

Village Of Salado



REGULAR BOARD OF ALDERMEN
MEETING SALADO MUNICIPAL BUILDING
301 N. STAGECOACH, SALADO, TEXAS
January 2, 2025, 6:30 P.M.

THIS WILL BE AN IN-PERSON MEETING THAT WILL ALSO BE AVAILABLE VIRTUALLY USING **YouTube** YOU CAN ACCESS THE MEETING FROM YOUR COMPUTER, TABLET OR SMARTPHONE USING THE FOLLOWING LINK:

www.youtube.com/@VillageofSalado



Join the meeting 5 minutes before posted start time.

AGENDA

<u>CALL TO ORDER</u>	JANUARY 2, 2025, 6:30 P.M.
<u>CALL OF ROLL</u>	VILLAGE SECRETARY
<u>INVOCATION</u>	MAYOR BERT HENRY

PLEDGE OF ALLEGIANCE / SALUTE TO THE TEXAS FLAG

1. PRESENTATION

MAYOR'S AWARD FOR OUTSTANDING SERVICE TO POLICE SERGEANT CHRISTOPHER DUNSHIE

2. PUBLIC COMMENTS

THE BOARD OF ALDERMEN WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN NOT ON THE AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A FIVE (5) MINUTE TIME LIMIT WHEN ADDRESSING THE BOARD. SPEAKERS WILL HAVE ONE (1) OPPORTUNITY TO SPEAK DURING THIS TIME-PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR ALDERMEN CONSIDERATION.

3. CONSENT AGENDA

(A) APPROVAL OF THE MINUTES OF DECEMBER 19, 2024, REGULAR BOARD OF ALDERMEN MEETING

4. DISCUSS AND CONSIDER POSSIBLE ACTION REGARDING ANY ITEM REMOVED FROM THE CONSENT AGENDA

5. DISCUSSION AND POSSIBLE ACTION

(A) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-01, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS CALLING A GENERAL ELECTION FOR THE PURPOSE OF ELECTING THREE (3) ALDERMEN ON THE VILLAGE OF SALADO BOARD OF ALDERMEN TO BE HELD JOINTLY WITH A SPECIAL ELECTION ON MAY 3, 2025 TO DETERMINE WHETHER TO REDUCE THE TAX RATE ADOPTED BY THE BOARD OF ALDERMEN FOR THE CURRENT YEAR TO THE VOTER-APPROVAL RATE; ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; PROVIDING FOR NOTICE OF SUCH ELECTION AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

- (B) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-02, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ORDINANCE NO. 2018-10 REGULATING SIGNS WITHIN THE VILLAGE OF SALADO; AND PROVIDING FINDINGS OF FACT; PENALTIES EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.
- (C) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-03, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ADOPTING THE 2021 INTERNATIONAL BUILDING CODE, INTERNATIONAL CODE COUNCIL PERFORMANCE CODE FOR BUILDINGS AND FACILITIES, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL GREEN CONSTRUCTION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, THE 2023 NATIONAL ELECTRIC CODE, AND ALL APPENDICES REVISIONS TO THESE CODES; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.
- (D) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-04, AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS AMENDING THE CODE OF ETHICS FOR THE VILLAGE OF SALADO; AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.
- (E) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-05, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, TO ESTABLISH REGULATIONS OF SMOKING AND PROVIDE THE PENALTY FOR THE VIOLATION HEREOF; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

ADJOURNMENT

NOTE

THE BOARD OF ALDERMEN MAY RETIRE INTO EXECUTIVE SESSION AT ANY TIME BETWEEN THE MEETING'S OPENING AND ADJOURNMENT FOR THE PURPOSE OF DISCUSSING ANY MATTERS LISTED ON THE AGENDA AS AUTHORIZED BY THE

TEXAS GOVERNMENT CODE INCLUDING, BUT NOT LIMITED TO, HOMELAND SECURITY PURSUANT TO CHAPTER 418.183 OF THE TEXAS LOCAL GOVERNMENT CODE; CONSULTATION WITH LEGAL COUNSEL PURSUANT TO CHAPTER 551.071 OF THE TEXAS GOVERNMENT CODE; DISCUSSION ABOUT REAL ESTATE ACQUISITION PURSUANT TO CHAPTER 551.072 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF PERSONNEL MATTERS PURSUANT TO CHAPTER 551.074 OF THE TEXAS GOVERNMENT CODE; DELIBERATIONS ABOUT GIFTS AND DONATIONS PURSUANT TO CHAPTER 551.076 OF THE TEXAS GOVERNMENT CODE; DISCUSSION OF ECONOMIC DEVELOPMENT PURSUANT TO CHAPTER 551.087 OF THE TEXAS GOVERNMENT CODE; ACTION, IF ANY, WILL BE TAKEN IN OPEN SESSION.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the Bulletin Board at the Salado Municipal Building by December 30, 2024, by 5:00 p.m.

Debra Bean

Debra Bean, City Secretary

The Village of Salado is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact Debra Bean, City Secretary at 254-947-5060 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices may utilize the statewide Relay Texas Program at 1-800-735-2988.

Agenda Item # 1



Date Submitted:

Agenda Date Requested: December 30, 2024

Agenda Item:

PRESENTATION

Project/Proposal Summary:

1. PRESENTATION

MAYOR'S AWARD FOR OUTSTANDING SERVICE TO POLICE SERGEANT
CHRISTOPHER DUNSHIE

Agenda Item # 2 and 3



Date Submitted:

Agenda Date Requested: December 30, 2024

Agenda Item:

PUBLIC COMMENTS AND CONSENT AGENDA

Project/Proposal Summary:

2. PUBLIC COMMENTS

THE BOARD OF ALDERMEN WELCOMES COMMENTS FROM CITIZENS ON ISSUES AND ITEMS OF CONCERN NOT ON THE AGENDA. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AND OBSERVE A FIVE (5) MINUTE TIME LIMIT WHEN ADDRESSING THE BOARD. SPEAKERS WILL HAVE ONE (1) OPPORTUNITY TO SPEAK DURING THIS TIME-PERIOD. SPEAKERS DESIRING TO SPEAK ON AN AGENDA ITEM WILL BE ALLOWED TO SPEAK WHEN THE AGENDA ITEM IS CALLED. INQUIRIES ABOUT MATTERS NOT LISTED ON THE AGENDA WILL EITHER BE DIRECTED TO STAFF OR PLACED ON A FUTURE AGENDA FOR ALDERMEN CONSIDERATION.

3. CONSENT AGENDA

(A) APPROVAL OF THE MINUTES OF DECEMBER 19, 2024,
REGULAR BOARD OF ALDERMEN MEETING

Agenda Item # 5A



Date Submitted:

Agenda Date Requested: December 30, 2024

Agenda Item:

DISCUSSION AND POSSIBLE ACTION

Project/Proposal Summary:

5. DISCUSSION AND POSSIBLE ACTION

(A) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-01, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS CALLING A GENERAL ELECTION FOR THE PURPOSE OF ELECTING THREE (3) ALDERMEN ON THE VILLAGE OF SALADO BOARD OF ALDERMEN TO BE HELD JOINTLY WITH A SPECIAL ELECTION ON MAY 3, 2025 TO DETERMINE WHETHER TO REDUCE THE TAX RATE ADOPTED BY THE BOARD OF ALDERMEN FOR THE CURRENT YEAR TO THE VOTER-APPROVAL RATE; ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; PROVIDING FOR NOTICE OF SUCH ELECTION AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS CALLING A GENERAL ELECTION FOR THE PURPOSE OF ELECTING THREE (3) ALDERMEN ON THE VILLAGE OF SALADO BOARD OF ALDERMEN TO BE HELD JOINTLY WITH A SPECIAL ELECTION TO BE HELD ON MAY 3, 2025 TO DETERMINE WHETHER TO REDUCE THE TAX RATE ADOPTED BY THE BOARD OF ALDERMEN FOR THE CURRENT YEAR TO THE VOTER-APPROVAL RATE; ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING SUCH ELECTION; PROVIDING FOR NOTICE OF SUCH ELECTION AND PROVIDING FOR FINDINGS OF FACT, SEVERABILITY, REPEALER, EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the Village of Salado, Texas (the “Village”) desires to hold a General Election on May 3, 2025, for the purpose of electing three (3) Aldermen of the Salado Board of Aldermen (the “Board”); and

WHEREAS, on August 26, 2024, the Board of the Village approved an ad valorem tax rate of \$0.4860 per \$100 of valuation in the Village for the current year for the purpose of maintaining essential services under inflationary pressures and to manage the growth and development occurring in the Village. The voter-approval tax rate for the current year is \$0.3612 per \$100 of valuation in the Village.

WHEREAS, Section 26.075(c) of the Texas Tax Code provides that the qualified voters of a taxing unit may, by petition, require that an election be held to determine whether to reduce the tax rate adopted by the Board for the current fiscal year to the voter-approval tax rate.

WHEREAS, the Village received a Petition for Election to Reduce Tax Rate on November 22, 2024 (the “Petition”). The Petition has been examined and verified by the Bell County Elections Department and verified by the Village Secretary that it meets the requirements of Section 26.075(d) of the Texas Tax Code and Section 277.002 of the Texas Election Code, and the Board adopted a Resolution on December 9, 2024 setting the petition for special election on May 3, 2025.

WHEREAS, Texas Tax Code Section 26.075(f) requires that an election on the Petition shall be held on the next uniform election date that allows sufficient time to comply with the requirements of other law. Texas Election Code Section 3.005(c) requires that, in order for an election to be held on the uniform election date, the election shall be ordered not later than the 78th day before election day. The next uniform election day that will allow sufficient time to comply with this time requirement will occur on May 3, 2025.

WHEREAS, the City hereby finds and determines that an election should be held to determine whether to reduce the tax rate adopted by the Board for the current fiscal year to the

voter-approval tax rate in the manner described by the Attached **Exhibit A**, which is incorporated herein for all purposes; and

WHEREAS, the Board has the authority, pursuant to Texas Election Code Chapter 271, to enter into a joint election agreement with the Salado Independent School District (“Salado ISD”) and the Salado Public Library District, which are political subdivisions holding elections on the same day in all or part of the same territory; and

WHEREAS, in accordance with state law, and in furtherance of the public interest, for the good of government, peace, and order of the Village, and necessary and proper for carrying out the power granted by law to the Village, the Board of Aldermen of the Village of Salado, Texas, calls a joint general and special election to be held on May 3, 2025, and add to the ballot for voter consideration the ballot measure on the attached **Exhibit A**, which is incorporated herein for all purposes;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

Section 1. Findings of Fact: All of the above premises are hereby found to be true and correct legislative and factual findings of the Board of Aldermen and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Call of Election; Date; Eligible Electors; and Hours

A General Election and Special Election (“election”) is ordered to be held, at a polling place and election precinct within the corporate limits of the Village of Salado, as herein designated, on Saturday, May 3, 2025, from the hours of 7:00 a.m. to 7:00 p.m., at which election the ballot proposition as stated in **Exhibit A** shall be placed on the ballot and at which election there shall be elected three (3) Aldermen of the Village of Salado Board who shall be elected to serve a term of two (2) years. The proposition shall pass if the majority of votes are in favor, and shall fail if the majority of votes are against. The three (3) Aldermen candidates receiving the highest number of votes shall be elected.

Section 3. Voting Precincts. The boundaries and territory of the respective Bell County Election Precinct that is within the territorial boundaries of the Village is hereby designated as the voting precinct of the Village for the election. The precinct number for the Village’s election precinct shall be the corresponding Bell County Election Precinct Number(s) of the precinct.

