



DATE: November 2, 2015
TO: Mayor Voelker and Councilmembers
CC: Dan Johnson, City Manager
Don Magner, First Assistant City Manager
FROM: Aimee Nemer, City Secretary
SUBJECT: **Legal Review of Code of Ordinances**

Update State Law References (8 Sections)

1) Chapter 2 – Administration, Article VIII. Municipal Court of Record

Sec. 2-186. - Complaint; pleading.

Current

(b) Complaints must comply with **V.T.C.A., Code of Criminal Procedure § 45.17**, as amended.

(Ord. No. 3238-A, § 1, 8-9-99)

Proposed

(b) Complaints must comply with **V.T.C.A., Code of Criminal Procedure § 45.019**, as amended.

2) Chapter 9 – Floodplain Management, Article I. – In General

Current

Sec. 9-3. - Statutory authorization.

The state legislature has in **V.T.C.A., Water Code § 16.311**, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain that the following provisions shall constitute the flood damage prevention regulations of the city. *(Code 1966, § 15½-16)*

Proposed

Sec. 9-3. – Statutory authorizations.

The state legislature has in **V.T.C.A., Water Code § 16.315**, as amended, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council does ordain that the following provisions shall constitute the flood damage prevention regulations of the city.

3) Chapter 12 – Licenses, Taxation and Miscellaneous Business Regulations, Article I. – In General

Current

Sec. 12-2. - 9-1-1 emergency service fee.

(b) The mayor is authorized to execute a contract on behalf of the city with Southwestern Bell Telephone Company pursuant to the provisions of this section to provide for the furnishing of 9-1-1 emergency service for telephone subscribers located within the boundaries of the city. Such contract shall contain no provision or term inconsistent with **Vernon's Ann. Civ. St. art. 1432d or 1432e.**

Proposed

(b) The mayor is authorized to execute a contract on behalf of the city with Southwestern Bell Telephone Company and/or other companies pursuant to the provisions of this section to provide for the furnishing of 9-1-1 emergency service for telephone subscribers located within the boundaries of the city. Such contract shall contain no provision or term inconsistent with **state law**.

4-6) Chapter 14 – Nuisances, Article III. – Abandoned and Junked Motor Vehicles, Division 2.
– Abandoned Motor Vehicles

Current

Sec. 14-77. - Notification of owner and lien holders.

(a) When the police department takes into custody an abandoned motor vehicle under the provisions of this article, the police department shall notify not later than the tenth day after taking the motor vehicle into custody, by certified mail, the last known registered owner of the motor vehicle and all lien holders of record pursuant to the Certificate of Title Act [Vernon's Ann. Civ. St. art. 6687-1], V.T.C.A., Parks and Wildlife Code ch. 31, that the vehicle has been taken into custody. The notice shall describe the year, make, model and vehicle identification number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lien holders of their right to reclaim the motor vehicle not later than the 20th day after the date of the notice, on payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, or garagekeeper's charges if notice is under section 14-80. The notice shall also state that the failure of the owner or lien holders to exercise their right to reclaim the vehicle within the time provided constitutes a waiver by the owner and lien holders of all right, title and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.

Proposed

Sec. 14-77. – Notifications of owners and lien holders.

(a) When the police department takes into custody an abandoned motor vehicle under the provisions of this article, the police department shall notify not later than the tenth day after taking the motor vehicle into custody, by certified mail, the last known registered owner of the motor vehicle and all lien holders of record pursuant to the Certificate of Title Act, V.T.C.A., Transportation Code, § 501.001 et seq. that the vehicle has been taken into custody. The notice shall describe the year, make, model and vehicle identification number of the abandoned motor vehicle, set forth the location of the facility where the motor vehicle is being held, inform the owner and any lien holders of their right to reclaim the motor vehicle not later than the 20th day after the date of the notice, on payment of all towing, preservation and storage charges resulting from placing the vehicle in custody, or garage keeper's charges if notice is under section 14-80. The notice shall also state that the failure of the owner or lien holders to exercise their right to reclaim the vehicle within the time provided constitutes a waiver by the owner and lien holders of all right, title and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.

