	\$70.00
Fire Sprinkler System	\$150.00
Suppression Appliances	\$125.00
Emergency Lighting	\$37.50
Special Lighting	\$30.00
Liquid Storage Tanks, Hazardous Materials	\$70.00

**RE-INSPECTION FEES \$60.00**

**SPECIAL PERMITS**

Blasting operation	\$65.00 per day
Pyrotechnic display	\$65.00 per day
Tent permit	
1- 30 days	\$30.00
Each additional 30 days or portion thereof	\$30.00

**UNDERGROUND STORAGE TANKS INSTALLATION (TO INCLUDE TEMPORARY TANKS) OR REMOVAL**

Less than 1,000 gallons	\$50.00
More than 1,000 gallons	\$100.00

**LPG TANK INSTALLATION OR REMOVAL \$50.00**

**MOVIE/THEATRICAL EVENT**

Fire marshal permit- per day	\$125.00 first day
Each additional day	\$75.00
Fire marshal on premises (minimum 3 hours)	\$50.00 per hour

**ORDINANCE NO. 16-**

<b>Stand-by firefighters (minimum 3 hours each)</b>	<b>\$65.00 per hour</b>
<b>Stand-by medic (each-three hour minimum)</b>	<b>\$65.00 per hour</b>
<b>Stand-by engine or truck (each-three hour minimum)</b>	<b>\$100.00 per hour</b>

**REPORTS**

<b>Fire Cause and Origin Report</b>	
<b>First 9 pages</b>	<b>\$1.00</b>
<b>Each additional page</b>	<b>\$0.10</b>
<b>Copies of Photos</b>	<b>Actual cost of copies</b>

**STATE MANDATED INSPECTIONS**

<b>Hospitals</b>	<b>\$100.00</b>
<b>Nursing and long-term care homes</b>	<b>\$75.00</b>
<b>Daycare/Mother's day out</b>	<b>\$50.00</b>
<b>Foster home and adoptive home</b>	<b>\$10.00</b>
<b>Home inspection (insurance)</b>	<b>\$50.00</b>

**LIBRARY**

OVERDUE FEES	Daily Overdue Fee Per Item	Maximum Overdue Fee Per Item
Books, Magazines, CD's, Audio cassettes, Media Kits, Video cassettes	\$0.25	\$6.00
Digital Video Discs (DVD's)	\$1.00	\$6.00
Interlibrary Loan Materials	\$.50	\$12.00

The Library may conduct an amnesty program for a period of time not to exceed two weeks in any calendar year. During the period of time the amnesty program is in effect, fines will be waived to all patrons who appear in person to return overdue materials. Late fines will be waived one time during the amnesty period for each cardholder.

**LOST MATERIALS, EQUIPMENT FEES AND MATERIALS DAMAGED BEYOND REPAIR FEES**

All materials or equipment	Purchase price of materials or equipment plus non- refundable \$6.00 preprocessing fee
Book jacket or cover	\$6.00
Medial containers	\$2.00

Refunds made for materials returned within 6 months of payments.

**MINOR DAMAGE FEES**

Chewed, torn or water damaged pages, covers or jackets	\$2.00 per occurrence
Ripped and/or cut pages and/or pictures	\$2.00 per page
Minor medial damage	\$6.00
Rebinding Fee	\$6.00

**LIBRARY CARDS**

Non-Resident*	\$25.00 per year
Short-term non-resident*	\$5.00 per month

\* A non-resident is someone who resides outside the state of Texas.

**MISCELLANEOUS SERVICE FEES**

Reserves	No fee
Replacement of lost or damaged library card and Interlibrary loan circulation card	\$2.00
Photo copies (Black & White)	\$0.20 per page
Photo copies (Color)	\$0.50 per page
Print jobs	\$0.20 per page
Interlibrary Loan Fee	\$2.00

**ORDINANCE NO. 16-**

<b>Proctoring Fee (per test proctored)</b>	
<b>Bedford Library Card Holder</b>	<b>\$5.00</b>
<b>Non-card holders</b>	<b>\$10.00</b>

<b>Faxing</b>	
<b>Each Page</b>	<b>\$1.00 per page</b>
<b>No international faxes</b>	

**LIBRARY ROOM RENTAL FEES**

**All room rental fees are refundable upon cancellation unless the cancellation has occurred within 48 hours of the room rental start-time.**

**All non-profit groups must present written verification of its 501(c)3 status, within the Hurst-Euless-Bedford (H-E-B) city limits.**

<b>H-E-B non-profit group</b>	<b>\$25.00 flat fee</b>
<b>Large Meeting Room – 2 hour minimum</b>	<b>\$100.00 per hour</b>
<b>½ Large Meeting Room – 2 hour minimum</b>	<b>\$50.00 per hour</b>
<b>Meeting Room Kitchen Area – 2 hour minimum</b>	<b>\$25.00 per hour</b>
<b>Large Conference Room – 2 hour minimum</b>	<b>\$25.00 per hour</b>
<b>Computer Lab Room – 2 hour minimum</b>	<b>\$200.00 per hour</b>

**OLD BEDFORD SCHOOL**

The City Manager or their designee is authorized to institute discounted fees for promotional events on temporary, as-needed basis.

**RENTAL FEES**

Monday – Thursday	8:00 am – 5:00 pm	\$75.00/hour
Monday – Thursday	5:00 pm – 10:00 pm	\$80.00/hour
Friday & Sunday	8:00 am – 10:00 pm	\$125.00/hour
Saturday	9:00 am – 5:00 pm	\$150.00/hour
Saturday	5:00 pm – 11:00 pm	\$175.00/hour

All rental fees apply to the following rooms (Fitch Auditorium, Gallery I, Gallery II, Board Classroom)

Arts & Culture Discount: Individual artists or cultural groups will be eligible for a 10% discount on room rental fees and exempt from any applicable audio/visual fees. The discount is not applicable on any Saturday and bookings are made on a first come, first served basis. All other applicable rental contractual obligations must be met.

**RENTAL FEES FOR BUSINESS TRAVELERS STAYING AT BEDFORD HOTELS**

Monday – Friday	8:00 am – 5:00 pm	\$300.00/day (all other fees apply. This pricing is not applicable to weekend or non-business events.)
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**AUDIO/VISUAL EQUIPMENT FEE**

Basic equipment (microphones, projection screen, etc)	\$75.00
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**DEPOSIT**

Deposit (For events with 100 or more people)	\$500.00
Deposit (For events with 99 or less people)	\$200.00

(Deposit will be returned in full after rental if there was no damage and facility was properly cleaned. If cancellation occurs less than thirty (30) days prior to event, then the deposit will not be returned.)

**CATERING FEES (Groups over 25)**

Preferred Catering List Application Fee	\$25.00
Preferred Caterer Event Charge	\$50.00/event
Non-preferred Caterer Event Charge	\$100.00/event

**GUIDED TOURS**

Children's Groups	\$2.00 per person
Adult Groups	\$5.00 per person
Senior Citizen Groups	\$3.00 per person
12 or more	\$25.00 per group

**WEDDING PACKAGES**

**SATURDAY RATES**

<b>PACKAGE A</b>	<b>\$1,800.00</b>
Includes:	Four (4) rectangular tables Seventy-five (75) chairs One (1) brick – engraved and placed on walkway

Time allowed for services, personnel, and use of building:  
Two (2) hours for consultation with rental coordinator (during M-F office hours)  
One (1) hour of rehearsal time during M-F office hours  
Six (6) hours for wedding, reception and clean-up  
Use of audio visual/sound system  
Two (2) hours for scheduled bridal portrait: M-F between 9 am and 4 pm

<b>PACKAGE B</b>	<b>\$2,100.00</b>
Includes:	Six (6) rectangular tables Sixteen (16) 60" round tables Sixteen (16) White Round Tablecloths One hundred thirty (130) chairs One (1) brick – engraved and placed on walkway One (1) set flute, wine glasses – engraved with gold rim and OBS logo Use of audio visual/sound system Two (2) hours for scheduled bridal portrait: M-F between 9 am and 4 pm

Time allowed for services, personnel, and use of building:  
Two (2) hours for consultation with rental coordinator (during M-F office hours)  
One (1) hour of rehearsal time during M-F office hours  
Eight (8) hours for wedding, reception and clean-up

**FRIDAY AND SUNDAY RATES**

<b>PACKAGE A</b>	<b>\$1,500.00</b>
Includes:	Four (4) rectangular tables Seventy-five (75) chairs One (1) brick – engraved and placed on walkway

Time allowed for services, personnel, and use of building:  
Two (2) hours for consultation with rental coordinator (during M-F office hours)  
One (1) hour of rehearsal time during M-F office hours  
Six (6) hours for wedding, reception and clean-up  
Use of audio visual/sound system  
Two (2) hours for scheduled bridal portrait: M-F between 9 am and 4 pm

ORDINANCE NO. 16-

**PACKAGE B** **\$1,800.00**  
Includes: Six (6) rectangular tables  
Sixteen (16) 60" round tables  
Sixteen (16) White Round Tablecloths  
One hundred thirty (130) chairs  
One (1) brick – engraved and placed on walkway  
One (1) set flute, wine glasses – engraved with gold rim and OBS logo  
Use of audio visual/sound system  
Two (2) hours for scheduled bridal portrait: M-F between 9 am and 4 pm

Time allowed for services, personnel, and use of building:  
Two (2) hours for consultation with rental coordinator (during M-F office hours)  
One (1) hour of rehearsal time during M-F office hours  
Eight (8) hours for wedding, reception and clean-up

**ADDITIONAL OPTIONS**

Use of audio visual/sound system	<b>\$75.00</b>
Scheduled bridal portrait:	
A. M-F between 9 am and 4 pm	<b>\$75.00 per hour</b>
B. Other hours as scheduled	<b>\$150.00 per hour</b>
Purchase of brick	<b>\$50.00 each</b>
Purchase of flute, wine glasses	<b>\$25.00 per set</b>
Additional chairs	<b>\$1.50 each</b>
Cleaning Service	<b>\$250.00 per event</b>

**WEDDING DEPOSIT**

Deposit **\$500.00**  
(Deposit will be refunded either in full or in part after rental pending inspection of facility for damages and proper cleaning.)