Section 4. Voting Locations. The polling place for the election precinct for this election shall be as follows:

Village of Salado
Salado Civic Center
601 N. Main Street
Salado, TX 76571

Section 5. Conduct of Election Services Contract. Pursuant to Chapter 271 of the Texas Election Code, the election shall be conducted under the terms and conditions of an agreement between the Village of Salado, Salado ISD, and the Salado Public Library District (the “Joint Election Agreement”) which the Board of Aldermen shall approve by separate resolution, prior to the Election. Chapter 271 of the Texas Election Code provides that all authorities of two or more political subdivisions that have ordered elections for the same day in all or part of the same territory may enter into an agreement to hold the elections jointly in election precincts that can be served by common polling places, and the Board is expressly authorizing this action.

Section 6. Appointment of Election Officials. The Board of Aldermen shall appoint a Joint Election Officer, Presiding Judge, and Alternate Presiding Judge by separate resolution prior to the Election. The Presiding Judge may appoint up to four (4) clerks to serve and assist in conducting the election. The Alternate Presiding Judge shall be one of the clerks.

Each Presiding and Alternate Judge shall be given written notice of the appointment in accordance with Texas Election Code Section 32.009. Each Presiding Judge shall be served with a writ of election (notice of election) in accordance with Texas Election Code Section 4.007.

The Presiding Judge and election clerks shall be compensated at a rate of pay established in the Joint Election Agreement approved by the Village of Salado, Saldo Independent School District, and the Salado Public Library District by separate resolution in advance of the election. Compensable hours shall be determined in accordance with the provisions of the Texas Election Code, as amended, and other applicable laws.

Section 7. Early Voting. The Board of Aldermen shall appoint a deputy early voting clerk for early voting for the Village who shall also serve as the joint early voting clerk, as provided in the Joint Election Agreement. The appointment shall be made prior to the Election.

Section 8. Early Voting by Personal Appearance. The polling place for early voting by personal appearance for the Village election is:

Village of Salado
Salado Civic Center
601 N. Main Street
Salado, TX 76571

Early voting by personal appearance shall be conducted From April 21, 2025 to April 29, 2025.

Section 9. Early Voting by Mail. Early voting by mail shall be conducted in accordance with applicable provisions of the Texas Election Code. Ballot applications and ballots voted by mail shall be sent to: Salado ISD, Attn: Deputy Early Voting Clerk, 601 N. Main. St., P.O. Box 98, Salado, TX 76571. Applications for ballot by mail must be received no later than the close of business on April 22, 2025.

Section 10. Early Voting Ballot Board. The Board will appoint the Presiding Judge of the Early Voting Ballot Board at a subsequent meeting. The Presiding Judge shall appoint two (2) or more election clerks, and such judge and clerks shall constitute the Early Voting Ballot Board. All early votes and other votes to be processed in accordance with early voting procedures pursuant to the Texas Election Code shall be delivered to Salado ISD, 601 N. Main St., P.O. Box 98, Salado, TX 76571 in accordance with the Election Code. The Early Voting Ballot Board shall perform its duties in accordance with applicable provisions of the Election Code.

Section 11. Ballots and Election Expenditures Authorized. All ballots shall be prepared in accordance with the Texas Election Code. The ballots shall be printed in both English and Spanish. The Village of Salado shall provide at least one (1) ExpressVote (ES&S) voting system and at least one (1) DS200 Tabulating Unit in the polling place. Oral bilingual assistance shall be available during the election and may be obtained by contacting the Presiding Election Judge or Alternate Election Judge. The cost of the Election shall be shared proportionately with the Salado ISD and the Salado Public Library District as provided in the Joint Election Agreement. All expenditures necessary for the conduct of the election, the employment of all election officials, and the purchase of materials is hereby authorized.

Section 12. Custodian of Records. To the extent not otherwise provided in the Joint Election Agreement, the City Secretary is appointed as the Custodian of Records (“Custodian”) to perform duties related to the conduct and maintenance of records of the election as required under the Texas Election Code ending not earlier than the fortieth (40th) day after the date of the Election. In particular, the Custodian shall provide applications for candidates, accept applications from candidates for a place on the ballot, determine the order in which names will appear on the ballot for the Aldermen positions, and accept and maintain records regarding campaign expenditures that may be filled with the Village.

The Custodian shall maintain an office open for election duties for at least three (3) hours each day, during regular office hours, on regular business days during the period required by the Election Code. The Custodian shall post notice of the location and hours of the office as required by the Election Code.

Notwithstanding the foregoing, pursuant to Sections 66.058 and 271.010 of the Texas Election Code, prior to the Election, the Board shall appoint a Joint Custodian of Records for the sole purpose of preserving all voted ballots securely in a locked room in the locked ballot boxes for the period of preservation required by the Election Code.

Section 13. The election shall be held under, and in accordance with, the laws of the State of Texas.

Section 14. Notice of Election: The Village Secretary is hereby authorized and directed to prepare a form titled “Notice of Election,” the contents and form of which shall comply with the requirements of the Texas Election Code and other law. The Village Secretary is directed to publish notice of the election in the Village’s official newspaper. The notice shall be published the same day in each two successive weeks, with the first publication occurring before the tenth

(10th) day before the date of the election. To the extent applicable, the Village Secretary shall also provide public notice of the election in accordance with the Texas Election Code.

Section 15. Election Information to be provided in Spanish. Election notices, instructions, orders, ballots, and other written material pertaining to the Election shall be translated into and furnished to voters in both the English and the Spanish language.

Section 16. Severability: Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

Section 17. Repealer: The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

Section 18. Conflicting Provisions. All orders and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Order shall be and remain controlling as to the matters ordered herein.

Section 19. Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 20. Authorization to Execute: The Mayor is authorized to execute and the Village Secretary is authorized to attest this Ordinance on behalf of the Board of Aldermen; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 21. Effective Date: This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 22. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED ON THIS THE _____ DAY OF _____, 2025
by the Village of Salado Board of Aldermen by a vote of _____ (Ayes) and _____ (Nays) and
_____ (Abstentions).

APPROVED:

Bert Henry, Mayor

ATTEST:

Debra Bean, Village Secretary

APPROVED AS TO FORM:

Josh Katz, Village Attorney

Exhibit 'A'
Ballot Language
Village of Salado, TX
Ordinance No. 2025-01
Tax Rate Special Election – May 3, 2025

PROPOSITION 1: Reducing the tax rate in the Village of Salado, Texas for the current year from the adopted rate of \$0.4860 per \$100 of valuation to \$0.3612 per \$100 of valuation.

FOR: _____

AGAINST: _____

Agenda Item # 5B



Date Submitted:

Agenda Date Requested: December 30, 2024

Agenda Item:

DISCUSSION AND POSSIBLE ACTION

Project/Proposal Summary:

5. DISCUSSION AND POSSIBLE ACTION

(B) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-02, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ORDINANCE NO. 2018-10 REGULATING SIGNS WITHIN THE VILLAGE OF SALADO; AND PROVIDING FINDINGS OF FACT; PENALTIES EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

Ordinance No. 2025-02
Village of Salado
County of Bell
January 2, 2025

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ORDINANCE NO. 2018-10 REGULATING SIGNS WITHIN THE VILLAGE OF SALADO; AND PROVIDING FINDINGS OF FACT; PENALTIES EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

WHEREAS, the Village of Salado, Texas (the “Village”) is a general law municipality in the state of Texas; and

WHEREAS, pursuant to Texas Local Government Code § 51.012, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers necessary for the government, interest, welfare, or good order of the Village as a body politic; and

WHEREAS, the Board of Aldermen (the “Board”) of the Village seeks to provide for the health, safety, and welfare of its citizens and to provide for the orderly development of land within its corporate limits and its extraterritorial jurisdiction; and

WHEREAS, the Board enacted Ordinance No. 2018-10 which regulates signage within the municipal limits and extraterritorial jurisdiction of the Village; and

WHEREAS, the Board desires to update its sign regulations to meet the changing conditions and needs of the Village as well as changed statutory and legal requirements related to sign regulation; and

WHEREAS, the regulation of signs within the Village will substantially promote the Village’s interests in preserving the aesthetic beauty of the Village as well as public safety; and

WHEREAS, the Village has the authority to regulate signage pursuant to Texas Local Government Code Chapters 51, 52, 211, 216, and 271; and

WHEREAS, the Board has determined that it is in the best interest of the citizens of the Village to amend Ordinance 2018-10 as follows.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION I. ENACTMENT PROVISIONS

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Amended Sign Ordinance”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits and its extraterritorial jurisdiction.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

SECTION II. ADOPTION

Ordinance No. 2025-02 is hereby adopted as follows:

Section 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Ordinance No. 2018.10 is amended as follows:

“SECTION 1. PURPOSE

The purpose of this Ordinance is to provide uniform sign standards and regulations in order to ensure public safety and to promote a positive Village image reflecting order, harmony and pride, and thereby strengthening the economic stability of Salado business, cultural, historical and residential areas.

SECTION 2. GENERALLY

No person may construct, reconstruct, place, install, repair, maintain, relocate, alter or use a sign after the effective date of this Ordinance unless such installation, construction, reconstruction, placement, repair, maintenance, relocation, alteration or use meets all the provisions of this and all other applicable ordinances adopted by the Board of Aldermen of the Village of Salado, Texas. Any sign that violates the provisions of this Ordinance shall constitute a nuisance.

SECTION 3. JURISDICTION

The provisions of this Ordinance shall apply within the Village limits and its extraterritorial jurisdiction.

SECTION 4. DEFINITIONS

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the Village of Salado shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

Abandoned Sign. A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least 60 days or, in the alternative, a sign that is non-commercial in nature and the content of the sign pertains to a time, event or purpose that has elapsed or expired in the preceding 60 days.

Area. The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with 2 faces back-to-back, oriented in opposite directions and separated by not more than 3 feet, with the same copy on both sides, shall be counted as a single sign. In cases where a sign is composed only of letters, figures, or other characters the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) that fully contains the sign content.

Awning Sign. A sign that is suspended from the underside of an awning or canopy structure or which projects into the space enclosed within or beneath an awning or canopy structure. A sign that is painted on or attached to the outside of an awning or canopy structure is an awning sign.

Banner. A flexible sign intended to be hung or mounted either with or without frames, made of paper, plastic, fabric or any other flexible material, and that is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment on the site or to a community, civic or other event either on or off the site. Flags are distinguished from banners for the purposes of this Ordinance.

Beacon. Any light with a beam directed into the atmosphere or directed at a point that is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.

Billboard. Any sign that is used or designed to be used to advertise or call attention to any product or service that is produced at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment that is not located on the same premises as the sign.

Bulletin Board. A sign that is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a church, social club, society or charitable organization.

Village. The Village of Salado, Bell County, Texas, an incorporated municipality.

Village Administrator. The Village Administrator or his/her duly authorized representative.

Changeable Copy Sign. A sign or part of a sign on which characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center. Any other sign on which the message changes more than once per day is a flashing sign.

Commercial Complex. Any property such as a shopping center, office park or industrial park, that consists of 2 or more establishments on a single platted lot, or which is designed, developed and managed as a unit.

Copy. The words and/or message displayed on a sign.

Daily Display Sign. A portable sign, regardless of its construction, that is designed to be placed on the ground or sidewalk adjacent to an establishment in order to advertise or call attention to the goods or services offered at that establishment.

Day. Calendar day.

Directional Sign. Signs located on commercial property designed provide direction to pedestrian and vehicular traffic.