Current

Sec. 14-80. - Garagekeepers and abandoned motor vehicles.

(a) A motor vehicle left for more than ten days in a storage facility operated for commercial purposes after notice is given by registered or certified mail, return receipt requested, to the owner and to any lien holder of record under the Certificate of Title Act [Vernon's Ann. Civ. St. art. 6687-1] to pick up the vehicle, or for more than ten days after a period when under a contract the vehicle was to remain on the premises of the storage facility, or a motor vehicle left for more than ten days in a storage facility by someone other than the registered owner or by a person authorized to have possession of the motor vehicle under a contract of use, service, storage or repair, is considered an

abandoned vehicle, and shall be reported by the garagekeeper to the police department. If the notice to the owner or a lien holder is returned by the post office unclaimed, notice by one publication in one newspaper of general circulation in the city is sufficient notice.

Proposed

Sec. 14-80. – Garage keepers and abandoned motor vehicles.

(a) A motor vehicle left for more than ten days in a storage facility operated for commercial purposes after notice is given by registered or certified mail, return receipt requested, to the owner and to any lien holder of record under the Certificate of Title Act, **V.T.C.A., Transportation Code, § 501.001 et seq.**, to pick up the vehicle, or for more than ten days after a period when under a contract the vehicle was to remain on the premises of the storage facility, or a motor vehicle left for more than ten days in a storage facility by someone other than the registered owner or by a person authorized to have possession of the motor vehicle under a contract of use, service, storage or repair, is considered an abandoned vehicle, and shall be reported by the garage keeper to the police department. If the notice to the owner or a lien holder is returned by the post office unclaimed, notice by one publication in one newspaper of general circulation in the city is sufficient notice.

Current

Sec. 14-81. - Disposal of vehicle to demolisher.

The police department is authorized to apply to the Texas Highway Department for authority to sell, give away, or dispose of any abandoned vehicle in its possession to a demolisher in accordance with the provisions of **Vernon's Ann. Civ. St. art. 4477-9a, § 5.06**, as amended. (*Code 1966, § 13-96*)

Proposed

Sec. 14-81. – Disposal of vehicle to demolisher.

The police department is authorized to apply to the Texas Highway Department for authority to sell, give away, or dispose of any abandoned vehicle in its possession to a demolisher in accordance with the provisions of **V.T.C.A., Transportation Code, § 683.051** as amended.

7) Chapter 22 – Traffic, Article I. – In General

Current

Sec. 22-11. - Neighborhood electric vehicles and motor-assisted scooters.

(a) For purposes of this section the terms "neighborhood electric vehicle" and "motor assisted scooter" shall have the same meaning assigned by **V.T.C.A., Transportation Code, § 551.301**, as amended.

(b) A person may not operate a motor-assisted scooter on any alley, street or highway within the city except, that a person 12 years of age or older, who holds a scooter permit, may operate a motor-assisted scooter on residential streets **that are 27 feet or less in width and posted with a maximum speed limit of 30 miles per hour.**

Proposed

Sec. 22-11. – Neighborhood electric vehicles and motor-assisted scooters.

(a) For purposes of this section the terms "neighborhood electric vehicle" and "motor assisted scooter" shall have the same meaning assigned by V.T.C.A., **Transportation Code, §§ 551.301 and 551.351 as amended.**

(b) A person may not operate a motor-assisted scooter on any alley, street or highway within the city except, that a person 12 years of age or older, who holds a scooter permit, **may operate a motor-assisted scooter on streets that have a posted speed limit of 35 miles per hour or less.**

8) Chapter 22 – Traffic, Article IV. – Stopping, Standing and Parking

Current

Sec. 22-147. - Parking for disabled persons.

(c) A person commits an offense if the person is neither temporarily or permanently disabled nor transporting a temporarily or permanently disabled person and parks a vehicle with such special device or displaying a temporarily disabled person identification card in any parking space or parking area designated specifically for the disabled. A person commits an offense if the person parks a vehicle neither displaying the special device nor displaying a temporarily disabled person identification card in a parking space or parking area designated specifically for the disabled. A person commits an offense if the person parks a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled. A person commits an offense if he lends an identification card issued to him under **Vernon's Ann. Civ. St. art. 6675a—5e.1, as amended**, to a person who used the identification card in violation of this section. (Code 1966, § 21-66)

Proposed

Sec. 22-147. – Parking for disabled persons.