**POLICE DEPARTMENT**

**ALARMS**

Residential Permit fee	\$50.00 annual fee
Business Permit fee	\$100.00 annual fee

**FALSE ALARM FEE**

First 3 False Alarm Calls	No Fee
4 <sup>th</sup> & 5 <sup>th</sup> Alarm Calls	\$50.00/per call
6 <sup>th</sup> & 7 <sup>th</sup> Alarm Calls	\$75.00/per call
8 <sup>th</sup> and above Alarm Calls	\$100.00/per call

(All calls will be calculated within a twelve (12) month period)

**SOLICITORS PERMIT**

Intrastate	\$10.00
Interstate, publication and non-commercial solicitors	no fee charged

**HANDBILL DISTRIBUTION PERMIT**

Permit fee	No charge
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**FINGERPRINTING FEE**

Residential Charge per card	\$10.00
Non-Residential Charge per card	\$15.00

**RECREATION DEPARTMENT**

The City Manager or their designee is authorized to institute discounted fees for promotional events on temporary, as-needed basis.

**BOYS RANCH PARK PAVILIONS**

Monday – Sunday Damage & Clean Up Deposit (Due at the time rental is made)	\$105.00
September – April Rental	
Full Pavilion Rental	\$125.00 for 6 hours
Half Pavilion Rental	\$65.00 for 6 hours
Non-resident	\$20.00 more/rental
May – August Rental	
Full Pavilion Rental	\$145.00 for 6 hours
Half Pavilion Rental	\$85.00 for 6 hours
Non-resident	\$20.00 more/rental

**CENTRAL PARK PAVILION**

September – April Rental	
Full Pavilion Rental	\$80.00 for 6 hours
Non-resident	\$20.00 more/rental
May - August Rental	
Full Pavilion Rental	\$105.00 for 6 hours
Non-resident	\$20.00 more/rental

**BEDFORD SPLASH: SWIMMING**

	Residents	Non-Residents
Adult (18-64)	\$6.25	\$7.75
Senior (65 and older)	\$5.25	\$6.25
Children (3-17)	\$5.25	\$6.25
Infant (2 and under)	Free	Free
Season Pass		
Individual	\$75.00	\$160.00
Family (up to 4 people)	\$235.00	\$360.00
Additional family members	\$35.00	\$50.00 per person

(Season Pass Holders will receive a 10% discount on merchandise and concessions).

The City Manager or their designee is authorized to institute discounted fees for promotional events on temporary, as-needed basis.

Day Care Rates \$4.25 per child  
(1:8 ratio, with every 8 children admissions purchased, one adult admission is free)

**Group Rates**

Groups of 20 or more \$5.25 per person  
(residents and non-residents, no age limit)

**ROY SAVAGE POOL: SWIMMING**

Resident and Non-Resident **\$1.00**

**PRIVATE PARTY RENTAL**

2 hour rental before or after hours

Without slides – 1 to 100 people **\$355.00**

Without slides – 101 to 200 people **\$385.00**

Without slides– 201 to 300 people **\$415.00**

With slide or Pro Bowl – 1 to 100 people **\$375.00**

With slide or Pro Bowl – 101 to 200 people **\$405.00**

With slide or Pro Bowl – 201 to 300 people **\$435.00**

With both slide and Pro Bowl – 1 to 100 people **\$425.00**

With both slide and Pro Bowl – 101 to 200 people **\$455.00**

With both slide and Pro Bowl – 201 to 300 people **\$485.00**

Each additional group of 40 people **\$85.00**

Non-Resident Facility Rental **\$20.00 more per rental**

Concession Stand Open **\$27.00**

Cabana Rental **\$130.00**

Non-resident fee **\$20.00 more per rental**

(2 hour rental during business hours with 10 guest free admission)

Pavilion Rental **\$105.00**

Non-resident fee **\$20.00 more per rental**

(2 hour rental during business hours with 10 guest free admission)

**ROY SAVAGE POOL PRIVATE PARTY RENTAL**

2 hour rental before or after hours

1-70 (maximum capacity) people **\$155.00**

**GYM RENTAL**

September – April Rentals

Full Court **\$48.00 per hour**

Non-resident fee **\$20.00**

Half Court **\$33.00 per hour**

Non-resident fee **\$20.00**

After hour rentals require a 2 hour minimum for full court. No half court rentals after hours.

ORDINANCE NO. 16-

Non-athletic gym rental (entire gym)  
(minimum of 2 hours) \$88.00 per hour

May - August Rentals  
Full Court \$53.00 per hour  
Non-resident fee \$20.00

Half Court \$43.00 per hour  
Non-resident fee \$20.00

After hour rentals require a 2 hour minimum for full court. No half court rentals after hours.

Non-athletic gym rental (entire gym)  
2 hours) \$98.00 per hour (minimum of

Deposit Damages back charges

Broken Ceiling Tile \$20.00 per tile

Broken Window \$50.00 per window

**MEMBERSHIP IDENTIFICATION CARDS**

Senior Non-resident \$32.00  
Senior Resident \$20.00

Adult Resident \$26.00  
Youth Resident \$12.00

Adult Non-Resident \$122.00  
Youth Non-Resident \$26.00

Replacement Card \$7.00

Daily Pass \$7.00

Forgotten Card Fee \$3.00

**WEIGHT ROOM MEMBERSHIPS**

Yearly membership, required to have a membership ID card

Adult Resident (optional) \$127.00 per year/  
includes ID card

Adult Resident \$17.00 per month + ID charge  
Senior Resident (optional) \$82.00 per year/  
Includes ID card

Senior Resident \$12.00 per month + ID charge  
Adult Non-Resident (optional) \$202.00 per year/  
Includes ID card

Adult Non-Resident \$22.00 per month + ID charge  
Senior Non-Resident \$122.00 per year/  
Includes ID card

Senior Non-Resident \$17.00 per month + ID charge

**ROOM RENTALS**

<b>September – April Rentals</b>	
One Room	\$38.00 per hour
Two Rooms	\$48.00 per hour
Three Rooms	\$58.00 per hour
Non-Resident Fee	\$20.00
Deposit required on all rentals at the time of booking	\$100.00

<b>May – August Rentals</b>	
One Room	\$48.00 per hour
Two Rooms	\$58.00 per hour
Three Rooms	\$68.00 per hour
Non-Resident Fee	\$20.00
Deposit required on all rentals at the time of booking	\$100.00

**HOCKEY RINK**

Court without lights	\$18.00 per hour
Court with lights	\$23.00 per hour
Non-resident fee	\$20.00

**SENIOR CENTER**

Membership Fee – Bedford Resident	\$5.00 per year
Membership Fee – Residents of Cities other than Bedford	\$10.00 per year

**RECREATION CLASS FEES:**

Unless otherwise noted in the Recreation Department Fee schedule: All programs and classes will incur an additional \$5.00 fee per person per program and/or class for Non-Residents.

<b>ONLINE TRANSACTION FEE</b>	<b>\$3.25</b>
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**SWIM LESSONS**

8 – 35 minute classes(Resident)	\$57.00
8 – 35 minute classes(Non-resident)	\$67.00
8 – 30 minute private lessons	\$255.00

**AQUATIC FITNESS CLASSES**

Adult Water Walking	\$7.00
Season Pass	\$52.00
Season Pass after July 4	\$32.00
Water Aerobics	\$37.00 per session
Deep Water Dynamics	\$37.00 per session
Aqua Pilates	\$37.00 per session
Aqua Pilates + Power Sculpting	\$26.00 per session
50 and Better Water Aerobics	\$32.00 per session
Aquatic Boot Camp	\$82.00 per session

**ORDINANCE NO. 16-**

**AMERICAN RED CROSS CLASSES**

	<b>Residents</b>	<b>Non-Residents</b>
Adult First Aid/CPR/AED	\$67.00	\$72.00
Cat and Dog First Aid	\$37.00	\$42.00
Babysitter's Training	\$76.00	\$82.00
Adult & Pediatric First Aid/CPR/AED	\$67.00	\$72.00
FA/CPR/AED Instructor's Course	\$255.00	\$260.00
Lifeguard Instructor's Course	\$255.00	\$260.00

**CERTIFIED POOL OPERATOR COURSE** Residents: \$255.00      Non-Residents: \$260.00

**YOGA FOR SENIORS**

4 classes \$42.00

**SENIOR CENTER DANCE** \$6.00 per person

**QI GONG KUNG FU**

Adults	\$82.00
Kids	\$82.00
Adults Advanced	\$152.00
Tai Chi (1x week)	\$54.00
Tai Chi (2x week)	\$94.00

**DOG OBEDIENCE**

Group 8 weeks \$97.00

**MONTHLY CLASSES**

Includes dance, gymnastics, drawing, non-supply related classes

1 day per week \$27.00

**MONTHLY CLASSES WITH SUPPLIES**

Includes cooking, painting, craft, photos

1 day per week \$32.00

**VALENTINE'S DANCE**

All-inclusive - includes 1 picture, flowers dance, \$14.00 per individual or  
\$22.00 per couple

**ELEMENTARY DANCES** \$7.00 per person/per dance

**EASTER**

Includes egg hunt, arts & craft activity, photo with the Easter Bunny, and snack \$9.00 per person

ORDINANCE NO. 16-

**FULL DAY- DAY CAMP**

Application fee for campers		\$52.00 and \$27.00 per additional child per family
Application fee for junior counselor		\$27.00
Weekly rate if paid after Wednesday of previous week		\$122.00
Weekly rate if paid prior to opening of Day Camp session		\$107.00
Weekly rate if paid by Wednesday prior to camp start		\$117.00

**OTHER**

Martial Arts, sports camps, jazzercise, and private lesson fees will vary and be set by contractors with staff approval.