Electronic Message Display. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Establishment. A use of land for any purpose that requires a building on the land, regardless of the commercial, nonprofit or public nature of the activity, but excluding a residence or active agricultural use in any form

Event Sign. A temporary sign, other than a commercial sign, posted to advertise an event sponsored by a public agency, school, church or religious institution, civic-fraternal or other organization.

Feather Flag Sign. A free-standing temporary sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

Flag. A fabric sheet, that is attached at one (1) end to a pole, cable or rope.

Free-standing sign. Either a monument sign or a self supported sign.

Handheld Sign. A sign that is not permanently or temporarily attached to the ground or to a permanent structure, and that is designed to be transported or carried by an individual.

Height. The distance from ground level to the top of the sign structure. The ground level is the lower of (1) the existing grade prior to construction of the sign or (2) the newly established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Historic District. A district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

Interstate 35 Corridor. A planning corridor which includes those properties contiguous to the north and southbound frontage roads of Interstate 35 within the corporate limits of the Village of Salado and its extraterritorial jurisdiction.

Internally illuminated Sign. A sign that has the light source enclosed within it so the source is not visible to the eye.

Illuminated Sign. A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.

Luminance. An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).

Mobile Billboard. A sign and/or an electronic message sign installed or displayed on a motor vehicle or trailer being towed by a motor vehicle for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle's primary business.

Monument Sign. A sign that is mounted on a base at least as wide as the sign and is of limited height. The opening between the base and the sign must be no greater than two (2) inches.

Moving Sign. A sign or any part of a sign that rotates, moves, or uses lighting to simulate motion.

New Business Sign. A temporary sign advertising the opening of a new business in an existing structure.

Off-Premises Sign. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

On-Premises Sign. A sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

Organization. An entity, including a natural person, that owns or operates the premises where an on-premise sign is displayed.

Pennant. a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign. A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Premises. A lot or tract within the Village, and contiguous lands in the same ownership, that is not divided by any public highway, street or alley, or right-of-way.

Projecting Sign. A building mounted sign with the faces of the sign projecting twelve (12) inches or more from and generally perpendicular to the building fascia, excepting signs located on a canopy, awning, or marquee.

Residential Area. Any property within the Village limits that is zoned for residential use. Any unzoned property within the Village limits or any property within the Village's extra-territorial jurisdiction that is vacant, in any form of agricultural use, on which a residence is the principal use, and any portion within two hundred (200) feet of any such residence.

Responsible Party. The owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

Roof Sign. Any sign that is mounted on or above the roof of a building, whose principal support fixtures are attached to a wall and a wall sign that is either painted directly on a sloping roof or mounted directly on a sloping roof in the same plane as the roof.

Rotating Sign. Sign faces or portions of a sign face that mechanically revolves around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights that convey an appearance of rotation.

Sign. Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and used for the purpose of communicating a message or attracting attention.

Signage. A community's inventory of signs used to communicate information or attract attention, including signature building, product displays, and dispensers, as well as traditional projecting, wall, roof, and freestanding signs. (See signature building.)

Single Commercial Building. A structure containing a single commercial establishment, office, business, school, church, non-profit organization, charity or government agency.

Temporary Sign. Any sign intended to remain in use for a short period of time that is not permanently installed.

Wall Plate. A sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall.

Wall Sign. A building-mounted sign that is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 16 inches from such surface (See fascia sign).

Window or Door Sign. A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

Vehicular Sign. A vehicle, whether motorized or a trailer, that is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle that is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner. However, this term does not include a customary sign in a vehicle window advertising the vehicle itself for sale or containing an incidental non-commercial statement by the vehicle owner.

SECTION 5. EXEMPTIONS FOR CERTAIN TYPES OF SIGNS

The following types of signs are exempt from regulation under this Ordinance:

- (A) Any sign inside a building, or a window or door sign, except for a lighted window sign or lighted door sign.
- (B) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as free-standing monuments, when placed by a governmental entity, historical society or other civic organization
- (C) Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.
- (D) Signs that advertise sales or "help wanted" not to exceed four (4) square feet, limited to one (1) per street frontage.
- (E) Signs placed by a federal, state or local government that provide directions to federal, state or local government offices and facilities, public schools and associated facilities, and the Salado Visitors Center.
- (F) Handheld signs of a non-commercial nature that do not rest on or otherwise touch the ground.

SECTION 6. GENERAL REGULATIONS

- (A) The provisions contained in this section shall apply to all signs, with the exception of those referenced in Section 5 of this Ordinance, located within the Village limits or extraterritorial jurisdiction ("ETJ").
- (B) No sign or part of a sign shall:

- (1) Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal.
- (2) Be placed upon real property without the consent of the property owner.
- (3) Be located in, on, or over any right-of-way, except for regulatory or informational signs erected by government agencies.
- (4) Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any intersection, curve or corner. This includes signs located on private property.
- (5) Be hung with less than 7-1/2 feet of vertical clearance above the sidewalk or less than fifteen (15) feet of vertical clearance above a street, drive, or parking area. This provision shall apply to any part of a sign, including mounting fixtures and supporting structures, that is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land.
- (6) Imitate or resemble an official traffic-control device or signal; attempt to direct the movement of traffic; or hide from view or hinder the effectiveness of an official traffic-control device or signal.
- (7) Be placed closer than six (6) feet to the edge of a road surface.
- (8) Be allowed that moves or has moving components, or has bright flashing lights or other distracting features. This does not include signs with slowly changing messages such as time or temperature.
- (9) Be located so that it is on or in any way obstructs any sidewalk, walkway or pathway used by the public for normal pedestrian access.
- (10) Extend above or beyond the building roof line, parapet or eaves when installed on a wall. A parapet is a low wall built along one or more sides around the perimeter of a roof.
- (11) Be located closer than ten (10) feet to any power line. Any such sign shall constitute a nuisance.
- (12) Be installed so that it faces contiguous residential property.

SECTION 7. SIGNS FOR WHICH NO PERMIT IS REQUIRED

The following types of signs are regulated under this Ordinance but do not require a permit:

(A) Public Service Signs.

A public service sign is a sign or part of a sign that is devoted to changeable messages without commercial content, such as public meeting information.

- (1) A public service sign shall be placed only in a non-residential area with prior approval of the property owner where is to be placed.
- (2) The area of a public service sign shall not exceed thirty-two (32) square feet, regardless of whether the public service sign is a separate sign or integrated as a component of another sign.

(B) Realty Signs.

A realty sign is a sign that advertises the property on which the sign is located for sale, lease, or rent.

- (1) Realty signs may be placed only upon the premises to which they refer, and only one (1) such sign shall be permitted per street fronting the lot or tract.
- (2) The area of a realty sign shall not exceed three (3) square feet in a residential area, eight (8) square feet in a commercial area.
- (3) No more than three (3) signs may be placed to advertise or mark the location of a realty open house at a site different from where the open house is occurring. The area of a realty open house sign shall not exceed three (3) square feet and shall only be placed on private property with the permission of the property owner. Such signs are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.

(C) Bulletin Boards.

Bulletin boards shall be located only on the premises of the institution or organization to whose activities it pertains. A bulletin board shall not exceed thirty-two (32) square feet in area.

(D) Community Service Signs.

Community service signs are those signs erected only by a unit of government, school, Chamber of Commerce, religious organization, or other non-profit agency.

- (1) The area of a community service sign shall not exceed six (6) square feet in a residential area or thirty-two (32) square feet in a non-residential area.
- (2) A community service sign shall not be erected for a period of more than seven (7) days.
- (3) Such signs may be placed on private property with the permission of the private property owner.

(E) Event Signs, On-Site.

An on-site event sign is a temporary sign that is placed to advertise or mark the location of an occasional event on the same site, involving the sale of goods or services.

- (1) An on-site event sign shall not exceed an area of three (3) square feet in a residential area or thirty-two (32) square feet at any other location and shall not be lighted.
- (2) Such signs are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.
- (3) Such signs may not be used to advertise a home for sale.

(F) Event Signs, Off-Site.

An off-site event sign is a temporary sign that is placed to advertise or mark the location of an occasional event at a site different from where the sign is placed, involving the sale of goods or services.

- (1) An off-site event sign shall not exceed an area of three (3) square feet and shall not be lighted.
- (2) Such signs shall be placed only on private property and only with the consent of the owner of the property.
- (3) No more than three (3) such signs may be used to give directions to the same event.
- (4) Such signs are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.
- (5) Such signs may not be used to advertise a home for sale.

(G) Non-Commercial Flag.

A non-commercial flag is a flag that does not advertise the sales of good or services or advertise the location of a commercial business that sells good or services:

- (1) When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the building code for wind and structural loading requirements. The plan design criteria shall provide the proposed location, attachment method to the structure and wind load resistance. A building permit shall be required for this type of installation.
- (2) Within Interstate 35 Corridor, ground mounted flagpoles shall not exceed forty (40) feet. In all other areas, the flagpole may not exceed the maximum building height of twenty-eight (28) feet. The height is measured from the base of the pole to the top of the pole.

(H) Wall Plates.

Each property shall be allowed one (1) wall plate. The wall plate shall not exceed one (1) square foot in a residential area or two (2) square feet in a non-residential area. Only one (1) wall plate may be permitted per residence or establishment.

(I) Temporary signs.

A temporary sign is a sign, such as a political sign, which is composed of chloroplast, plywood, or wall board.

- (1) A temporary sign that is located on private real property shall not have an area greater than thirty-two (32) square feet, shall not be more than four (4) feet in height, shall not be a lighted sign and shall not have any moving elements.
- (2) Temporary signs may be placed on property only with the consent of the property owner.
- (3) No temporary sign may be placed in, on or over any street or publicly owned land.

A temporary sign shall not be placed at a location for a period more than forty-five (45) days prior to the date of an election involving candidates for federal, state or local office that represent the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the additional temporary sign.

(J) Address Sign.

Every residential and/or commercial property shall have an address sign. An address sign is a sign, other than a wall plate or commercial sign, that identifies the address of a residential or commercial property.

- (1) An address sign shall not contain any commercial content or personal message.

- (2) The area of an address sign shall not exceed two (2) square feet.
- (3) Address signage is encouraged to be reflective and placed in a location on the property where it is visible at all times.
- (K) Auxiliary signs are signs that are not part of another commercial sign and that provide information, such as hours of operations, credit cards accepted, restrictions of sale to minors, “no soliciting” or “beware of the dog.” The area of such individual signs shall not exceed one (1) square foot, and the aggregate area of all such signs cannot exceed four (4) square feet for any commercial establishment or residence.
- (L) No permit is required to repaint or otherwise repair an existing sign, provided that the area of the sign is not enlarged, the height of the sign is not increased, and the location of the sign is not changed.
- (M) No permit is required to change the copy on a changeable copy sign.
- (N) Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration, and of a non-advertising nature; provided, that such decorations are maintained in an attractive condition, do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.

SECTION 8. REGULATION OF COMMERCIAL SIGNS; PERMIT REQUIRED

(A) Single Commercial Building

An establishment located in a single commercial building shall be allowed the following permanent signs;

- (1) One (1) free standing sign or one (1) monument sign with a maximum sign area of thirty-two (32) square feet and a maximum sign height of ten (10) feet on properties not located within the Interstate 35 Corridor. For properties located within the Interstate 35 Corridor, one (1) free standing sign or one (1) monument sign with a maximum sign area of sixty-four (64) square feet and maximum sign height of twenty (20) feet for a free-standing sign and a ten (10) feet for a monument sign.
- (2) One (1) roof sign or one (1) wall sign, sized and placed according to the following standards:
 - (a) One (1) wall sign is allowed per building façade of an establishment. Such wall signage shall comply with the size requirements for wall signage, as set forth in this Ordinance.