(c) A person commits an offense if the person is neither temporarily or permanently disabled nor transporting a temporarily or permanently disabled person and parks a vehicle with such special device or displaying a temporarily disabled person identification card in any parking space or parking area designated specifically for the disabled. A person commits an offense if the person parks a vehicle neither displaying the special device nor displaying a temporarily disabled person identification card in a parking space or parking area designated specifically for the disabled. A person commits an offense if the person parks a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled. A person commits an offense if he lends an identification card issued to him under **V.T.C.A., Transportation Code, § 681.002, as amended**, to a person who used the identification card in violation of this section.

Conform to State Law (4 Sections)

1) Chapter 5 – Animals

Current

Sec. 5-10. - Duty of owners and persons in control and protection of animals.

It shall be unlawful for any owner or person to:

- (1) Fail to prevent any animal from running at large within the corporate limits of the city.
- (2) **Perform, do or carry out any inhumane treatment against any animal. (Deleted – preempted by Penal Code, Sec. 42.092)**
- (3) Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which, by reason of noise, odor or sanitary conditions, becomes offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitutes or becomes a health hazard as determined by the director of health.
- (4) Keep or harbor any dangerous or vicious animal within the corporate limits of the city.
- (5) Keep, maintain, own or operate a dog kennel or cat kennel in any residential district within the corporate limits of the city.
- (6) Allow an animal under such person's control or ownership to defecate on any private or public property not owned by the person having control of the animal without the immediate removal of any and all feces. Any person aggrieved by such conduct shall file a complaint on a form provided by the city with the director of health or the director's designee. The complaint shall contain the name and address of the person who is alleged to have violated this provision. The person filing the complaint shall

appear as a witness in the municipal court. (Code 1966, § 3-3; Ord. No. 3056-A, § 1, 11-13-95)

Proposed

Sec. 5-10. – Duty of owners and persons in control of animals.

It shall be unlawful for any owner or person to:

- (1) Fail to prevent any animal from running at large within the corporate limits of the city.
- (2) Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal which, by reason of noise, odor or sanitary conditions, becomes offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitutes or becomes a health hazard as determined by the director of health.
- (3) Keep or harbor any dangerous or vicious animal within the corporate limits of the city.
- (4) Keep, maintain, own or operate a dog kennel or cat kennel in any residential district within the corporate limits of the city.
- (5) Allow an animal under such person's control or ownership to defecate on any private or public property not owned by the person having control of the animal without the immediate removal of any and all feces. Any person aggrieved by such conduct shall file a complaint on a form provided by the city with the director of health or the director's designee. The complaint shall contain the name and address of the person who is alleged to have violated this provision. The person filing the complaint shall appear as a witness in the municipal court.

2) Chapter 7 – Emergency Management

Current

Sec. 7-2. - Definitions.

For the purposes of this chapter the following words shall have the respective meaning ascribed:

Catastrophic incident means any natural or manmade occurrence that results in extraordinary levels of mass casualties, property damage, or disruption that severely affects the population, infrastructure, environmental, economy, national moral and/or government function. A catastrophic event could result in sustained national impacts over a prolonged period of time; almost immediately exceeds resources normally available to state, local and private-sector authorities in the impact area; and significantly interrupts governmental operations and emergency services to such an extent that national security could be threatened. A catastrophic event is incidents of national significance. (Eliminated this definition – use “Disaster”)

Emergency means the occurrence of day-to-day events to an imminent threat of riots, hostile military or paramilitary action, or public calamity requiring emergency actions.

Major disaster means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action, or energy emergency. (Ord. No. 3428-A, § 1, 10-27-03; Ord. No. 3595, § 1, 2-26-07) (Eliminated this definition – use “Disaster”)

**Proposed
Sec. 7-2. – Definitions.**

For the purposes of this chapter the following words shall have the respective meaning ascribed:

Disaster means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, other public calamity requiring emergency action, or energy emergency.