**LEAGUES**

NCAA Basketball League	10 games	\$455.00
Includes uniform, individual and team trophies		
Basketball League	8 Games	\$300.00
Softball League	8 Games	Returning teams \$305.00 First time teams \$325.00
Crazy Coed Softball	8 Games	Returning teams \$205.00 First time teams \$225.00
Indoor Volleyball League	8 Games	\$155.00

Will offer an early bird special on all leagues

**SWIM TEAM**

Summer season	\$130.00 + applicable State & Regional TAAF dues
Includes TAAF membership, regional fees, caps, t-shirts, lifeguard on duty and coaches	

**ATHLETIC FIELDS**

Reservation January - August (minimum)	\$40.00 per hour (2 hour minimum)
Reservation September – December (minimum)	\$45.00 per hour (2 hour minimum)

**STREET DEPARTMENT**

**SIDEWALK/CONCRETE PERMIT**

Single Family corner	\$25.00
Single Family non corner	\$17.00
Commercial and multi-family	2% of \$1.50 x sq. ft.

**DRIVE APPROACH PERMIT**

Single Family corner	\$25.00
Single Family non corner	\$17.00
Commercial and multi-family	2% of \$3.00 x sq. ft.

**BARRICADES**

Rental Deposit	\$100.00 (refunded after all equipment returned)
Replacement Costs:	
A-Frame Panels	\$100.00 each
Vertical Panels	\$75.00 each
Traffic Cones	\$35.00 each
Traffic Barrels	\$90.00 each

**WATER DEPARTMENT**

**WATER DEPOSIT**

Residential	\$60.00
Fire Hydrant Meters	\$1,500.00
Commercial	\$300.00 or an amount equal to 2 times the City monthly average for commercial users; after the 3rd bill, a monthly average for that user will be determined. Then deposit required will be equal to 2 months of the calculated monthly average for that user. Overpayments will be credited and underpayment will be due.

Apartments \$35.00 per unit  
 In lieu of cash, a bond may be used for multi-unit dwelling deposit requirements. A bond tendered pursuant to this provision must be issued by a surety licensed to do business in the State of Texas, be in a form approved by the city attorney and have a term of not less than one year.

Sprinkler Meters, Commercial only	\$1,000.00
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SERVICE CHARGE (read meter-account set-up)	\$10.00
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Reduced Pressure Zone Certification Test Fee	\$25.00 per test
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**ORDINANCE NO. 16-**

<b>Water or Sewer Tap Abandonment Fee</b>	<b>\$400.00</b>
<b>SEWER TIE-IN FEE</b>	
4" tap on a 6"- 12" line (1-7 feet deep)	<b>\$1,200.00</b>
4" tap on main larger than 12" (1-7 feet deep)	<b>Actual cost</b>
Sewer main over 7 feet deep	<b>\$250.00 per foot</b>
If boring is required add \$250.00 for bore pits plus actual cost of bore..	
<b>MANHOLES</b>	
Manhole (1' – 6' feet deep)	<b>\$3,000.00</b>
Manhole (7' or deeper)	<b>\$3,000.00 plus an additional \$70.00 per foot</b>
<b>CUT-OFF FEE</b>	<b>\$30.00</b>
<b>LATE PAYMENT FEE</b> minimum fee of \$5.00 (Senior 65 and older are exempt from late payment fees.)	<b>10% of balance with a</b>
<b>AFTER HOURS TURN-ON</b>	<b>\$50.00</b>
<b>METER TESTING FEE (per Customer Request)</b>	
METER ¾"	<b>\$50.00</b>
METER 1"	<b>\$60.00</b>
METER 1 ½" - 2"	<b>\$180.00</b>
METER 3" and Larger	<b>(quote upon request)</b>
<b>(Meter testing fees will only charged to customers where meter test results are determined to be accurate by 98.5% to 101.5%. Testing charges will be refunded back to the customer should test results fall below 98.5% or above 101.5%)</b>	
<b>RESIDENTIAL METER BOX</b>	<b>\$90.00</b>
<b>RESIDENTIAL METER</b>	
METER ¾"	<b>\$1,100.00 for service tap and \$175.00 for meter</b>
METER 1"	<b>\$1,100.00 for service tap and \$225.00 for meter</b>
METER 1.5"	<b>\$2,100.00 for service tap and \$610.00 for meter</b>

ORDINANCE NO. 16-

METER 2" \$2,100.00 for service tap and \$925.00 for meter

3/4", 1", 1 1/2" and 2" service lines not to exceed 20 ft. Service lines in excess of 20 ft. @16.00 per ft.

REPLACE BROKEN ANGLE STOPS

ANGLE STOP 3/4" \$150.00
ANGLE STOP 1" \$175.00
ANGLE STOP 1 1/2" - 2" \$350.00
ANGLE STOPS 3" and Larger (quote upon request)

If boring under a road is required there will be a minimum charge of \$250.00 plus actual cost for bore. Cost of concrete, asphalt or landscape repairs will be done on a case by case basis.

Cost for replacement of broken commercial meters and boxes will be determined based on actual cost of installation.

Cost of meters, 3" and larger, will be determined based on actual cost of installation.

Water usage for Fire Hydrant Meters:

Base rate Set by the Water Rate Ordinance.
Usage rate Set by the Water Rate Ordinance.
Water Purchased by the load \$25.00/1,000 Gals

STORMWATER DEPARTMENT

GREASE TRAP/INTERCEPTOR PERMIT (annually) \$50.00
LIQUID WASTE TRANSPORTER PERMIT (annually) \$240.00 first vehicle \$130.00 each additional vehicle
STATE MANDATED ANNUAL INSPECTIONS (Hospitals, apartments, nursing and long-term care homes, daycares, dental offices, convenience stores with fountain drink stations, car washes, animal care centers, etc.)
GREASE/GRIT TRAPS \$50.00 per inspection
BACKFLOW DEVICE INSPECTION \$20.00 per device per inspection
CROSS CONNECTION INSPECTION \$100.00 per inspection

ORDINANCE NO. 16-

SECTION 2. ~~That City of Bedford Ordinance Number 12-3041 is hereby repealed.~~ This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the City of Bedford, and this Ordinance shall not operate to repeal or affect the Code of Ordinances of the City of Bedford or any Ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such Code or Ordinance are hereby repealed.

SECTION 3. That should any provision of this Ordinance be held invalid or unconstitutional, the remainder of such Ordinance shall not be deemed to effect the validity of any other provision of said Ordinance.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the laws of the State of Texas and the Charter of the City of Bedford.

PRESENTED AND PASSED on this 22nd day of March 2016, by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

\_\_\_\_\_  
Jim Griffin, Mayor

ATTEST:

\_\_\_\_\_  
Michael Wells, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Stan Lowry, City Attorney



# Council Agenda Background

**PRESENTER:** Michael Wells, City Secretary

**DATE:** 03/22/16

**Council Mission Area:** Be responsive to the needs of the community.

**ITEM:**

Consider an ordinance establishing the appointment of a municipal judge for a three-year term in accordance with State law; providing that this ordinance be cumulative; providing a severability clause; and providing an effective date.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

Since 2004, the municipal judge has been an elected position. An amendment to the Charter in 2014 gave Council the option to either call for the election of the judge or to appoint the judge by ordinance. At the Council Work Session on January 12, 2016, Council was of the consensus for staff to bring an ordinance that would allow them to appoint the judge.

In regards to the term of office, it was stated at the Council Work Session that it would need to be two or four years in accordance with State law. However, the specific provision for Bedford in State law has the term of office being three years.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance establishing the appointment of a municipal judge for a three-year term in accordance with State law; providing that this ordinance be cumulative; providing a severability clause; and providing an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance

**ORDINANCE NO. 16-**

**AN ORDINANCE ESTABLISHING THE APPOINTMENT OF A MUNICIPAL JUDGE FOR A THREE-YEAR TERM IN ACCORDANCE WITH STATE LAW; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS, the City of Bedford has the option pursuant to state law and the City Charter to elect or appoint a Municipal Court Judge; and,**

**WHEREAS, it is in the best interest of the citizens of Bedford to provide for uniformity in the administration of justice in the Municipal Court; and,**

**WHEREAS, such uniformity will be best achieved through the appointment of the Bedford Municipal Judge.**

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

**SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.**

**SECTION 2. That the City of Bedford, Texas Code of Ordinances be amended by adding Section 42-1 as follows:**

- (a) The office of judge of the municipal court shall be filled by appointment by the city council. The official title of such magistrate shall be "Judge of the Municipal Court of the City of Bedford, Texas."**
- (b) The judge of the municipal court shall have the powers and perform the duties as prescribed by the laws of the state and by the ordinances of the city.**
- (c) Said judge shall be appointed for a term of office of three (3) years. The judge shall receive such compensation as the city council may fix by ordinance or resolution, and shall furnish such surety bond as may be required by the city council, the premium to be paid by the city. Said judge may also be known and referred to as city judge and shall take the oath required by law.**

**SECTION 3. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases 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 4. That this ordinance shall become effective upon passage and publication in accordance with laws of the State of Texas and the Charter of the City of Bedford.**

**SECTION 5. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect; provided, however, that the ordinance or ordinances under which the cases currently filed and pending in the Municipal Court of the City of Bedford, Texas, shall be deemed repealed only when all such cases filed and pending under such ordinance or ordinances have been disposed of by a final conviction or a finding not guilty or nolo contendere, or dismissal.**

**ORDINANCE NO. 16-**

**SECTION 6.** That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto, to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity which remaining portions shall remain in full force and effect.