- (b) A wall sign that is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign.
 - (c) The area of all wall signs on any single wall shall not exceed ten (10) percent of the area of the wall of the establishment where the sign is to be located.
 - (d) In the event wall signage does not exist, one (1) roof sign is allowed, per establishment. Such signage shall comply with the size requirements for roof signage, as set forth in this Ordinance.
 - (e) Roof signs are allowed to be painted on the surface of the roof top or mounted parallel to the building wall face on the roof, but may not extend above the main building ridge line of the establishment.
 - (f) The area of a roof sign shall not exceed ten (10) percent of the area of the building façade of the establishment above which the sign is located.
- (3) One (1) daily display sign, sized and placed according to the following standards:
- (a) Daily display signs must be located on the leased, rented, or owned business premises.
 - (b) Only one (1) daily display sign is permitted per establishment.
 - (c) A daily display sign may be placed or used only during the actual business hours of the establishment to which it refers.
 - (d) It shall be prohibited to erect or cause to be erected a daily display sign in any public right-of-way. Such signs shall not block designated parking areas and/or sidewalks.
 - (e) Daily display signs are limited to six (6) square feet in area per side and a maximum width of two (2) feet.

(B) Commercial Complex

- (1) A commercial complex shall be allowed one (1) free-standing sign or one (1) monument sign identifying the name and/or address of the complex and/or listing the individual tenants in the complex. Such sign shall be sized and placed in accordance with the following standards:
 - (a) For properties not located within the Interstate 35 Corridor, a commercial complex, with two (2) to five (5) tenants, shall be allowed one (1) free-standing sign or one (1) monument sign with a maximum sign area of sixty-

four (64) square feet. The maximum sign height for a free-standing sign shall be twelve (12) feet and ten (10) feet for a monument sign.

For properties located within the Interstate 35 Corridor, a commercial complex with two (2) to five (5) tenants shall be allowed one (1) free standing sign or one (1) monument sign with a maximum sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be twenty (20) feet and ten (10) feet for a monument sign.

- (b) For properties not located within the Interstate 35 Corridor, a commercial complex with six (6) to ten (10) tenants shall be allowed one (1) free-standing sign or one (1) monument sign with a maximum base sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be fourteen (14) feet and ten (10) for a monument sign. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred fourteen (114) square feet.

For properties located within the Interstate 35 Corridor, a commercial complex with six (6) to ten (10) tenants shall be allowed one (1) free-standing sign and one (1) monument sign with a maximum base sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be twenty (20) feet and ten (10) feet for a monument sign. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred fourteen (114) square feet.

- (c) For properties not located within the Interstate 35 Corridor, a commercial complex with eleven (11) or more tenants shall be allowed one (1) free-standing sign or one (1) monument sign with a maximum base sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be sixteen (16) feet and ten (10) feet for a monument sign. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred twenty-eight (128) square feet.

For properties located within the Interstate 35 Corridor, a commercial complex with eleven (11) or more tenants shall be allowed one (1) free-standing sign or one monument sign with a maximum base sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be twenty (20) feet and ten (10) feet for a monument sign. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred twenty-eight (128) square feet.

- (d) A commercial complex with a land area of two (2) acres or more may have one (1) free-standing sign or one (1) monument sign along each street that borders the complex for a distance of two hundred (200) feet or more. The total area of any one (1) free-standing sign or monument sign shall not exceed one hundred sixty (160) square feet. The maximum height of a free-standing sign shall not be more than sixteen (16) feet when located on border streets, with the exception of the Interstate 35 access road. The maximum sign height for a free-standing sign along the Interstate 35 access road shall be twenty (20) feet. The maximum sign height for a monument sign shall be ten (10) feet when located on any street bordering the complex.
- (2) Each establishment located in a commercial complex shall be allowed the following permanent signs:
 - (a) One (1) wall or one (1) roof sign per establishment, sized and placed according to the following standards:
 - (1) A wall sign, that is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign.
 - (2) The area of all wall signs on any single wall shall not exceed ten (10) percent of the area of the front facade of the establishment.
 - (3) Roof signs are allowed to be painted on the surface of the roof top or mounted parallel to the building wall face on the roof but may not extend above the main building ridge line of the establishment.
 - (4) The area of a roof sign shall not exceed ten (10) percent of the area of the building façade of the establishment above which the sign is located.
 - (b) One (1) awning sign per establishment, sized and placed according to the standards set forth in this Ordinance:
 - (1) No awning sign shall extend beyond an edge of the awning structure to which it is attached. Except at a street corner, no awning sign shall be closer than five (5) feet from the end of the longer side of the awning structure.
 - (2) An awning sign that is perpendicular to a building face shall not exceed 1/3 of the width of the awning structure. A minimum spacing of ten (10) feet must be provided between such awning signs.
 - (3) An awning sign that is parallel to a building face shall not exceed 1/4 of the length of the awning structure.

- (4) No awning sign shall extend more than two (2) feet either above or below the horizontal underside of the awning structure. No awning sign shall have less than seven (7) feet from ground clearance.
- (c) One (1) daily display sign per establishment sized and placed according to the following standards:
 - (1) Daily display signs must be located on the leased, rented, or owned business premises.
 - (2) Only one (1) daily display sign is permitted per establishment.
 - (3) A daily display sign may be placed or used only during the actual business hours of the establishment to which it refers.
 - (4) A daily display sign shall not be erected in any public right-of-way. Such signs shall not block designated parking areas and/or sidewalks.
 - (5) Daily display signs are limited to six (6) square feet in area per side a maximum width of two (2) feet.
- (d) One (1) free-standing sign for an individual establishment located within a commercial complex may be permitted only if the establishment meets both of the following conditions:
 - (1) The establishment is located along a street bordering, or within, the complex and in a separate building from the principal building of the complex; and
 - (2) The establishment has a separate parking area from the principal parking area of the complex that may connect with the principal parking area but is visually set off from that area by fencing or landscaping.
 - (3) The maximum area of a free-standing sign for an individual business located within a commercial complex shall not exceed thirty-two (32) square feet and a maximum sign height of ten (10) feet.

(C) New Business Signs.

New business signs or banners shall be allowed prior to the installation of a permanent sign. The maximum area of such signs shall not exceed thirty-two (32) square feet and a maximum sign height of ten (10) feet and must be removed upon installation of the permanent sign or within fifteen (15) days after the Village issues a certificate of occupancy for the project, whichever comes first.

(D) Commercial Sign Illumination.

- (1) Commercial signs which front public or private streets that are not addressed in another section of this Ordinance shall be illuminated only in accordance with the following requirements:
 - (a) No illuminated sign shall have luminance greater than sixty-five (65) foot candles for any portion of the sign within a circle one (1) foot in diameter.
 - (b) The lamp and ballast watts of an illuminated sign shall not exceed 1.5 watts per square foot.
 - (c) The light source for an illuminated sign, whether internal or external, shall be shielded from view.
 - (d) All illuminated signs should not be illuminated after 10 p.m. or the close of business, whichever is later.
 - (e) Flashing, blinking, revolving or rotating lights on a sign are not permitted.
 - (f) No illuminated sign shall face a residentially zoned area.
 - (g) No sign shall be lighted to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard. Any such sign shall constitute a nuisance.

**SECTION 9. OTHER TYPES OF SIGNS FOR WHICH
PERMITS ARE REQUIRED**

The following types of signs are regulated under this Ordinance and require a permit:

(A) Bed and Breakfast/Vacation Rental Identifier Signs.

A bed and breakfast identifier sign is a sign located on a property that includes a bed and breakfast (as defined in the Village of Salado Zoning Ordinance.)

- (1) Bed and breakfast identifier signs, when erected, shall be placed on the same premises on which a bed and breakfast that is registered with the Village of Salado and the State Comptroller's Office as a bed and breakfast is located.
- (2) The identifier sign shall not exceed two (2) square feet in area and a maximum sign height of four (4) feet.

(B) Construction Signs.

Construction signs are signs placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project.

- (1) A construction sign may not exceed thirty-two (32) square feet in a non-residential area or sixteen (16) square feet in a residential area.
- (2) A construction sign must be removed at the time of the installation of the permanent sign or within fifteen (15) days after the Village issues a certificate of occupancy for the project, whichever comes first.
- (3) Construction signs that are larger than three (3) square feet in area and not securely mounted on a wall shall be set back at least ten (10) feet from the property line.
- (4) Only one (1) construction sign may be permitted per street that fronts a building project or other project under construction, reconstruction, or repair.

(C) Directional Signs.

A directional sign may not contain any commercial message except the name, logo or other symbolic identification of the establishment to which the sign is secondary. The area of a directional sign may not exceed twelve (12) square feet. The total number of directional signs on a premises shall not exceed the total number of street entrances to the premises. Such signs shall be placed on the premises for which direction is being provided and not in the right- of- way.

(D) Lighted Window or Door Signs.

An establishment shall only have one (1) lighted window or door sign per store front, not to exceed three (3) square feet in area. These signs shall be turned off when the establishment is not open for business.

(E) Model Home Signs.

A model home sign is a sign that is located on the same lot as a model home in a residential subdivision and that calls the attention of prospective buyers to the model home.

- (1) A model home sign shall be erected only on the actual site of a model home, and only one (1) such sign may be erected on the site.
- (2) The area of a model home sign shall not exceed sixteen (16) square feet, and the height of a model home sign shall not exceed six (6) feet.
- (3) A model home sign shall not be internally illuminated.

- (4) All model home signs must be removed within thirty (30) days after ninety (90) percent of the homes in the subdivision are sold.

(F) Portable Sign.

A portable sign is a non-commercial, non-changeable copy sign that is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise, but excluding construction signs, on-site event signs, off-site event signs, realty signs and sidewalk signs.

- (1) Portable signs may be used only to promote a non-profit community event.
- (2) Such signs shall not be illuminated, either by internal or external means.
- (3) Such signs shall not exceed an area of thirty-two (32) square feet.
- (4) Such signs may be placed on private property only with the permission of the owner of such property, on Village property only with the prior written approval of the Village Administrator, or on other public property only with the permission of the agency owning the property.
- (5) Such signs shall not be erected more than fourteen (14) days prior to the event, and all such signs must be removed by the responsible party not more than three (3) days after the event.

(G) Residential Development Signs.

A residential development sign is a sign at the entrance to a residential development, such as a series of townhouses, or a residential subdivision that identifies the name and/or the address of the residential development.

- (1) In addition to the name and/or the address of the residential development, a residential development sign may incorporate incidental leasing information and/or the contents of a directional sign.
- (2) The area of a residential development sign shall not exceed thirty-two (32) square feet and shall be no taller than ten (10) feet.
- (3) A residential development sign shall not be internally illuminated.
- (4) The landscaped area adjacent to or beneath to a residential development sign on private property shall be maintained at all times by the private property owner in such a manner so as not to create a public health and safety hazard and to ensure the visibility of the residential development sign.

SECTION 10. PROHIBITED SIGN TYPES

The construction, placement, existence, or use of signs of the following nature are prohibited by this Ordinance.