Emergency means the occurrence of day-to-day events to an imminent threat of riots, hostile military or paramilitary action, or public calamity requiring emergency actions.

3) Chapter 14 – Nuisances, Article III. – Abandoned and Junked Motor Vehicles, Division 1. – Generally

**Current
Sec. 14-61. - Definitions.**

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

Abandoned motor vehicle means a motor vehicle that is inoperable and over more than five years old and is left unattended on public property for more than 48 hours, or a motor vehicle that has remained illegally on public property for a period of more than 48 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than 48 hours, or a motor vehicle left unattended on the rights-of-way of any designated county, state or federal highway within this state in excess of 48 hours, or in excess of 12 hours on any turnpike project constructed and maintained by the Texas Turnpike Authority.

Antique auto means passenger cars or trucks that were manufactured in 1925 or before, or which become 35 or more years old.

Collector means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve and maintain an antique or special interest vehicle for historic interest.

Demolisher means any person whose business is to convert a motor vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle motor vehicles.

Garagekeeper means any owner or operator of a parking place or establishment, motor vehicle storage facility, or any establishment for the service, repair or maintenance of motor vehicles.

Junked vehicle means a vehicle that is self-propelled and:

- (1) Displays an expired license plate or invalid motor vehicle inspection certificate, or does not display a license plate or motor vehicle inspection certificate; and

- (2)Is: a. wrecked, dismantled or partially dismantled or discarded; or b. inoperable and has remained inoperable for more than: (i) 72 consecutive hours, if the vehicle is on public property; or (ii) 30 consecutive days if the vehicle is on private property.

Motor vehicle means any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act [Vernon's Ann. Civ. St. art. 6687-1].

Special interest vehicle means a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

Storage facility means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles. (Code 1966, § 13-90; Ord. No. 3449, § 1, 1-26-04; Ord. No. 3857, § 7, 3-12-12)

Proposed

Sec. 14-61. – Definitions.

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

Abandoned motor vehicle means a motor vehicle that:

- (1) is inoperable and is more than five years old; and is left unattended on public property for more than 48 hours;
- (2) has remained illegally on public property for a period of more than 48 hours;
- (3) has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
- (4) has been left unattended on the right-of-way of any designated county, state or federal highway for more than 48 hours;
- (5) has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the Texas Turnpike Authority or a controlled access highway; or
- (6) is considered an abandoned motor vehicle under V.T.C.A Transportation Code Section 644.153(r), as amended.

Antique auto means a passenger car or truck that is at least 25 years old.

Collector means the owner of one or more antique or special interest vehicles, who collects, acquires, or disposes of special interest or antique vehicles or part of a special interest vehicle or antique vehicle for his own personal use in order to restore and preserve a special interest vehicle or an antique vehicle for historic interest.

Demolisher means any person whose business is to convert a motor vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle motor vehicles.

Garage keeper means any owner or operator of a storage facility.

Junked vehicle means a vehicle that is self-propelled and:

- (1) Displays an expired license plate or does not display a license plate or motor vehicle inspection certificate; and
- (2) Is:
 - (A) wrecked, dismantled or partially dismantled or discarded; or
 - (B) inoperable and has remained inoperable for more than:
 - (i) 72 consecutive hours, if the vehicle is on public property; or
 - (ii) 30 consecutive days if the vehicle is on private property.

Motor vehicle means any motor vehicle subject to registration under **V.T.C.A. Chapter 501, Transportation Code**.

Special interest vehicle means a motor vehicle of any age which has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

Storage facility means a garage, parking lot, or establishment for the servicing, repairing, storing, or parking of motor vehicles.

4) Chapter 14, Nuisances, Article V. – Graffiti

Current

Sec. 14-125. - Owner responsibility.

(a) An owner of tangible property commits an offense if, after the 15th calendar day of receiving notification from the city as provided by this section, the owner fails to completely paint over or remove graffiti from the owner's property.