**SECTION 7.** The fact that the present ordinances and regulations of the City of Bedford, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the public creates an emergency which requires that this ordinance become effective from and after the date of its passage and it is accordingly so ordained.

**PRESENTED AND PASSED** this 22nd day of March, 2016 by a vote of \_\_ ayes, \_\_ nays, and \_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

\_\_\_\_\_  
**Jim Griffin, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Stan Lowry, City Attorney**



# Council Agenda Background

**PRESENTER:** Kenny Overstreet,  
Interim Public Works Director

**DATE:** 03/22/16

**Council Mission Area:** Be responsive to the needs of the community.

**ITEM:**

Consider an ordinance amending the City of Bedford Code of Ordinances, Chapter 114, Article V, Section 114-136 “Presumption that owner of vehicle illegally parked same” to include the specific locations where drivers of vehicles shall not park in areas marked with “No Parking” signs; providing for a severability clause; providing for a penalty clause; and declaring an effective date.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

Since the previous update to Chapter 114, Article V, Section 114-136, “Presumption that owner of vehicle illegally parked same,” an update to reflect the installation of “No Parking” signs placed at the following location is necessary:

Sign Type	Route	Block	Direction
No parking sign	Reliance Parkway	2000 - 2200	North and Southbound

“No Parking” signs will be posted on Reliance Parkway between the 2000 Block and the 2200 Block (north and southbound sides of the street) to reflect “No Parking” between the hours of 10:00 p.m. and 6:00 a.m. Residential concerns have been expressed regarding excessive noise from commercial transporters parking on Reliance Parkway during the overnight hours. Residents from the Villages of Oak Park are the most affected by the excessive noise and have requested a resolution to minimize the noise during the late hours of the night.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of an ordinance amending the City of Bedford Code of Ordinances, Chapter 114, Article V, Section 114-136 “Presumption that owner of vehicle illegally parked same” to include the specific locations where drivers of vehicles shall not park in areas marked with “No Parking” signs; providing for a severability clause; providing for a penalty clause; and declaring an effective date.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Ordinance

ORDINANCE NO. 16-

AN ORDINANCE AMENDING THE CITY OF BEDFORD CODE OF ORDINANCES, CHAPTER 114, ARTICLE V, SECTION 114-136 "PRESUMPTION THAT OWNER OF VEHICLE ILLEGALLY PARKED SAME" TO INCLUDE THE SPECIFIC LOCATIONS WHERE DRIVERS OF VEHICLES SHALL NOT PARK IN AREAS MARKED WITH "NO PARKING" SIGNS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of Bedford, Texas has determined that in order to be responsive to the needs of the community "No Parking" signs need to be installed on Reliance Parkway to minimize excessive noise from commercial transporters parking overnight near a residential subdivision; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to protect the vitality of neighborhoods.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That Section 114-39 of the City of Bedford Code of Ordinances is hereby amended to include the following installation of No Parking Signs placed at the location listed below.

Sign Type	Route	Block	Direction
No parking sign	Reliance Parkway	2000 - 2200	North and Southbound

SECTION 3. That all ordinances, parts of ordinances and amendments thereto in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. That any person who shall violate any of the provisions of the ordinance or shall fail to comply therewith or with any of the requirements thereof, shall be deemed guilty of a misdemeanor and shall be liable to a fine, and upon conviction of any such violation shall be fined up to the maximum amount allowed by law.

SECTION 6. That this ordinance shall become effective from and after its passage and publication as required by law.

PRESENTED AND PASSED this 22nd day of March, 2016 by a vote of \_\_ ayes, \_\_ nays, and \_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

---

Jim Griffin, Mayor

**ORDINANCE NO. 16-**

**ATTEST:**

---

**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

---

**Stan Lowry, City Attorney**



# Council Agenda Background

**PRESENTER:** Kenny Overstreet,  
Interim Public Works Director

**DATE:** 03/22/16

**Council Mission Area:** Be responsive to the needs of the community.

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a contract with C. Green Scaping, L.P. in the amount of \$119,018 for the Miscellaneous Retaining Wall Rehabilitation Bedford Public Works and Central Drive/Ridgewood Drive Project.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

The City has two considerably damaged retaining walls in need of repair. The first one is located at the back of the Public Works Service Center. It is supported by old, rotted railroad ties. The integrity of this structure is further compromised due to the large equipment and heavy machinery kept at this location. The second retaining wall, comprised of white concrete blocks, is located in the City's right-of-way at the corner of Central Drive and Ridgewood Drive. This wall was installed when Central Drive was reconstructed in 2000. This retaining wall is compromised due to soil shifting, a steep grade and poses a potential safety hazard.

It is proposed to replace the retaining wall and the wooden steps at the Public Works Service Center with a concrete block retaining wall system. The retaining wall at Central Drive and Ridgewood Drive would also be replaced with a white split-face concrete masonry unit, similar to the existing structure.

The Public Works Department held a bid opening on March 9, 2016 for the Miscellaneous Retaining Wall Rehabilitation Bedford Public Works and Central Drive/Ridgewood Drive project. Three contractors submitted bids for this project. C. Green Scaping, L.P. from Fort Worth, Texas submitted the lowest qualified bid in the amount of \$119,018. The highest bid amount was \$195,499 and the average bid was \$170,461.

The design engineer, Christopher Cha, P.E., with Pacheco Koch, has qualified C. Green Scaping, L.P. to do this project. They are currently the contractor for the Bedford Boy's Ranch Capital Improvement Project and have successfully fulfilled two previous contracts with the City for drainage channel improvements by the Post Office on Harwood Road as well as a sidewalk and ADA ramps on Cummings Drive.

If the contract with C. Green Scaping, L.P. is approved, funding will be paid from the FY15/16 Utility Fund for the retaining wall at the Public Works Service Center and the FY15/16 Street Improvement Economic Development Corporation (4B) Fund for the retaining wall replacement on Central Drive.

The proposed contract is over the projected budgeted amount by \$6,518. The retaining wall at the Public Works Service Center is over the budgeted amount by \$2,121.33, and will be covered with funds budgeted in the Engineering Division line item for GIS. The retaining wall on Central Drive is over the budgeted amount by \$4,396.67, and will be covered with 4B funds budgeted in the line item for Contingency. Staff feels that rejecting this bid and conducting a new bid may result in a higher bid than the current lowest qualified bid.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a contract with C. Green Scaping, L.P. in the amount of \$119,018 for the Miscellaneous Retaining Wall Rehabilitation Bedford Public Works and Central Drive/Ridgewood Drive Project.

**FISCAL IMPACT:**

FY 15/16 Engineering Buildings Budget:	\$ 50,000.00
FY 15/16 SIEDC Contract Labor Budget:	\$ 62,500.00
Actual Amount:	\$119,018.00
Variance:	\$ -6,518.00
Reallocation of Engineering GIS and SIEDC Contingency Funds:	\$ 6,518.00
Variance:	\$ 0.00

**ATTACHMENTS:**

- Resolution
- Bid Tabulation
- Location Map
- Retaining Wall Photos

RESOLUTION NO. 16-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH C. GREEN SCAPING, L.P. IN THE AMOUNT OF \$119,018 FOR THE MISCELLANEOUS RETAINING WALL REHABILITATION BEDFORD PUBLIC WORKS AND CENTRAL DRIVE/RIDGEWOOD DRIVE PROJECT.

WHEREAS, the City Council of Bedford, Texas has determined the repair and maintenance of the two retaining walls located at the Public Works Service Center and on Central Drive and Ridgewood Drive is necessary for safety reasons; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to be responsive to the needs of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the City Council does hereby authorize the City Manager to enter into a contract with C. Green Scaping, L.P. in the amount of \$119,018 for the Miscellaneous Retaining Wall Rehabilitation Bedford Public Works and Central Drive/Ridgewood Drive Project.