- (A) Beacons.
- (B) Changeable copy signs, except in the categories of gasoline pricing signs and changeable copy free-standing signs.
- (C) Flashing signs.
- (D) Signs with visible moving parts.
- (E) Exterior Neon signs.
- (F) Roof signs except as allowed in commercial sign regulations of this Ordinance.
- (G) Mobile Billboards and Vehicular signs, excluding vehicle wraps and magnetic signs affixed to a vehicle being used in the normal course of business and not parked at a location for advertising purposes.
- (H) Posters, pennants, ribbons, streamers, spinners, or other similar devices, provided that flags as regulated in this Ordinance are not included in this prohibition. This prohibition does not apply to posters, ribbons, streamers related to public school events and/or activities.
- (I) Signs, banners or posters that contain statements, words or pictures of an obscene, indecent, or immoral character or that offend public morals or decency.
- (J) Commercial signs of any character, in any form of construction, and at any location except as regulated by this Ordinance.
- (K) Signs, to include handheld signs, that by reason of their proximity to a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, constitute a hazard to vehicular or pedestrian traffic either because their location interferes with the safe operation of a vehicle, or because they obstruct the view of a traffic sign, signal, or device, or the view of other vehicular or pedestrian traffic, or because their design or content may be confused with any authorized traffic sign, signal or device.
- (M) Off-premise commercial signs.
- (N) Abandoned signs.
- (O) Banners.
- (P) Feather Flags.

- (Q) New billboards.

SECTION 11. SIGN PERMITS

- (A) *Permit and fee required.* Except as otherwise provided in this Ordinance, no person may construct, reconstruct, place, install, repair, maintain, or relocate any sign without first obtaining a sign permit from the Village through its Administrator. Each application for a sign permit must be accompanied by the appropriate fee established by the Village.
- (B) *Expiration of permits.* Permits shall expire if substantial progress on the approved action has not been achieved within six (6) months. Substantial progress shall include good faith initiation of construction of the sign or significant expenditures of funds toward sign construction.
- (C) *Modifications.* After a sign permit has been issued by the Village, it shall be unlawful to deviate from the terms and conditions of the permit without prior written approval by the Village Administrator.

In the event that a sign was erected, constructed, altered, repaired or relocated in violation of this Ordinance, the Village Administrator shall provide the party responsible for such sign with written notice requiring removal. If the responsible party fails to remove the sign by the date specified in the notice, then such sign may be removed by the Village, and the Village's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the Village may destroy, sell, or otherwise dispose of the sign.

SECTION 12. SIGN MAINTENANCE

- (A) *General.* All signs must be maintained in a structurally safe condition, and in good repair. The Village shall notify, by certified mail, the responsible party for any sign that constitutes a nuisance. The responsible party shall repair or remove the sign or seek an appeal of the nuisance determination within thirty (30) days of receipt of the notice. If the responsible party chooses not to take the instructed action or institute an appeal, the Village may repair or remove the sign, to the extent necessary to abate the nuisance. The Village may charge to the responsible party all costs associated with the sign's repair or removal. An appeal of a nuisance determination shall be to the Board of Adjustment.
- (B) *Signs that create imminent hazards to public safety.* Any sign that in the judgment of the Village Administrator has become an imminent hazard to public safety shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time that may be allowed for repairs or removal, and the notice may be served upon the responsible party by any means available. A sign that constitutes an imminent hazard and is not repaired or removed within the time specified in the notice shall be removed by the Village and the cost of such removal shall be charged to the responsible party. If a sign has been removed by the Village as a hazardous sign and the sign remains

unclaimed for a period of more than thirty (30) days, the Village may destroy, sell, or otherwise dispose of the sign. A sign presents an imminent hazard when it constitutes a nuisance and necessitates immediate action to avoid harm to the public health or safety.

SECTION 13. PRE-EXISTING NON-CONFORMING SIGNS

All signs that have been installed, and were lawful at the time of the installation, and are in existence as of the effective date of this Ordinance that do not conform to this Ordinance shall be known as “preexisting non-conforming signs.” Such preexisting non-conforming signs need not comply with the provisions of this Ordinance except as follows:

- (A) Any changes to a preexisting non-conforming sign, other than routine repair or maintenance, shall require that said sign be brought into compliance with all applicable Village ordinances.
- (B) When a preexisting nonconforming sign becomes an abandoned sign, its status as a preexisting nonconforming sign shall terminate.
- (C) A preexisting non-conforming sign shall be considered destroyed if the cost of repairing the sign, after a part of it has been destroyed or dismantled, is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location. A destroyed sign must be removed by the responsible party without compensation by the Village and within thirty (30) days of the damage, destruction or dismantling. A preexisting non-conforming sign that has been destroyed may not be replaced or rebuilt except by a sign that is in full conformity with this Ordinance.
- (D) A change in the ownership of a preexisting non-conforming sign alone shall not terminate its protected status. The owner or legal possessor of a preexisting non-conforming sign shall have the right to repair and maintain it. Such repairs shall not terminate the sign’s protected status.
- (E) Change of advertising copy is part of reasonable maintenance and repair, but the change of copy may not increase or expand the size of the original non-conforming use.
- (F) Change of facing or sign display area is part of reasonable maintenance and repair, but the change of facing and sign display area may not increase or expand the size of the sign in excess of the original, non-conforming use.

SECTION 14. VARIANCES

- (A) Application and Fee Required.

A variance is a written approval to depart from the strict application of the provisions of this Ordinance. Any person, business or other organization desiring to construct, reconstruct, place, install, repair, maintain, relocate, alter or use any sign that does not conform to the provisions of this Ordinance may make application for a variance to the provisions of this Ordinance. The application shall be filed with the Village Administrator or his or her designee using an

application form to be provided by the Village, and shall be accompanied by the appropriate fee established by Village. The application shall be processed and presented to the Board of Aldermen for review and consideration.

(B) Standards for Variances.

The Board of Aldermen may approve a variance only if it makes affirmative findings, reflected in the minutes of the Board of Aldermen's proceedings, as to all of the following:

- (1) The variance will not authorize a type of sign that is specifically prohibited this Ordinance;
- (2) The variance is not contrary to the goals and objectives outlined by the Village of Salado Comprehensive Plan;
- (3) The variance is not contrary to the public interest;
- (4) Due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship. Hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not satisfy this requirement;
- (5) The spirit and purpose of the Ordinance will be observed, and substantial justice will be done.

(C) Conditions of Variances.

The Board of Aldermen may impose such conditions or requirements for a variance as are necessary in the Board's judgment to achieve the fundamental purposes of this Ordinance. A violation of such conditions or requirements shall constitute a violation of this Ordinance. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the activity authorized is not substantially underway within six (6) months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

SECTION 15. RELATION TO OTHER ORDINANCES

This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance. This Ordinance is specifically subordinate to any ordinance or regulations of the Village pertaining to building and construction safety or to pedestrian and traffic safety.

SECTION 16. NO VESTED INTEREST

No person shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulation enacted hereby may be amended or repealed by the Board of Aldermen in the manner provided by law.

SECTION 17. PENALTY

(A) Civil and Criminal Penalties.

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

(B) Criminal Prosecution.

A violation of the provisions of this Ordinance is a criminal misdemeanor.

(C) Civil Remedies.

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;
- (2) A civil penalty of up to \$250 a day, except that a fine for a violation that relates to fire safety or public health and sanitation may not exceed \$1,000, when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) Other available relief.”

SECTION III. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come

inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER CLAUSE

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED this, the ____ day of _____, 2025, by a vote of ____ (ayes) to ____ (nays) and ____ abstentions vote of the Board of Aldermen of the Village of Salado, Texas.

Bert Henry, Mayor

ATTEST:

Debbie Bean, Village Secretary

Approved to Form:

Josh Katz, Village Attorney

Agenda Item # 5C



Date Submitted:

Agenda Date Requested: December 30, 2024

Agenda Item:

DISCUSSION AND POSSIBLE ACTION

Project/Proposal Summary:

5. DISCUSSION AND POSSIBLE ACTION

(C) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-03, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ADOPTING THE 2021 INTERNATIONAL BUILDING CODE, INTERNATIONAL CODE COUNCIL PERFORMANCE CODE FOR BUILDINGS AND FACILITIES, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL GREEN CONSTRUCTION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, THE 2023 NATIONAL ELECTRIC CODE, AND ALL APPENDICES REVISIONS TO THESE CODES; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

Ordinance No. 2025-03
Village of Salado
County of Bell
January 2, 2025

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, ADOPTING THE 2021 INTERNATIONAL BUILDING CODE, INTERNATIONAL CODE COUNCIL PERFORMANCE CODE FOR BUILDINGS AND FACILITIES, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL GREEN CONSTRUCTION CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL PRIVATE SEWAGE DISPOSAL CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, THE 2023 NATIONAL ELECTRIC CODE, AND ALL APPENDICES REVISIONS TO THESE CODES; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code § 51.032, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village; and

WHEREAS, the Board seeks to provide for the safe and orderly development of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the Board seeks to deter shabby craftsmanship, poor property maintenance, prevent fires, enhance public health and safety, reduce damage to neighboring properties, and preserve property values; and

WHEREAS, the Board finds that poorly constructed or maintained buildings constitute a nuisance and a threat to the public health, safety, and general welfare; and

WHEREAS, the Board seeks to protect the citizens of Salado and the public from the use of hazardous substances, materials, and devices, and from conditions hazardous to the life or property in the occupancy of buildings and premises; and

WHEREAS, the Board finds it to be in the best interest of the public to provide for an updated fire code within the Village; and

WHEREAS, the Board is authorized to regulate construction and prohibit nuisances pursuant to the Village’s general police powers and Texas Local Government Code Chapters 51, 54, and 217; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214, the Board is expressly authorized to establish procedures to adopt certain building codes, establish local amendments to such codes, and provide for the administration and enforcement of such codes; and

WHEREAS, the Board has already adopted some of the authorized building codes and finds it to be in the public interest to adopt other designated codes and updated editions of said codes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION I. ENACTMENT PROVISIONS

A. Findings of Fact: All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Additionally, the Board finds the Fire Code to be an enforceable regulation governing and safeguarding life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

B. Popular Name: This Ordinance shall be commonly referred to as “The 2021 International Code Adoption Ordinance.”

C. Scope: This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.

D. Compliance Required: 1) It shall be unlawful for any person to violate the Fire Code adopted by this Ordinance. 2) It shall be unlawful for any person to fail to comply with the Fire Code adopted by this Ordinance.

E. Effective Date: This Ordinance shall take effect immediately upon passage and publication.

F. Permit Fees. No permit required pursuant to the Codes adopted by this Ordinance shall be issued unless the fees prescribed by the Board have been paid; nor shall any amendment to a permit be approved until the additional fees, if any, have been paid. Fees for permits will be based on the fee schedule adopted by the Board.

SECTION II. ADOPTION

Ordinance No. 2025-03 is hereby adopted as follows:

A. Designation.

1. The Village hereby adopts the 2021 International Building Code, International Code Council Performance Code for Buildings and Facilities, International Energy Conservation Code; International Existing Building Code, International Fire Code, International Fuel Gas Code, International Green Construction Code, International Mechanical Code, International Plumbing Code, International Private Sewage Disposal Code, International Property Maintenance Code, International Residential Code, International Swimming Pool and Spa Code, International Wildland-Urban Interface Code, the 2023 National Electric Code, and all appendices and revisions to these codes.

B. Enforcement.

1. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance and the Fire Code adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

2. Criminal Prosecution

Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Ordinance is violated may constitute a separate offense. An offense under this Ordinance is a misdemeanor.

3. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to one hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) other available relief.

C. Code Conflicts

If any provision of this Ordinance shall be interpreted as conflicting with or being contrary to a provision in any of the codes or standards adopted by this Ordinance or any prior Ordinance of the Village, the more stringent requirement shall govern. If, in the case of a conflict, it is not easily discernible which provision is more stringent, the requirements stated in the text of this Ordinance shall govern.