(b) Prior to submitting notice to an owner to remove graffiti as provided in this section, the director of neighborhood services shall make an offer to the owner, in writing, to remove the graffiti from the owner's property free of charge. If, in writing the owner refuses said offer, the director of neighborhood services shall have the authority to give notice to the owner in accordance with this section. The director of neighborhood services shall serve written notice to the owner requiring the removal of the graffiti from the property within 15 calendar days after the date the notice is received. The notice shall contain:

(1)The date and nature of the violation;

(2)The physical location of the violation by street address or lot and block number;

(3)The name of the owner; and

(4)A statement that if the graffiti is not completely painted over, or removed within 15 calendar days after such notice is received, the city or its designee may, without further notice, enter upon the owner's property, remove the graffiti and charge the costs incurred to the owner. If the city or its designee removes the graffiti, the cost of removal may be charged to the property owner and a lien may be filed against the owner's property.

(c) The notice required by this section may be served by:

(1)Personal delivery in writing; or

(2)Letter sent by United States certified mail, return receipt requested, to the owner at the owner's address as shown in the records of the appraisal district where the property is located; or

(3)If service cannot be obtained under subsections (c)(1) or (c)(2), then notice must be served by:

(A)Publication at least once in a newspaper of general circulation in the city; or

(B)Posting the notice on or near the front door of each building on the premises to which the notice relates; or

(C) Posting notice on a placard attached to a stake driven into the ground on the premises to which the notice relates.

(d) Notice will be deemed to have been received:

- (1) For personal service, as of the date the notice was given personally to the owner;
- (2) For mailed notice, three days after it was mailed;
- (3) For notice by publication, on the date the notice was published in the newspaper;
or
- (4) For notice by posting, ten days after the notice was posted.

(e) A citation for violation of subsection (a) may be issued on or after the 15th calendar day after the date the notice is deemed received.

(f) If the owner does not comply with this article on or before the 15th day after the notice is deemed received, the city or its designee may enter the property and do the work necessary to abate the graffiti. (*Ord. No. 3502, § 1, 3-14-05; Ord. No. 3791, § 1, 9-27-10*)

[added (g)]

**Proposed
Sec. 14-125. – Owner responsibility.**

(g) A property owner shall not be required to remove graffiti under this section if: 1) the graffiti is located on transportation infrastructure or 2) the removal of graffiti would create a hazard for the person performing the removal.

Clarify Language (2 Sections)

1) Chapter 1 – General Provisions

Current

Sec. 1-1. - How Code designated and cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Richardson, Texas," and may be so cited. (*Code 1966, § 1-1*)

Proposed

Sec. 1-1. – How Code is Designated and Cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of Richardson, Texas," and may be so cited. **This Code shall also be known as the Richardson City Code.**

2) Chapter 12 – Licenses, Taxation and Miscellaneous Business Regulations, Article II. – Hotel Occupancy Tax

Current

Sec. 12-32. - Penalty and interest.

A penalty of 15 percent of the tax due shall be imposed on a hotel which fails to pay a tax imposed by this article when due. The tax imposed by this article that is not paid to the city when it is due shall accrue interest at the rate of one percent per month, beginning on the first day of the month after the date the tax is past due. (*Code 1966, § 20½-27; Ord. No. 3788, § 1, 9-13-10*)

Proposed

Sec. 12-32. – Penalty and interest.

A penalty of 15 percent of the tax due shall be imposed on a hotel which fails to pay a tax imposed by this **article by the end of the first full municipal fiscal quarter after the tax is due**. The tax imposed by this article that is not paid to the city when it is due shall accrue interest at the rate of one percent per month, beginning on the first day of the month after the date the tax is past due.

Update Reference to International Building Codes (2 Sections)

- 1) Chapter 6 – Buildings and Building Regulations, Article X. – Antennas, Division 2. – Residential Areas

Current

Sec. 6-440. - Construction and maintenance requirements.