PRESENTED AND PASSED this 22nd day of March, 2016, by a vote of \_\_\_ ayes, \_\_\_ nays, and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

\_\_\_\_\_  
Jim Griffin, Mayor

ATTEST:

\_\_\_\_\_  
Michael Wells, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Stan Lowry, City Attorney

**Miscellaneous Retaining Wall Rehabilitation  
Bedford Public Works and Central Drive/Ridgewood Drive  
Bid Date: Wednesday, March 9, 2016 at 2:00 P.M.**

**Bid Tabulation**

**BIDDERS**

	C. Green Scaping, LP	ARK Contracting Services	Klutz Construction LLC
TOTAL AMOUNT BID	\$119,018.00	\$195,499.00	\$196,868.68

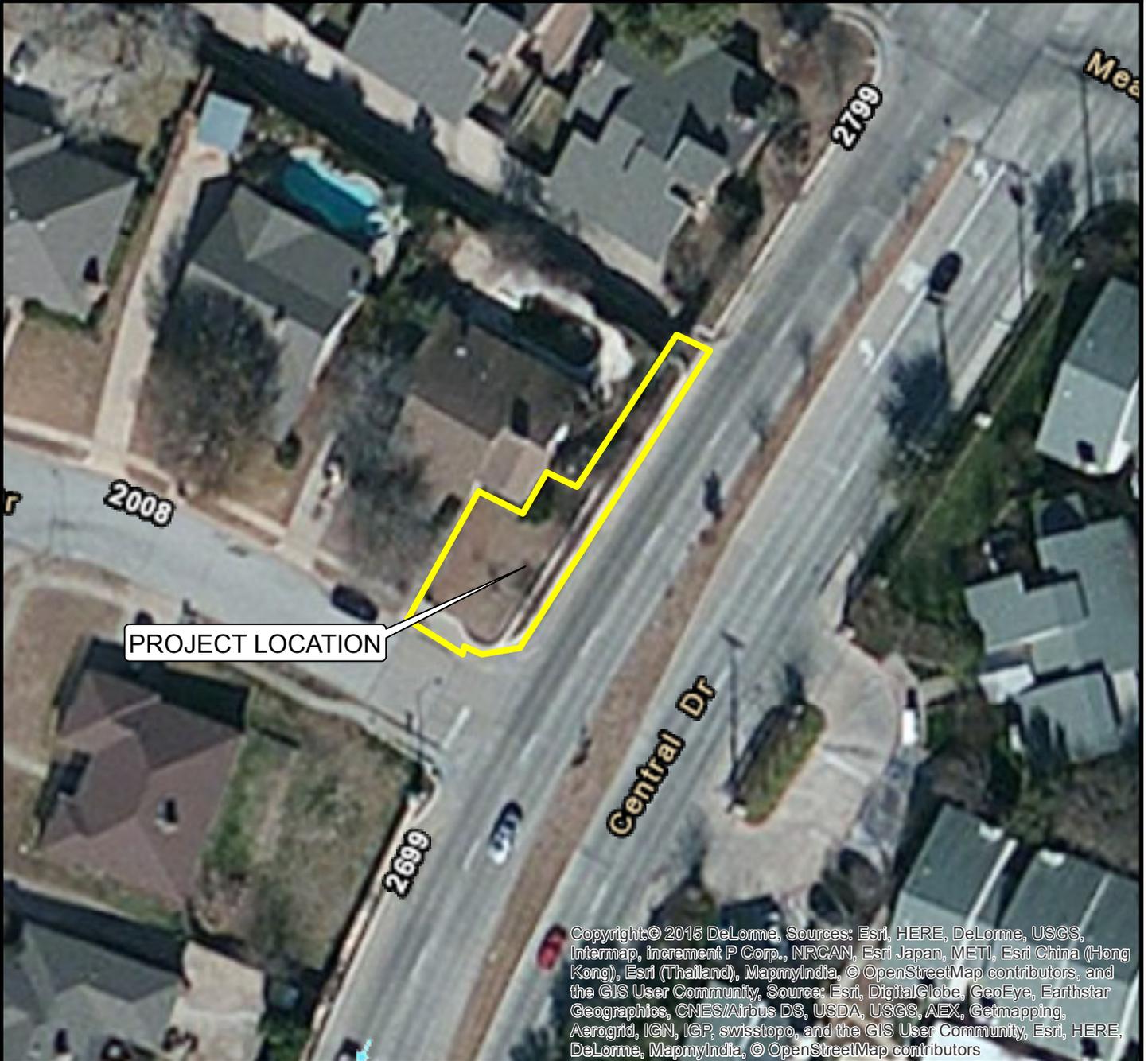
**RECOMMENDED AWARD**

	Average Cost
TOTAL AMOUNT BID	\$490,825.00

# EXHIBIT

CITY OF BEDFORD - 2003 RIDGEWOOD DRIVE

MARCH 17, 2015



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## KEY TO FEATURES



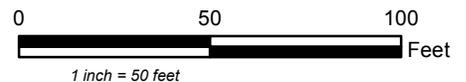
PROJECT LOCATION

## NOTES

BACKGROUND IMAGE FROM  
BING AERIALS

## DATUM

NAD 1983 TEXAS STATE PLANE  
NORTH CENTRAL ZONE FIPS 4202

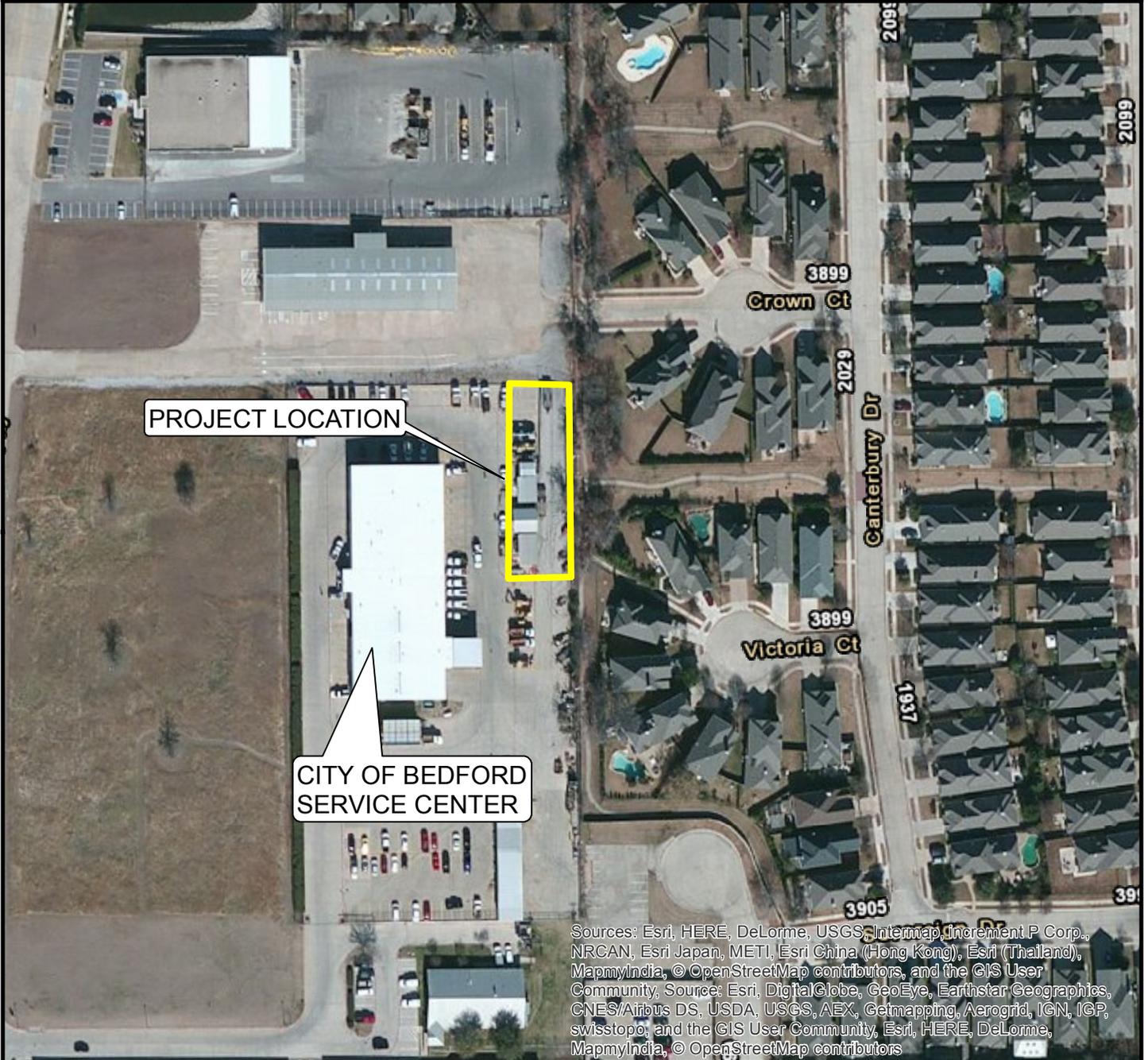


# EXHIBIT A

CITY OF BEDFORD - SERVICE CENTER

6100 Western Place | STE 1001  
Fort Worth, TX 76107  
(817) 412-7155

MARCH 17, 2015



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

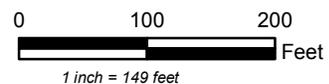
## KEY TO FEATURES

### NOTES

BACKGROUND IMAGE FROM  
BING AERIALS

### DATUM

NAD 1983 TEXAS STATE PLANE  
NORTH CENTRAL ZONE FIPS 4202



# Ridgewood

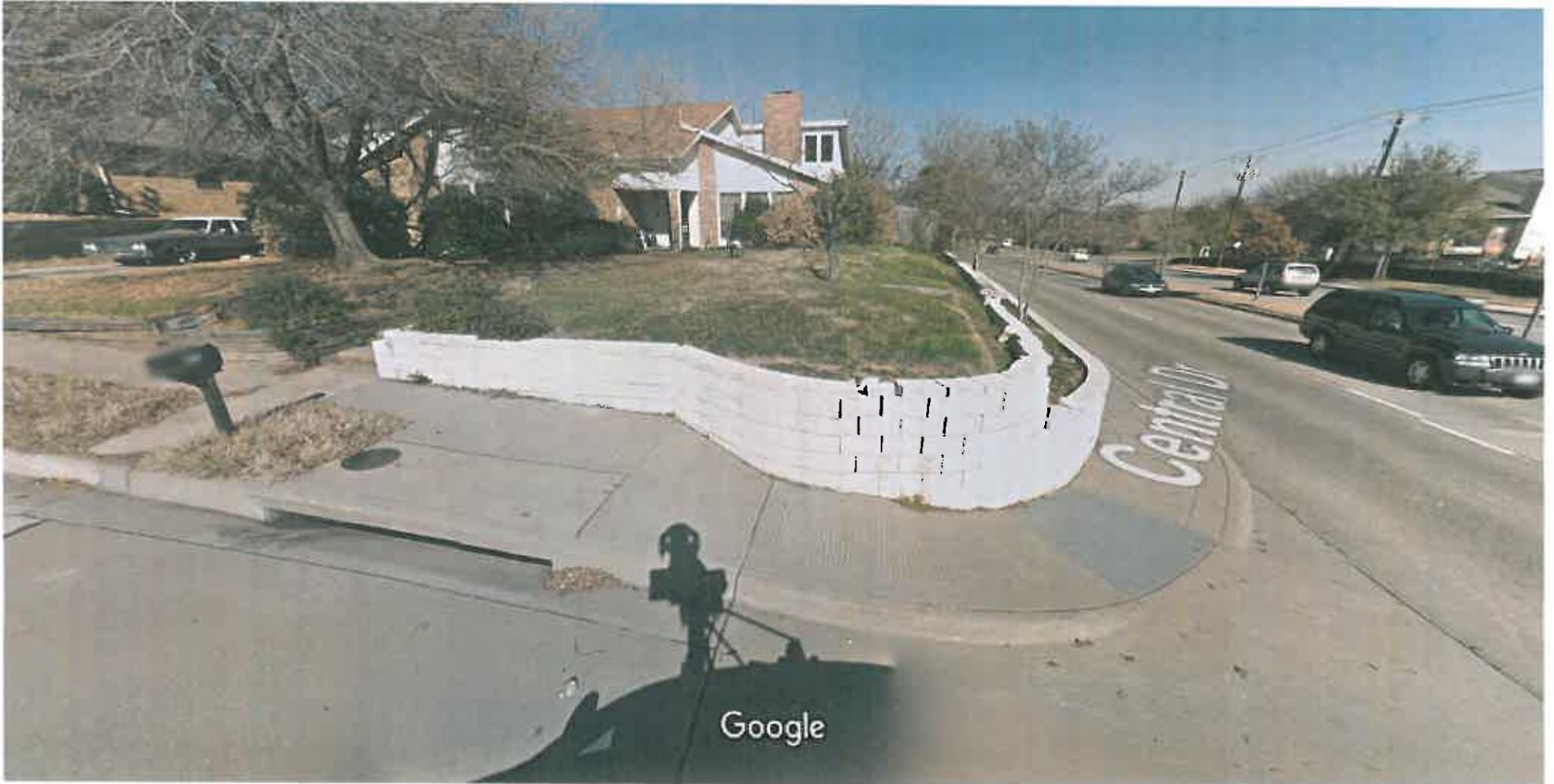


Image capture: Jan 2012 © 2016 Google

Bedford, Texas

Street View - Jan 2012

# Public Works Service Center Retaining Wall March 2016





# Council Agenda Background

**PRESENTER:** Kenny Overstreet,  
Interim Public Works Director

**DATE:** 03/22/16

**Council Mission Area:** Be responsive to the needs of the community.

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a contract with Cam-Crete Contracting Inc. in the amount of \$473,650 for the Concrete Sidewalk, Handicap Ramps/Concrete Street Panels, and Curb and Gutter Reconstruction at Various Locations Project.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

The City has numerous locations where concrete street panels, sidewalks, accessibility ramps, and curbs and gutters are in serious need of repair. Many of these high priority areas have been identified by staff, citizens and property owners, then ranked by the severability of the damage to the concrete to help in determining the highest priority locations to be repaired.

The Public Works Street Division has two crews for all concrete and asphalt repairs. The majority of their time is spent repairing asphalt and concrete streets and sidewalks that are damaged when repairs have to be made to water and sanitary sewer lines. Using contractors for these projects will help reduce the backlog of concrete sidewalk repair requests by citizens for tripping hazards and increase the drivability of the roadways that are severely damaged. This year, additional funding was allocated in the budget toward these repairs, including replacing the damaged concrete panels on Wade Drive.

The Public Works Department held a bid opening on March 9, 2016 for the Concrete Sidewalk, Handicap Ramps/Concrete Street Panels, and Curb and Gutter Reconstruction at Various Locations Project. Only two contractors submitted bids for this project. Currently, there are high demands and fluctuating prices for concrete, which may account for the lower number of bidders from previous years. Cam-Crete Contracting, Inc., from Cedar Hill, Texas, submitted the lowest bid in the amount of \$473,650. The other contractor submitted a bid in the amount of \$508,000.

The City's Consulting Engineer, J. Richard Perkins, P.E., the designer of this project, recommends using Cam-Crete Contracting, Inc. On March 10, 2015, they were awarded the Concrete Contract at Various Locations Project and satisfactory fulfilled the terms of the contract.

If approved, funding will be paid from the FY15/16 General Fund for concrete repairs and the FY15/16 Street Improvement Economic Development Corporation Fund for contract labor.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a contract with Cam-Crete Contracting Inc. in the amount of \$473,650 for the Concrete Sidewalk, Handicap Ramps/Concrete Street Panels, and Curb and Gutter Reconstruction at Various Locations Project.