SECTION III. RESERVATION OF RIGHTS

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION IV. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION V. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Alderman of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION VI. REPEALER CLAUSE

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VIII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION IX. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED on SECOND READING this, the ____ day of _____, 2025, by a vote of ____ (ayes) to ____ (nays) and ____ abstentions vote of the Board of Aldermen of the Village of Salado, Texas.

Bert Henry, Mayor

ATTEST:

Debbie Bean, Village Secretary

Approved to Form:

Josh Katz, Village Attorney

Agenda Item # 5D



Date Submitted:

Agenda Date Requested: December 30, 2024

Agenda Item:

DISCUSSION AND POSSIBLE ACTION

Project/Proposal Summary:

5. DISCUSSION AND POSSIBLE ACTION

(D) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-04, AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS AMENDING THE CODE OF ETHICS FOR THE VILLAGE OF SALADO; AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

Ordinance No. 2025-04
Village of Salado
County of Bell
January 2, 2025

ORDINANCE NO. 2025-04

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS AMENDING THE CODE OF ETHICS FOR THE VILLAGE OF SALADO; AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, THAT:

WHEREAS, the Village of Salado, Texas (the “Village”) is a Type A General Law Municipality located in Bell County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the Board of Aldermen (the “Board”) of the Village desires for all of its citizens to have confidence in the integrity, independence, and impartiality of those who act on their behalf in municipal government; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance that is for the good government, peace, or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, Pursuant to Texas Local Government Code, Section 54.004, the Village may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, on November 21, 2024, the Board adopted the “Covered Applications and Prohibited Technology Policy” which prohibits the use of certain technologies on Village owned or leased devices, and which is applicable to employees as well as elected officials of the Village;

WHEREAS, pursuant to this authority, the Board finds that the proposed amendments to the Code of Ethics is reasonable, necessary, and proper for the good government of the Village of Salado in order to effectuate the Covered Applications and Prohibited Technology Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS THAT THIS CODE OF ETHICS IS ADOPTED AS FOLLOWS:

Section 1. Enactment Provisions.

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Code of Ethics.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

Section 2. Statement of Purpose.

It is essential in a democratic system that the public have confidence in the integrity, independence, and impartiality of those who act on their behalf in municipal government. Such confidence depends on the conduct of those who exercise official power, as well as the availability of redress to all persons on equal terms, and the dissemination of information regarding the conduct of public business. The Salado Board of Aldermen adopts this Code of Ethics in order to promote confidence in the government of the Village of Salado, and in order to enhance the Village’s ability to effectively function. The Code of Ethics establishes standards of conduct, disclosure requirements, and fair enforcement mechanisms relating to all Village officials, candidates for public office, persons doing business with the Village, and Village employees. This Code of Ethics prohibits conduct that is incompatible with the Village’s best interests and state law, and minimizes the risk of any appearance of impropriety.

Section 3. Definitions.

The terms used in this Ordinance shall have the following meanings:

Business entity means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, nonprofit corporation, receivership, trust, or any other entity recognized by law.

Candidate has the meaning assigned by Section 251.001(1) of the Texas Election Code.

Village official means the mayor, every member of the Board of Aldermen, the village administrator, the village secretary, the village attorney, the village engineer, and all members of any commission, committee, or board appointed by the Board of Aldermen or the mayor.

Confidential information means any information that a Village official would be privy to because of the official’s position but otherwise is not available to the public under the provisions of the Texas Public Information Act (Texas Government Code Chapter 552).

Conflict disclosure statement means the Texas Ethics Commission disclosure statement required by Texas Local Government Code Chapter 176.

Conflict of interest questionnaire means the Texas Ethics Commission conflicts of interest form required by Texas Local Government Code Chapter 176.

Economic benefit means taxable income or any money, real or personal property, contract rights, sale, lease, option, credit, loan, discount, service, or any other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.

Economic interest means a legal or equitable interest in real or personal property or a fiduciary obligation to such property or contractual right in such property that is more than minimal or insignificant and would be recognized by reasonable persons to have weight in deciding a case or an issue. Service by a Village official as an officer, director, advisor, or otherwise active participant in an educational, religious, charitable, fraternal, or civic organization does not create an economic interest in the property of that organization. Ownership of an interest in a mutual or common investment fund that holds securities or other assets is not an economic interest in the securities or other assets unless the Village official participates in the management of the fund. A Village official does not have an economic interest in a matter if the economic impact on the village official is indistinguishable from the impact on the public or on the particular group affected by the matter.

Family member means the spouse, parent, or child, and the parents of a spouse, of a Village official, or appointee.

Gift means a favor, hospitality, or economic benefit other than compensation but which does not include campaign contributions reported as required by state law, gifts received from a relative if given on account of kinship, or any value received by will, intestate succession, or as a distribution from an *inter vivos* or testamentary trust.

Income means economic benefit received.

Indirect ownership means an equity interest in a business entity where the interest is held through a series of business entities, some of which own interests in others.

Property means real estate, personal items, equipment, goods, crops, livestock, or an equitable right to income from real estate, personal items equipment, goods, crops, or livestock.

Second degree of consanguinity or affinity is defined through a chart in Section 4(c)(4) of this Ordinance.

Source of income means any business entity, employment, investment, or activity which earned or produced income, including interest, dividends, royalties or rents, which has been paid to or for the credit of a Village official, candidate, or family member or which would be taxable to said Village official, candidate, or family member under the United States Internal Revenue Code, as amended, even though not actually paid or credited.

Substantial interest means an interest in an entity by a Village official or a family member who:

- (1) Owns ten percent or more of voting stock or shares of the business entity;
- (2) Owns ten percent or more or \$15,000.00 or more of the fair market value of the business entity;
- (3) If funds received from the business entity exceed ten percent or more of the person's gross income for the previous year;
- (4) If a Village official or family member has a substantial interest in real property or controls or has an interest in the property and the interest has a market value of \$2,500.00 or more; or
- (5) Owns or serves as an officer, director, advisor in an educational, religious, charitable, fraternal, or civic organization, including non-profit organizations.

Section 4. Standards of Conduct.

(a) General provisions.

(1) No Village official may disclose any confidential information gained through the official's position concerning property, operations, policies, or affairs of the Village, for gain or advantage in an economic interest of the Village official or the persons identified in section (c)(2)(b) of this section.

(2) No Village official may use the official's position or Village-owned facilities, equipment, supplies, or resources of the Village for gain in an economic interest of the Village official, for a political campaign of the official, or for any of the persons identified in section (c)(2)(b) of this section. A discount or award given for travel, such as frequent flyer miles, rental car or hotel discounts, or food coupons, are not things of value belonging to the Village for purposes of this section due to the administrative difficulty and cost involved in recapturing the discount or award for the Village.

(3) Except as specifically authorized by Village ordinance, no Village official may appear before the body of which the official is a member to represent the Village official or any person identified in subsection (c)(2)(b) of this section. The Village official may designate and be represented by a person of the official's choice in any such matter.

(4) No Village official may act as surety for any person or business entity that has a contract with the Village, or as a surety on any bond required by the Village for a Village official.

(5) These general provisions do not prohibit a Village official from representing the Village official's interest in the Village official's owner-occupied homestead before any Village body, except the body of which the official is a member.

(b) Gifts. No Village official may solicit or accept any contribution, gift, or economic benefit that is offered or given with the intention of influencing the judgment or discretion of such official; or given in consideration of the favorable exercise of the official's judgment or discretion in the past.

(c) Conflict of interest.

(1) Substantial interest. No Village official may vote on or participate in any decision-making process on a matter concerning property, a business entity, or a non-profit organization if the official, or the official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity has:

- a. A substantial interest in the property or business entity; or
- b. Owns or serves as an officer, director, or advisor in an educational, religious, charitable, fraternal, or civic organization, including non-profit organizations.

(2) Economic interest.

- a. No Village official may vote on or participate in any decision-making process on a matter if the official has an economic interest in the outcome of the matter under consideration.
- b. To avoid the appearance and risk of impropriety, a Village official may not take any official action that the official knows is likely to affect the economic interests of:
 1. The Village official's parent, child, step-child, spouse, or other family member within the second degree of consanguinity or affinity or a client of the Village official;
 2. An employer of the Village official, the official's parent, child, step-child, or spouse;
 3. A business entity for which the Village official serves as an officer or director or serves in any policy-making position;
 4. A person or business entity from whom, within the past 12 months, the Village official or the official's spouse, directly or indirectly, received an economic benefit;
 5. A person or business entity from whom, within the past 12 months, the Village official or the official's spouse, directly or indirectly, engaged in negotiations pertaining to business opportunities.

(3) Conflicts disclosure statement and recusal.

- a. A Village official shall file a sworn conflicts disclosure statement whenever a person or entity has contracted with the Village or is considering doing business with the person or entity and the Village official has an economic interest in or with the person or entity or if the person or entity has given to the Village official gifts

that have a value in the aggregate of more than \$250.00 in the 12-month period preceding the date the Village official becomes aware that the Village has a contract with such person or entity or that the Village is considering doing business with such person or entity. The Village official shall file the conflicts disclosure statement with the Village Secretary no later than 5:00 p.m. on the seventh business day after the date the Village official becomes aware of the facts that require the filing of the statement.

b. A Village official commits an offense if the Village official knowingly fails to file the conflicts disclosure statement.

c. The Village Secretary shall accept and file any and all Village official conflict disclosure statements and any vendor conflict of interest questionnaires.

d. The Village Secretary shall maintain a list of Village officials and shall make that list available to the public and any person who may be required to file a conflicts of interest questionnaire.

e. A Village official, or relative of the official as defined in Section 4(c)(1) of this Ordinance, having a substantial interest in the outcome of a matter under consideration shall disclose that the official has a substantial interest and recuse himself/herself immediately from voting and from the discussion of the matter. The Village official shall also promptly file an affidavit with the Village Secretary disclosing the nature and extent of the conflict, and the affidavit shall be included in the official minutes of the body.

(4) Consanguinity and affinity.

Affinity Kinship (Marriage) Relationships		
1st Degree	2nd Degree	
Father-in-law	Spouse's grandfather	
Mother-in-law	Spouse's grandmother	
Son-in-law	Spouse's brother (brother-in-law)	
Daughter-in-law	Spouse's sister (sister-in-law)	
Spouse	Spouse's grandson	
	Spouse's granddaughter	
	Brother's spouse (sister-in-law)	
	Sister's spouse (brother-in-law)	
Consanguinity (Blood) Relationships		
1st Degree	2nd Degree	3rd Degree
Father	Grandfather	Great-grandfather
Mother	Grandmother	Great-grandmother
Son	Brother	Nephew

Affinity Kinship (Marriage) Relationships		
1st Degree	2nd Degree	
Daughter	Sister	Niece
	Grandson	Great-grandson
	Granddaughter	Great-granddaughter
		Uncle
		Aunt

(5) Budget matters. The Board of Aldermen shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a member of the Board of Aldermen has a substantial interest. The member of the Board of Aldermen that has the substantial interest may not participate in the separate vote.

Section 5. Interest in Property Acquired With Public Funds.

- (a) Disclosure of interest in property. A Village official who has a legal or equitable interest in real property that is to be acquired with public funds shall file an affidavit within ten days before the date on which the property is to be acquired by purchase or condemnation.
- (b) Affidavit. The affidavit must:
 - (1) State the name of the Village official;
 - (2) State the Village official’s office, public title, or job designation;
 - (3) Fully describe the property;
 - (4) Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
 - (5) State the date when the person acquired an interest in the property;
 - (6) Include a verification as follows: “I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code”; and
 - (7) Contain an acknowledgement of the same type required for recording a deed in the deed records of the county.
- (c) The affidavit must be filed with the county clerk of the county in which the Village official resides and the county clerk of each county in which the property is located.