All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the following requirements:

- (1) All electrical specifications of such antenna masts, towers and supports shall comply with the National Electrical Code, the electrical code of the city, **Standard Building Code, and the building code of the city.**
- (2) Antenna structures shall be designed in accordance with section 1205.1 of the **Standard Building Code.** (Code 1966, § 5-92)

Proposed

Sec. 6-440. – Construction and maintenance requirements.

All antenna masts, towers and antenna supports used for television and radio reception or transmission shall be constructed and maintained in accordance with the following requirements:

- (1) All electrical specifications of such antenna masts, towers and supports shall comply with the National Electrical Code, the electrical code of the city, **2012 International Building Code, and the building code of the city, as amended.**
- (2) Antenna structures shall be designed in accordance with the applicable provisions of the **2012 International Building Code, as amended.**

- 2) Chapter 6 – Buildings and Building Regulations, Article X. – Antennas, Division 3. – Dish Antennas

Current

Sec. 6-460. - Construction and maintenance requirements.

All dish antennas shall be constructed and maintained in accordance with the following requirements:

- (1) All electrical specifications of such dish antennas shall comply with the National Electrical Code, the electrical code of the city, **Standard Building Code, and the building code of the city.**
- (2) Dish antennas shall be designed in accordance with **section 1205.1 of the Standard Building Code.** (Code 1966, § 5-112)

Proposed

Sec. 6-460. – Construction and maintenance requirements.

All dish antennas shall be constructed and maintained in accordance with the following requirements:

- (1) All electrical specifications of such dish antennas shall comply with the National Electrical Code, the electrical code of the city, as amended, the **2012 International Building Code, as amended**, and the building code of the city.
- (2) Dish antennas shall be designed in accordance with the applicable provisions of the **2012 International Building Code, as amended**.

Consistent with Comprehensive Zoning Ordinance (1 Section)

- 1) Chapter 6 – Buildings and Building Regulations, Article X. – Antennas, Division 2. – Residential Areas

Current

Sec. 6-442. - Restrictions and limitations.

All antenna systems constructed and maintained under the provisions of this division shall be subject to the following restrictions and limitations:

- (1) No such antenna system shall be more than **99 feet in height**. [change to be consistent with subsection (2), which references the Comprehensive Zoning Ordinance]
- (2) The location on the lot of such antenna system *shall comply with the requirements of the comprehensive zoning ordinance of the city [appendix A to this Code]* insofar as the front building line and side yard building line and requirements are concerned. No portion of an antenna system shall extend beyond the front building line on any lot, and on corner lots the side yard setback requirements shall be adhered to on the side adjacent to a public street, and where the front and side yard requirements are applicable, all portions of such structures shall be within the limits fixed by such requirements.
- (3) All antenna systems constructed under the provisions of this division shall be maintained so as to at all times comply with the requirements of this division.

Proposed

Sec. 6-442. - Restrictions and limitations.

All antenna systems constructed and maintained under the provisions of this division shall be subject to the following restrictions and limitations:

- (1) No such antenna system shall be more than **125 feet in height, or such other height as may be provided by the comprehensive zoning ordinance, as amended**.

Delete Obsolete Language (1 Section)

- 1) Chapter 12 – Licenses, Taxation and Miscellaneous Business Regulations, Article II. – Hotel Occupancy Tax

Current

Sec. 12-29. - Monthly payment and report.

The taxes provided for in this article shall be paid to the city on a monthly basis, and shall be due on the 20th day of the month following each monthly period, accompanied by a report showing the consideration paid for all room occupancies in the preceding month, and the

amount of taxes collected on such occupancies, and such other information as the city manager or designee may reasonably require. **Provided however, that all payments and reporting due for the fourth quarter months of 2010 (October—December) shall be due to the city on January 20, 2011. (Deleted)**

(Code 1966, § 20½-24; Ord. No. 3788, § 1, 9-13-10)

Proposed

Sec. 12-29. – Monthly payment and report.

The taxes provided for in this article shall be paid to the city on a monthly basis, and shall be due on the 20th day of the month following each monthly period, accompanied by a report showing the consideration paid for all room occupancies in the preceding month, and the amount of taxes collected on such occupancies, and such other information as the city manager or designee may reasonably require.