**FISCAL IMPACT:**

<b>SIEDC Contract Labor Budget:</b>	<b>\$450,000</b>
<b>Streets Contract Labor Budget:</b>	<b><u>\$ 70,000</u></b>
<b>Total Project Budget:</b>	<b><u>\$502,000</u></b>
<b>Bid Amount:</b>	<b><u>\$473,650</u></b>
<b>Variance:</b>	<b>\$ 46,350</b>

**ATTACHMENTS:**

**Resolution**  
**Bid Tabulation**

RESOLUTION NO. 16-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAM-CRETE CONTRACTING INC. IN THE AMOUNT OF \$473,650 FOR THE CONCRETE SIDEWALK, HANDICAP RAMPS/CONCRETE STREET PANELS, AND CURB AND GUTTER RECONSTRUCTION AT VARIOUS LOCATIONS PROJECT.

WHEREAS, the City Council of Bedford, Texas has determined the repair and maintenance of concrete sidewalks, street panels, and curb and gutters is necessary for the health and safety of its citizens; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to be responsive to the needs of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the City Council does hereby authorize the City Manager to enter into a contract with Cam-Crete Contracting, Inc. in the amount of \$473,650 for the Concrete Sidewalk, Handicap Ramps/Concrete Street Panels, and Curb and Gutter Reconstruction at Various Locations Project.

SECTION 3. That funding will come from the Street Improvement Economic Development and Streets Division Contract Labor Budgets.

PRESENTED AND PASSED this 22nd day of March, 2016, by a vote of \_\_ ayes, \_\_ nays, and \_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

\_\_\_\_\_  
Jim Griffin, Mayor

ATTEST:

\_\_\_\_\_  
Michael Wells, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Stan Lowry, City Attorney

**Concrete Sidewalk and Handicap Ramps/Concrete Street Panels and Curb Gutter  
Reconstruction at Various Locations**

**Bid Date: Wednesday, March 9, 2016 at 2:00 P.M.**

**Bid Tabulation**

**BIDDERS**

Cam-Crete Contracting Inc.	Reliable Paving
\$473,650.00	\$508,000.00

TOTAL AMOUNT BID

**RECOMMENDED AWARD**

Average Cost
\$490,825.00

TOTAL AMOUNT BID



# Council Agenda Background

**PRESENTER:** Kenny Overstreet,  
Interim Public Works Director

**DATE:** 03/22/16

**Council Mission Area:** Protect the vitality of neighborhoods.

**ITEM:**

Consider a resolution repealing Resolution No. 16-8 and authorizing the City Manager to enter into an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

Council approved a resolution authorizing the City Manager to enter into an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt at the January 26, 2016 meeting. The signed Interlocal Agreement was then submitted to Tarrant County for approval. At a later date, Tarrant County staff informed the City that the wording of the approved agreement needed to be changed and that the agreement is in effect until September 30, 2016 and will automatically renew for a like term thereafter, unless terminated by either party in writing.

Public Works staff has utilized this interlocal agreement for the purchase of liquid asphalt, used by the Street Division for street repairs, since 2012. Tarrant County has a contract with Heartland Asphalt to supply liquid asphalt at approximately \$2.30 per gallon for Type SS1 and \$1.82 per gallon for Type AEP, making the average liquid asphalt price \$2.06 per gallon. The total estimated cost for utilizing the Interlocal Agreement is \$4,120.

The cost of liquid asphalt, if purchased through another supplier, is approximately \$10.00 per gallon because liquid asphalt is purchased in such small quantities. The price for liquid asphalt fluctuates throughout the year, depending upon the price of oil. The liquid asphalt will be purchased as needed. Public Works currently uses about 2,000 gallons per year. Utilizing this agreement will save approximately \$15,880 per year. Funding for the purchases will come from the Street Improvement Economic Development Corporation budget.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution repealing Resolution No. 16-8 and authorizing the City Manager to enter into an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt.