Section 6. Nepotism

- (a) Prohibition.

(1) A public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from Village funds or fees of office if:

a. The individual is related to the Village official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage); or

b. The Village official holds the appointment or confirmation authority as a member of a state or local board, the legislature, or a court and the individual is related to another member of that board, legislature, or court within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage).

(2) A Village official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position in which the individual's services are under the public official's direction or control and that is to be compensated directly or indirectly from Village funds or fees of office if:

a. The individual is related to another public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage); and

b. The appointment, confirmation of the appointment, or vote for appointment or confirmation of the appointment would be carried out in whole or partial consideration for the other public official appointing, confirming the appointment, or voting for the appointment or confirmation of the appointment of an individual who is related to the first public official within the third degree by consanguinity (blood or adoption) or the second degree by affinity (marriage).

(b) Exceptions.

(1) The prohibitions in Section 6(a) do not apply to:

a. An appointment to the office of a notary public or to the confirmation of that appointment;

b. An appointment or employment of a personal attendant by an officer of the Village for attendance on the officer who, because of physical infirmities, is required to have a personal attendant; or

c. Any other appointment excepted under Texas Government Code Chapter 573.

(2) The prohibition in Section 6(a)(1) does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:

a. The individual is employed in the position immediately before the election or appointment of the Village official to whom the individual is related in a prohibited degree; and

b. That prior employment of the individual is continuous for at least:

1. Thirty days, if the public official is appointed; or

2. Six months, if the public official is elected.

(3) If, under subsection (b)(2), an individual continues in a position, the Village official to whom the individual is related in a prohibited degree may not participate in any deliberation or vote on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

Section 7. Honorariums.

(a) Prohibition. A Village official is prohibited from soliciting, accepting, or agreeing to accept an honorarium in consideration for services that the Village official would not have been requested to provide but for the Village official's official position or duties.

(b) Exception. This section does not prohibit a Village official from accepting (1) transportation expenses, (2) lodging expenses or (3) meals in connection with a conference or similar event in which the Village official renders services, such as addressing an audience or engaging in a seminar to the extent that those services are more than merely perfunctory.

Section 8. Gifts.

(a) Prohibition.

(1) A Village employee performing regulatory functions or conducting inspections or investigations shall not solicit, accept, or agree to accept any benefit from a person the Village employee knows to be subject to regulation, inspection, or investigation by the Village employee or the Village.

(2) A Village employee having custody of prisoners shall not solicit, accept, or agree to accept any benefit from a person the Village employee knows to be in his custody or the custody of the Village.

(3) A Village employee or a Village official who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of the Village shall not solicit, accept, or agree to accept any benefit from a person the Village employee or Village official knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

(4) A Village employee or Village official who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision shall not solicit, accept, or agree to accept any benefit from a person the Village employee or Village official knows is interested in or likely to become interested in any matter before the Village employee or Village official or tribunal.

(b) Donation of unsolicited gift. A Village employee or Village official who receives an unsolicited benefit that the Village employee or Village official is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

(c) Exceptions. The prohibitions set out in this section do not apply to:

(1) A fee prescribed by law to be received by a Village employee or Village official or any other benefit to which the Village employee or Village official is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a Village employee or Village official;

(2) A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or

(3) A benefit to a Village employee or Village official required to file a statement under Texas Government Code Chapter 572, or a report under Texas Election Code Title 15, that is derived from a function in honor or appreciation of the recipient if:

a. The benefit and the source of any benefit in excess of \$50.00 is reported in the statement; and

b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are non-reimbursable by the state or the Village;

(4) A political contribution as defined by Texas Election Code Section 251.001;

(5) An item with a value of less than \$50.00 excluding cash or a negotiable instrument as described by Texas Business and Commerce Code Section 3.104;

(6) An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity;

(7) Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law; or

(8) Any gift or benefit otherwise excepted under Texas Penal Code Section 36.10.

Section 9. Village Records.

(a) Prohibition. A Village official shall not:

(1) Knowingly make a false entry in, or false alteration of, a Village record;

(2) Make, present, or use any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine Village record;

(3) Intentionally destroy, delete, conceal, remove, or otherwise impair the verity, legibility, or availability of a Village record;

(4) Possess, sell, or offer to sell a Village record or a blank Village record form with intent that it be used unlawfully;

(5) Make, present, or use a Village record with knowledge of its falsity; or

(6) Possess, sell, or offer to sell a Village record or a blank Village record form with knowledge that it was obtained unlawfully.

(b) Exception. It is an exception to the application of subsection (a)(3) of this section that the governmental record is destroyed pursuant to legal authorization or transferred under Texas Government Code Section 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Texas Local Government Code Title 6, Subtitle C.

Section 10. Misuse of Official Information.

(a) Prohibition.

(1) A Village employee or Village official shall not misuse information to which he or she has access by virtue of his or her office or employment and that has not been made public, and shall not:

a. Acquire, attempt to acquire or aid another to acquire or attempt to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

b. Speculate or aid another to speculate on the basis of the information; or

c. As a Village official, coerce another into suppressing or failing to report that information to a law enforcement agency.

(2) A Village employee or Village official shall not, with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:

a. The Village official Village employee has access to by means of his or her office or employment; and

b. Has not been made public.

(b) Definition. In this section, “information that has not been made public” means any information to which the public does not generally have access, and/or that is prohibited from disclosure under Texas Government Code Chapter 552.

Section 11. Electronic Information and Communications Systems Use Policy.

(a) Purpose. The establishment of a policy specifying acceptable use of electronic information systems that are the property of the Village of Salado, including computer hardware and software, tablets, land line and cellular telephones, printers/plotters, scanners, Fax machines, and electronic messaging (Email and texting) systems.

(b) Applicability.

(1) This policy applies to all Village elected officials, employees, appointed board and commission members, other officials, contractors, volunteers, third parties and others, collectively known as “Village users,” authorized to use Village owned/leased and operated electronic systems to:

a. Access Village data;

b. Access the internet or Village intranet;

c. Create/edit electronic content;

d. Create, send, and/or receive Email messages, including accessing private Email accounts using Village resources;

e. Print, plot, image, transmit or receive information by fax; and

f. Communicate using Village owned/leased telephone equipment.

(c) Ownership and use of the Village’s electronic systems.

(1) The Village utilizes electronic systems to allow more efficient and effective methods for the public to contact the Village and for Village officials and employees to conduct Village business. The Village’s electronic systems are the property of Village, and their intended uses are primarily for Village-related business purposes. Brief and limited use by

Village users of the Village's electronic systems for activities that do not directly relate to official Village business is permissible, provided:

- a. The use does not interfere with Village business or the performance by Village employees of their official duties;
- b. The cost to the Village is nominal; and
- c. The use does not create the appearance of impropriety.

(2) The following uses of the Village's electronic systems are prohibited:

- a. Accessing networks, servers, drives, folders, or files to which the user has not been granted access;
- b. Making unauthorized copies of Village files or other Village data and records;
- c. Printing, plotting, imaging, or transmitting or receiving documents via fax for personal business purposes;
- d. Destroying, deleting, erasing, altering, or concealing Village files or data, or otherwise making such files or data unavailable or inaccessible to the Village or to other authorized users of Village systems. (Access to files containing private, confidential, or proprietary information, per U.S. and/or Texas laws and regulations, will be restricted according to law.)
- e. Violating the laws and regulations of the United States or Texas, and Village policies and ordinances in any way;
- f. Engaging in unlawful or malicious activities;
- g. Knowingly or recklessly propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the Village's networks or systems or those of any other individual or entity;
- h. Causing congestion, disruption, disablement, alteration, or impairment of Village networks or systems;
- i. Failing to log off any secure, controlled-access computer or other form of electronic data system to which you are assigned, if you leave such computer or system unattended;
- j. Using recreational games;

k. Defeating or attempting to defeat security restrictions on Village systems and applications;

l. Using Village-owned communications systems to make personal calls that are not related to an emergency;

m. When creating and sending Email and/or text messages, appropriateness and good judgment must always be exercised. These messages may be subject to disclosure under the Texas Public Information Act and civil litigation discovery procedures. Therefore, the following email, social media, and texting uses using Village-owned accounts or equipment, or otherwise related to Village business, are prohibited:

1. Communications that may, in any way, be construed by a reasonable person of ordinary sensibilities as disruptive, offensive, abusive, or threatening;

2. Communications of sexually explicit images or messages;

3. Communications that contain materials that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability, sexual orientation, or religious beliefs;

4. Solicitation for commercial ventures, religious or political causes, outside organizations, or other non-work related solicitations;

5. Any other use that may compromise the integrity of the Village, harm its image, and/or the conduct of its business in any way;

6. Sending chain letters or participating in any way in the creation or transmission of unsolicited commercial Email ("spam") unrelated to legitimate Village purposes;

7. Misrepresenting oneself or the Village.

n. Knowingly or intentionally violating the Village's Covered Applications and Prohibited Technology Policy, as may be amended.

(3) Users should have no expectation of privacy associated with data and information created by, uploaded to, stored in, or transmitted through the Village's electronic systems. The Village reserves the right to examine, audit, and disclose all data and information created on, stored in, or transmitted through the Village's electronic systems. Key logging systems and similar tools may be utilized to ensure compliance with this policy.

(d) Internet browser policy. The Internet is to be used to further the Village's mission, to provide effective service of the highest quality to the Village's customers and staff, and to

support other direct work-related purposes. The various modes of internet/intranet access are Village resources and may be provided as business tools to Village users who may use them for research and communications related to official Village business. In the event of a conflict between the use of the internet on Village -owned equipment by a Village user and the day-to-day business operations of the Village and its employees, the business operations of the Village and its employees shall prevail.

(e) Personal electronic equipment.

(1) Users should not bring personal computers or data storage devices (such as CDs/DVDs, external hard drives, flash drives or other data storage media) to Village facilities or connect them to Village electronic systems unless expressly permitted to do so by the Village Administrator.

(2) Users of the Village's WiFi connection without connecting to the Village's network are exempt from this provision.

(f) Policy violation.

(1) All individuals governed by this policy are individually liable for any and all damages incurred as a result of violating Village security policy, copyright, and licensing agreements.

(2) Violation of this policy shall result in disciplinary action, up to and possibly including immediate termination of employment, contractual relationship, membership on an appointed board, or a letter of censure for a member of the Board of Aldermen, depending upon the severity and repeat nature of the offense.

(3) In addition, the individual governed by this section may face either/both civil and criminal penalties.

Section 12. Board of Aldermen role in ethics complaints.

(a) The Board of Aldermen, which term includes the Mayor, has jurisdiction over ethics complaints involving Village officials and employees that are filed pursuant to this Ordinance. However, if the Mayor or a member of the Board of Aldermen is the subject of a complaint, the person who is the subject of the complaint shall recuse him or herself from the Board's consideration of the complaint.

(b) The Board of Aldermen shall have the authority to review and investigate complaints filed in accordance with this Ordinance and issue a written finding of the Board's determination when appropriate.

(c) Service on the Board of Aldermen does not preclude a member of the Board from filing an ethics complaint. The Board member filing the complaint must recuse himself/herself from the Board's procedure and consideration of the complaint.

- (d) The Board may make recommendations and adopt revisions and changes to this Code of Ethics. The Board may seek any necessary assistance from the Village Administrator to carry out its duties under this Ordinance.
- (e) The Village Attorney may be utilized to advise and assist the Board of Aldermen and take part in hearings held by the Board.

Section 13. Role of the Village Attorney

- (a) The Village Attorney serves as legal counsel to the Board of Aldermen. When complaints are filed relating to the Mayor, Board of Aldermen members, or Village Administrator, independent legal counsel may be utilized to advise the Board of Aldermen and take part in its proceedings.
- (b) The Village Attorney serves as ethics advisor to Village officials and Village employees. As ethics advisor, the Village attorney is available to respond confidentially to inquiries relating to this Code of Ethics, and may render advisory opinions on potential conflicts of interest or potential violations of this Ordinance at the request of a Village official or Village employee. The advisory opinion in any subsequent charges concerning the matter may be used as a defense to an alleged violation of this section unless material facts were omitted or misstated by the person requesting the opinion.
- (c) The Village Attorney shall provide a preliminary review of the complaint to the Board of Aldermen. The preliminary review does not advise on the merits of a complaint.
- (d) If a complainant alleges a violation of this Ordinance by the Village Attorney, the Village shall retain independent legal counsel to advise the Board and take part in its proceedings on the complaint.

Section 14. Ethics Complaint Process.

(a) Filing.

(1) Any Village official, adult resident of the Village, or owner of property within the Village who believes that there has been a violation of this Code of Ethics by a Village official or employee may file a sworn complaint. A complaint alleging a violation of this Code of Ethics must meet the requirements herein and must be filed with the Village Secretary. A complaint must be filed within one year from the date of the alleged violation of the Code of Ethics.

(2) Required contents of a complaint. An ethics complaint must be in writing and under oath and must set forth in simple, concise, and direct statements the following:

- a. The name of the complainant;

- b. The street or mailing address, email address, and telephone number of the complainant;
- c. The name of the person who allegedly committed the violation of the Code of Ethics;
- d. The position or title of the person who allegedly committed the violation;
- e. The nature of the alleged violation, including, if possible, the specific provision of this Code of Ethics alleged to have been violated;
- f. A statement of the facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred; and which must contain the following:
 - 1. Documents or other material available to the complainant relevant to the allegation;
 - 2. A list of all documents or other material relevant to the allegation and available to the complainant, but that are not in the possession of the complainant, including the location of the documents; if known; and
 - 3. A list of all documents or other material relevant to the allegation, but unavailable to the complainant, including the location of the documents, if known.
- g. If the complaint is based on information and belief, the complaint shall state the source and basis of the information and belief.

(3) The complaint must be accompanied by an affidavit stating that the information contained in the complaint is either true and correct or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of this Code of Ethics.

(b) Ex parte communications. After a complaint has been filed, and during the consideration of a complaint by the Board of Aldermen, a member of the Board may not communicate directly or indirectly with any party or person about any issue of fact or law regarding the complaint, except at a meeting of the Board regarding the complaint. This provision does not prohibit a member of the Board to consult with the Village Attorney regarding procedural and legal issues, or Village staff regarding procedural issues.

(c) Notification.

(1) A copy of a complaint which meets the requirements of this section shall be promptly forwarded by the Village Secretary to the Village Attorney and to the person that is the subject of the complaint.

(2) The person alleged in the complaint to have violated this Code of Ethics may, within fourteen (14) days of his or her receipt of a copy of the complaint, provide a sworn response to the Village Secretary.

(3) A copy of any response to a complaint must be provided by the Village Secretary to the complainant and the Board. The complainant may, within seven (7) days of being provided a copy of the response, reply by sworn writing filed with the Village Secretary, who shall provide a copy of the sworn reply to the person charged in the complaint and the Board.

(3) Village officials and Village employees have a duty to cooperate with the Village Attorney, pursuant to this section.

(4) Unless recusal is required, all members of the Board shall receive copies of the complaint, any background documentation, and any responses or replies at least seven (7) days before a hearing on the matter.

Section 15. Ethics Hearing Process.

(a) Preliminary hearing.

(1) As soon as reasonably possible, but in no event later than 60 days after receiving a complaint, the Board shall conduct a preliminary hearing. The purpose of the preliminary hearing is to determine whether there are reasonable grounds to believe that a violation of the Code of Ethics has occurred. The Mayor shall be chairperson for the purposes of the ethics complaint procedure. If the Mayor is the subject of the complaint or the complainant, the Mayor Pro Tem shall serve as chair of any hearings or other consideration of the complaint.

(2) The complainant and the Village official or Village employee named in the complaint have the right of representation by counsel if they so choose.

(3) Statements at a preliminary hearing shall be under oath, but there shall be no cross examination or requests for persons or evidence issued for the hearing. Members of the Board may ask questions of the complainant and/or the person who is the subject of the complaint.

(4) The complainant shall state the alleged violation and describe in narrative form the testimony and other evidence which would be presented at final hearing that the complainant believes would prove the alleged violation stated in the written complaint. The complainant is allotted ten (10) minutes to state the basis of his or her complaint.

(5) The Village official or Village employee named in the complaint shall have the opportunity to respond, but is not required to attend the preliminary hearing or make any statement. The subject of the complaint is allotted ten (10) minutes to respond to the complaint. The subject of the complaint may describe in narrative form the testimony and

other evidence that he or she will present at the final hearing to disprove the alleged violation.

(6) Only members of the Board may question the complainant, or the person who is the subject of the complaint.

(7) The complainant and the person who is the subject of the complaint are each allowed, but not required, to have five (5) minutes for rebuttal.

(7) At the conclusion of the preliminary hearing one of the following actions shall be taken:

a. If the Board does not determine that there are reasonable grounds to believe that a violation of this article has occurred, the complaint shall be dismissed.

b. If the Board determines that there are reasonable grounds to believe that a violation of this article has occurred, it shall schedule a final hearing.

c. If the subject of the complaint has agreed that a violation has occurred, the Board may determine the appropriate sanction during the preliminary hearing.

(b) Final hearing.

(1) A final hearing shall be held as expeditiously as possible following the determination by the Board of Aldermen that there are reasonable grounds to believe that a violation of this Code of Ethics has occurred, but in no event shall it be held more than forty (40) days after said determination. The Board may grant two postponements, not to exceed fifteen (15) days each, upon the request of either the complainant or the subject of the complaint.

(2) If a complaint proceeds to a final hearing, the Board may request witnesses to attend and testify, administer oaths and affirmations, take evidence, and request the production of books, papers, records, or other evidence needed for the performance of the Board's duties or exercise of its powers, including its powers of investigation.

(3) At the final hearing, the Board and the subject of the complaint may make a statement under oath to the Board. The Board may determine the amount of time allotted for this statement. The complainant and the subject of the complaint may have attorneys present. The complainant, the subject of the complaint, and their attorneys are not permitted to cross-examine one another or witnesses at the hearing. However, the complainant, subject of the complaint, or their attorneys may submit questions for the witnesses to the Board chairperson for the Board's consideration. Members of the Board may question any witness.

(3) The issue at a final hearing is whether a violation of this Code of Ethics has occurred. The Board shall make its determination based on the evidence in the record. All witnesses shall make their statements under oath. If the Board determines that a violation has occurred, it shall state its findings in writing, identify the particular provision(s) of this

Code of Ethics which have been violated, and within ten (10) business days deliver a copy of the findings to the complainant, the person named in the complaint, and the Village Secretary, Village Administrator, and Village Attorney.

Section 16. Sanctions and Violations

- (a) If the Board determines that a violation of this article has occurred, it shall consider appropriate sanctions. The Board may receive additional testimony or statements before considering sanctions, but is not required to do so.
- (b) If the Board determines that a violation has occurred, it may impose the following sanctions:
 - (1) A letter of notification is an appropriate sanction when the violation is clearly unintentional. The letter of notification shall advise the Village official or Village employee of any steps to be taken to avoid future violations.
 - (2) A letter of admonition is the appropriate sanction when the Board finds the violation is minor.
 - (3) A letter of reprimand is the appropriate sanction when the Board finds a serious violation has been committed.
 - (4) A letter of censure is the appropriate sanction when the Board finds that a very serious violation has occurred or more than one serious violation or repeated serious violations of this Code of Ethics have been committed.
- (c) In addition, when the seriousness of the violation warrants, the Board, by majority vote, may suspend or remove any Village official from office.

Section 17. Repealer.

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

Section 18. Savings Clause.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

Section 19. Severability Clause.

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

Section 20. Notice and Meeting Clause.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its date of approval.

APPROVED: _____, 2025.

Bert Henry, Mayor

ATTEST:

Debbie Bean, Village Secretary

Approved to Form:

Josh Katz, Village Attorney

Agenda Item # 5E



Date Submitted:

Agenda Date Requested: December 30, 2024

Agenda Item:

DISCUSSION AND POSSIBLE ACTION

Project/Proposal Summary:

5. DISCUSSION AND POSSIBLE ACTION

(E) DISCUSSION AND POSSIBLE ACTION ON APPROVING ORDINANCE NO. 2025-05, AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, TO ESTABLISH REGULATIONS OF SMOKING AND PROVIDE THE PENALTY FOR THE VIOLATION HEREOF; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

Ordinance No. 2025-05
Village of Salado
County of Bell
January 2, 2025

ORDINANCE NO. 2025-05

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, TO ESTABLISH REGULATIONS OF SMOKING AND PROVIDE THE PENALTY FOR THE VIOLATION HEREOF; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas local government Code § 51.032, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village; and

WHEREAS, a substantial body of evidence including numerous studies demonstrates that tobacco smoke, including second hand smoke (also known as environmental tobacco smoke) is a positive danger to the health of and a material annoyance, inconvenience, discomfort, and health hazard to those who are within the vicinity of tobacco smoking;

WHEREAS, the Board desires to establish regulations governing smoking within the village in order to protect the health, safety, and welfare of the residents of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION I. ENACTMENT PROVISIONS

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Smoking Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

SECTION II. ADOPTION

Ordinance No. 2025-05 is hereby adopted as follows:

A. Definitions

For the purposes of this Ordinance, the following words, terms, and derivations thereof shall have the meanings given herein.

Business means a sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, dental, medical, engineering, architectural, or other professional services are delivered.

E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device, or a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette, e-cigar, or e-pipe, or under another product name or description.

Smoke means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, including from an E-cigarette, when the purpose of combustion, electrical ignition, or vaporization is human inhalation of the gases, particles, or vapors. Smoke does not mean the combustion of material solely for olfactory purposes that does not contain any tobacco or nicotine.

B. Prohibition of smoking in certain outdoor areas

Smoking shall be prohibited in the following outdoor places:

- (1) Within a reasonable distance of twenty-five (25) feet outside of entrances, operable windows, and ventilation systems of a business or Village-owned facility in order to ensure that smoke does not enter those areas;
- (2) In and within twenty-five (25) feet of all outdoor sports arenas, stadiums, fields, and amphitheaters; and
- (3) In and within twenty-five (25) feet all pavilions and playgrounds located within Village owned parks.

C. Penalty

Any person, firm, corporation, agent, employer, or employee thereof who intentionally, knowingly, recklessly, or with criminal negligence violates any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed \$500.00 for each offense.

SECTION III. RESERVATION OF RIGHTS

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance of the Village which existed at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION IV. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION V. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION VI. REPEALER CLAUSE

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VIII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting

was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION IX. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED on SECOND READING this, the _____ day of _____, 2025, by a vote of ____ (ayes) to ____ (nays) and ____ abstentions vote of the Board of Aldermen of the Village of Salado, Texas.

Bert Henry, Mayor

ATTEST:

Debbie Bean, Village Secretary

Approved to Form:

Josh Katz, Village Attorney