**FISCAL IMPACT:**

FY 15/16 SIEDC Fund Balance:	\$65,000
Project Cost:	\$ 4,120
Balance:	\$60,880

**ATTACHMENTS:**

Resolution  
Interlocal Agreement

RESOLUTION NO. 16-

A RESOLUTION REPEALING RESOLUTION NO. 16-8 AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH TARRANT COUNTY FOR THE PURCHASE OF LIQUID ASPHALT.

WHEREAS, the City Council of Bedford, Texas has determined the necessity for providing these supplies for the health and safety of its citizens; and,

WHEREAS, the City Council of Bedford, Texas recognizes the importance of providing these improvements to protect the vitality of neighborhoods.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the City Council hereby approves repealing Resolution No. 16-8.

SECTION 3. That the City Council hereby authorizes the City Manager to enter into an Interlocal Agreement with Tarrant County for the purchase of liquid asphalt.

SECTION 4. That funding in the amount of \$4,120 will come from the Street Improvement Economic Development Corporation budget.

PRESENTED AND PASSED this 22nd day of March, 2016, by a vote of \_\_\_ ayes, \_\_\_ nays, and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

\_\_\_\_\_  
Jim Griffin, Mayor

ATTEST:

\_\_\_\_\_  
Michael Wells, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Stan Lowry, City Attorney

THE STATE OF TEXAS

INTERLOCAL AGREEMENT

COUNTY OF TARRANT

**RECITALS**

This Interlocal Agreement is between Tarrant County, Texas (“COUNTY”), and the City of Bedford (“CITY”).

The parties enter into this Agreement under the authority of Sections 791.001 – 791.029 of the Texas Government Code.

The CITY is requesting the COUNTY’s assistance in providing the CITY with liquid asphalt, to the extent available, at the COUNTY’s contract price on an as-needed basis so that CITY may use the liquid asphalt for the benefit of the public in maintaining public roads and streets.

During the performance of the governmental functions and the payment for the performance of those governmental functions the parties will make the performance and payment from current revenues legally available to that party.

The Commissioners Court of the COUNTY and the City Council of the CITY each find:

- a. This Agreement serves the common interest of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement;
- d. The CITY and COUNTY have authorized their representative to sign this Agreement; and
- e. The CITY and COUNTY acknowledge that they are each a “governmental entity” and not a “business entity” as those terms are defined in Tex. Gov’t Code § 2252.908, and therefore, no disclosure of interested parties pursuant to Tex. Gov’t Code Section 2252.908 is required.

The parties therefore agree as follows:

**TERMS AND CONDITIONS**

**1. COUNTY RESPONSIBILITY**

The COUNTY agrees to allow the CITY to purchase liquid asphalt from the Tarrant County Precinct Three Maintenance Department—only to the extent the Precinct Three Maintenance Department may have liquid asphalt exceeding the

Precinct's current and future needs—at the COUNTY's most recent contract price. The COUNTY will invoice the CITY for the liquid asphalt supplied.

**2. CITY RESPONSIBILITY**

- 2.1 CITY will pick up the liquid asphalt at the Tarrant County Precinct Three Maintenance Facility.
- 2.2 CITY agrees to accept the liquid asphalt as -provided.
- 2.3 CITY will pay the COUNTY in accordance with the terms as invoiced.

**3. NO WAIVER OF IMMUNITY**

This Agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This Agreement does not waive CITY rights under a legal theory of sovereign immunity.

**4. TIME PERIOD FOR COMPLETION**

The CITY's request for liquid asphalt will be on an "as needed basis," only, and the COUNTY may make then-available liquid asphalt, if any, available for pick up by the CITY at an agreed upon time. However, COUNTY is under no duty to deliver to or provide the CITY with liquid asphalt at any place other than the Precinct Three Maintenance Department, and is under no duty to obtain an order of liquid asphalt for the CITY's use in the event the COUNTY does not have a supply exceeding the COUNTY's current and future needs at the time of the CITY's request. The initial term of this Agreement is until September 30, 2016, and will automatically renew for a like term thereafter unless terminated by either party in writing. Either party may terminate this Agreement at any time—either before the expiration of the initial term or after the renewal of any term thereafter—by providing the other party with 30-days written notice of termination. In the event of termination by either party, neither party shall have any obligations to the other party under this Agreement, except that the CITY is still liable for payment to the COUNTY for any outstanding invoice for liquid asphalt picked up by the CITY under this Agreement.

**5. THIRD PARTY**

The parties do not enter into this contract to protect any specific third party. The intent of this contract excludes the idea of a suit by a third party beneficiary. The parties to this Agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

**6. JOINT VENTURE & AGENCY**

The relationship between the parties to this contract does not create a partnership or joint venture between the parties. This Agreement does not appoint any party as agent for the other party.

**7. EFFECTIVE DATE**

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed.

**8. NOTICES**

All notices required to be given under this Agreement shall be addressed as follows and delivered by certified mail, postage prepaid or by hand delivery:

City: City Manager  
City of Bedford  
2000 Forest Ridge Drive  
Bedford, Texas 76021

County: Tarrant County Judge  
100 E. Weatherford, Suite 501  
Fort Worth, TX 76196-0101

Copy to:

Director, Field Operation  
Tarrant County Precinct #3  
Northeast Maintenance Center  
7301 Precinct Line Road  
North Richland Hills, Texas 76180

CITY OF BEDFORD

COUNTY OF TARRANT

\_\_\_\_\_  
Rodger Gibson, City Manager

\_\_\_\_\_  
B. Glen Whitley, County Judge

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

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

\_\_\_\_\_  
Kenny Overstreet, Interim Director of Public Works

\_\_\_\_\_  
Gary Fickes, Commissioner Pct 3

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

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

Attest:

Attest:

\_\_\_\_\_

\_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM\*

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

\_\_\_\_\_  
Criminal District Attorney's Office

\*By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.



# Council Agenda Background

**PRESENTER:** Chuck Carlisle, Risk/Contractual Services Manager

**DATE:** 03/22/16

**Council Mission Area:** Demonstrate excellent customer service in an efficient manner.

**ITEM:**

Consider a resolution authorizing the City Manager to enter into a contract with Corporate Floors, Inc. to replace existing flooring and vinyl cove base at the Law Enforcement Center in the amount of \$26,140.05.

**City Attorney Review:** N/A

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

The flooring in at the LEC is in very poor condition; over time, it has become worn and dated. Replacing the flooring will not only give the facility a more aesthetically pleasing look, it will also make the building safer for employees and visitors by reducing slip-and-fall accidents.

The scope of the project includes replacing carpet in the Administration office area and in the CID common areas and hallways. The flooring in these areas is 17-years-old.

Staff received three quotes for this project. Corporate Floors, Inc. had the lowest quote.

Funding for this project will come from the 2011 Certificates of Obligation.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into a contract with Corporate Floors, Inc. to replace existing flooring and vinyl cove base at the Law Enforcement Center in the amount of \$26,140.05.

**FISCAL IMPACT:**

2011 Certificates of Obligations:	\$582,526.87
Total Project Cost:	\$ 26,140.05
Balance:	\$556,386.82

**ATTACHMENTS:**

Resolution  
Contract

**RESOLUTION NO. 16-**

**A RESOLUTION AUTHORIZING THE CITY MANGER TO ENTER INTO A CONTRACT WITH CORPORATE FLOORS, INC. TO REPLACE FLOORING AND VINYL COVE BASE IN THE LAW ENFORCEMENT CENTER IN THE AMOUNT OF \$26,140.05.**

**WHEREAS, the City Council of Bedford, Texas determines the necessity to replace flooring in the Administrative Office area and the CID common areas and hallways at the Law Enforcement Center; and,**

**WHEREAS, replacing the flooring will provide for a more aesthetically pleasing look and will make the building safer for employees and visitors by reducing slip-and-fall accidents.**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:**

**SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.**

**SECTION 2. That the City Council does hereby authorize the City Manager to enter into a contract with Corporate Floors, Inc. to replace flooring and vinyl cove base in the Law Enforcement Center in the amount of \$26,140.05**

**SECTION 3. That funding will come from the 2011 Certificates of Obligation.**

**PRESENTED AND PASSED this 22nd day of March 2016, by a vote of \_\_ ayes, \_\_ nays and \_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.**

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**Jim Griffin, Mayor**

**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**



**INSTALL CLEAN RECYCLE CARE**

1712 Minters Chapel Road, Suite 100  
 Grapevine, TX 76051  
 817-329-7100 Voice 800.757.7233 Toll-free  
 817-601-2288 Fax www.corporatefloors.com

**Attention:** CHUCK CARLISLE  
**Salesperson:** Andrew Campbell  
**Estimator:** NewEstimator  
**Project Manager:** Natalie Marstella  
**Addendums Read:** \_\_\_\_\_

# Proposal

**Install Date:**

**Plan Date:**

**Bid Due Date:**

1/25/2016

**Date:**

2/15/2016

**Time:**

4:31 PM

**Revision #:**

**Bid #:**

29553

Bill To	Project
CITY OF BEDFORD 2000 FOREST RIDGE DRIVE BEDFORD, TX 76021	BEDFORD POLICE JUSTICS CENTER , TX
CHUCK CARLISLE Phone: (817) 940-0991- Cell: Pager: Fax:	Phone: Cell: Pager: Fax:

### POLICE HALLWAYS

Line	Description	UOM:	Quantity:	Extended:
1	C-1 CARPET DEMO, SUPPLIED, DISPOSAL AND INSTALLED - <u>LEES COMMERCIAL CARPETS</u> WAVELENGTH 24" X 24" CARPET TILES TBD	SY	480.00 \$	18,037.47
2	B-1 WALL BASE DEMO, DISPOSAL, SUPPLIED AND INSTALLED - <u>JOHNSONITE®</u> 4" COVE COIL TBD	LF	1,200.00 \$	1,653.08
3	-	SY	0.00 \$	0.00
<b>TOTAL (THESE LINE ITEMS TAX EXEMPT) \$</b>				<b>19,690.55</b>

### POLICE FRONT OFFICE AREA

Line	Description	UOM:	Quantity:	Extended:
1	C-1 CARPET DEMO, DISPOSAL, SUPPLIED AND INSTALLED - <u>LEES COMMERCIAL CARPETS</u> WAVELENGTH 24" X 24" CARPET TILES TBD	SY	152.00 \$	5,906.81
2	B-1 WALL BASE DEMO, DISPOSAL, SUPPLIED AND INSTALLED - <u>JOHNSONITE®</u> 4" COVE COIL TBD	LF	360.00 \$	542.69
<b>TOTAL (THESE LINE ITEMS TAX EXEMPT) \$</b>				<b>6,449.50</b>

**PROPOSAL TOTAL \$ 26,140.05**

### NOTES

INCLUDES  
REMOVAL OF FLOORING / BASE AND DISPOSAL  
MOVING FURITURE  
UP TO 4 BAGS OF FEATHER FINISH FOR FLOOR PREP

EXCLUDES  
SALES TAX  
MAJOR FLOOR PREP  
MOISTURE MITIGATION  
OT AND NIGHT / WEEKEND HOURS  
DISCONNECTING ELETRONICS

Corporate Floors will furnish, deliver, and install the above material in accordance with all transmitted plans, specifications and general conditions for the price listed on this document. The price includes all applicable freight and taxes, unless otherwise noted.

GENERAL EXCLUSIONS (UNLESS SPECIFICALLY INCLUDED IN THIS DOCUMENT): excludes all demolition, repair or take-up of existing flooring; excludes vacuuming, damp mopping, buffing, waxing or floor protection; excludes floor floating, leveling or repair; excludes sealing of floor, cleaning or removal of oil, grease, solvents, paints, plaster or other foreign substances; excludes asbestos control/abatement; excludes attic stock of material beyond installation coverage; excludes work after hours and weekends and multiple phases; excludes any furniture/fixture movement; excludes any permits required by state(s) or local requirements; excludes any addenda beyond the base bid; disconnect/reconnect of any electrical or mechanical products; Hoisting – Elevators or, if elevators are not operable or unavailable, hoisting equipment is assumed to be provided by the General Contractor. If this equipment is not available or inoperable, then GC will be charged the lesser of the cost to rent such equipment or to manually haul materials up stairs on a Time and Material basis. Excludes correction of high fly ash content in slabs (greater than 20%), which may affect polishing.

SITE CONDITIONS: Per CRI-104 7.0, the owner or general contractor is responsible for providing an acceptable substrate for the specified installation as well as light, power, water and and HVAC enclosed space.

SCHEDULE ACCELERATION: If the schedule is accelerated beyond the plan at the time of pricing, additional charges may occur in order to accommodate extra staff and/or irregular hours.

REMOVAL OF EXISTING FLOORING: Additional charges may be assessed for difficult or mechanical removal of old flooring. In such cases, CF will discuss additional fee's prior to starting any additional work.

FLOOR PREPARATION: Substrate must meet manufacturer's requirement for flatness and levelness even if that standard is more demanding than what the concrete contractor's specifications call for. Any leveling or floating to meet these standards will result in additional charges and will be billed on a per bag basis at the following rates unless otherwise specified; \$55 per bag for general floor prep/feather finish and \$125 per bag for self leveler.

SLAB MOISTURE: Before installation, the owner or general contractor, or their designated testing agent, is required to submit to the flooring contractor a written report on the moisture and alkalinity conditions of the concrete substrates. Proper testing is essential for a successful installation and any deviation from industry accepted MVER, RH and pH test methods may result in an installation failure and will void manufacturer and installation warranties. If CF provides these tests, the cost are \$150 per test. In most cases CF has these tests completed by a third party. Under no circumstances can testing be completed and/or flooring installed until the site has been fully enclosed and under HVAC for a minimum of 72 hours.

AMBIENT RELATIVE HUMIDITY: Must be within manufacturer recommended values for certain products such as wood flooring prior to installation. Please refer to the National Wood Flooring Association Guidelines Chapter 1 Part 1 Section C, Chapter 2 Part 1 Sections A and B, in addition to the manufacturer's specifications for the specified product requirements.

PRODUCT STORAGE: Client is subject to payment for materials held more than 30 days prior to the start or 30 days subsequent to the last day of the job. Storage fee's are \$.25 per yard per month for rolled/sheet goods and \$100 per pallet/bin per month for all other material. Client is not subject to early storage if a result of our own ordering process.

WARRANTY: Corporate Floors will provide a two year workmanship warranty on most services. Warranty does not include any moisture related sub floor failures or product failures as they are subject to the respective manufacturer.

GENERAL TERMS: Corporate Floors, Inc. will not accept charge backs of damage or cleaning without the option to inspect claim(s) to repair or without the option to make arrangements for acceptable repairs at their expense. Corporate Floors, Inc. is not responsible for any claims that might result from product delivery date changes beyond their control. If a manufacturer requires a deposit to manufacture/ship certain items, client will be responsible for pre-payment of said deposit. This proposal is valid for thirty (30) days. Full payment is due thirty (30) days from receipt of invoice unless otherwise specified.

Corporate Floors Inc - DFW - Installation

CITY OF BEDFORD

Signed:

Andrew Campbell

Accepted By:

Proposal Total: \$ 26,140.05

Anticipated Installation Start Date:

Corporate Floors is an MBE Certified Firm (DFWMBDC #DL09676 and HUB #1742847678600)

We require a 50% deposit on all new customers or where negotiated and/or required. Credit cards are subject to a 3% service fee on all products.

NOTE: NO PRODUCT ORDERS WILL BE PLACED WITHOUT APPROVED SUBMITTALS ON HAND

Services may be suspended or liens may be filed on accounts over 60 days past due.



# Council Agenda Background

**PRESENTER:** William Syblon, Development Director

**DATE:** 03/22/16

**Council Mission Area:** Be responsive to the needs of the community.

**ITEM:**

Consider a resolution authorizing the City Manager to enter into an agreement with Pyro Shows Incorporated and Adam Smith's Texas Harley-Davidson providing access to Block 2, Lot 1, Texas American Bankshares Addition, in order to stage and execute an outdoor aerial fireworks display.

**City Attorney Review:** Yes

**City Manager Review:** \_\_\_\_\_

**DISCUSSION:**

Adam Smith's Texas Harley-Davidson (Harley) will be holding their official grand opening event the weekend of April 30, 2016. As a component of the three-day event, they are preparing to have a fireworks display on one of the evenings. Harley has hired Pyro Shows Incorporated (Pyro Shows) to stage and execute the fireworks component of the event. Pyro Shows has approached the City to request access to, and the use of, City-owned property from which to launch the fireworks. The property they are requesting access to is Block 2, Lot 1 of the Texas American Bankshares Addition, and can be further described as being north of L. Don Dodson and immediately west of the site utilized to launch the fireworks for the 2015 City of Bedford 4thFEST. Pyro Shows has provided the City with an agreement that provides indemnification and insurance to the City of Bedford, and details the date and times of the show.

**RECOMMENDATION:**

Staff recommends the following motion:

Approval of a resolution authorizing the City Manager to enter into an agreement with Pyro Shows Incorporated and Adam Smith's Texas Harley-Davidson providing access to Block 2, Lot 1, Texas American Bankshares Addition, in order to stage and execute an outdoor aerial fireworks display.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

Resolution  
Access Agreement  
Aerial Exhibit

RESOLUTION NO. 16-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PYRO SHOWS INCORPORATED AND ADAM SMITH'S TEXAS HARLEY-DAVIDSON PROVIDING ACCESS TO BLOCK 2, LOT 1 OF THE TEXAS AMERICAN BANKSHARES ADDITION, IN ORDER TO STAGE AND EXECUTE AN OUTDOOR AERIAL FIREWORKS DISPLAY.

WHEREAS, the City Council of Bedford, Texas wishes to promote economic development activity within the city; and,

WHEREAS, Adam Smith's Texas Harley Davidson has engaged Pyro Shows Incorporated to stage and execute an outdoor aerial fireworks display; and,

WHEREAS, Pyro Shows desires access to Block 2, Lot 1 of the Texas American Bankshares Addition in order to stage and execute the fireworks display per the terms and conditions of an Access Agreement being attached hereto and incorporated herein as Exhibit "A" to this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BEDFORD, TEXAS:

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That the City Council hereby approves the Access Agreement and the City Manager is hereby authorized to execute same on behalf of the City.

PRESENTED AND PASSED this 22nd day of March 2016, by a vote of \_\_\_ ayes, \_\_\_ nays and \_\_\_ abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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Jim Griffin, Mayor

ATTEST:

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Michael Wells, City Secretary

APPROVED AS TO FORM:

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Stan Lowry, City Attorney