

TOWN OF INDIAN LAKE

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The Town of Indian Lake has recently encountered significant growth and is in need of a collective plan for the future of the Indian Lake community. The attached Preliminary Report is composed of the following:

- a. Comprehensive Plan of the Town addressing the plan of the general direction for the future of the Town;
- b. A Map identifying the boundaries of proposed zoning districts; and
- c. The proposed Zoning Ordinance including the regulation of land use in the Town.

This shall comprise the Preliminary Report and shall be presented to Town Council for input and viewing from Council and the community.

Sincerely,

James Chambers

Mayor

Comprehensive Plan

The Purpose

A Comprehensive plan is a collective vision for the future of the Indian Lake community. The purpose of the plan is to give guidance and direction to the City Council and staff on the physical development within the city limits. It should provide guidance on zoning, capital expenditures, regulations and policy decisions for the next fifteen years.

The plan addresses all the issues and opportunities holistically because they are almost always interrelated. While it is possible to propose only singular projects, such as a street improvement, or to study only a single issue like flooding or to develop design regulations for each use type, a comprehensive plan evaluates the whole and the inter-relationship between all projects, policies and regulations.

It is a guide that informs the City Council. The Plan suggests a general direction for moving ahead by articulating and highlighting the hopes and dreams of the community. It informs elected officials about what is important to the citizens in a documented, defensible process.

Design Criteria

There are several themes which guide the plan. Specifically, the Town seeks to secure guidelines to allow for proper economic and development criteria without negatively impacting the Town's neighborhood feel and environment.

With the growth realized by the Town, it must development proper regulations to maintain the Towns residential focus.

Primary Community Issues

- Developer speculation, impact on land values, over-building lots.
- The proliferation of land uses which negatively effect the residential feel of the Town.
- Design and compatibility of new construction.
- Lack of sidewalks and adequate street lighting.
- Old infrastructure.

Opportunities

Striving to be the best community possible by setting high standards of excellence based on the history of Indian Lake creates a synergy and a sense of purpose. A comprehensive approach to resolving conflicts and issues, based on a shared vision, provides opportunities for enhancing the quality of life within Indian Lake.

Creation of Zoning

The Town of Indian Lake is developing zoning which will be predominantly single-family classifications, with certain at-home businesses allowed. Annexed territory shall be brought in under the lowest density use allowed, that being agricultural, but with allowed up zoning to single-family as

a matter of right. All other zoning classifications are not permitted for annexed territory without a development agreement or after one year annexation. Agricultural zones shall be classified in yellow. Residential shall be classified in green.

Commercial zoning is restricted to properties abutting **Henderson Rd.** The three classifications of commercial are B-1 (light blue), B-2 (medium blue) and B- 3 (dark blue). The intensity of use increases from B-1 to B- 3, with B-3 being the most intense.

Topography

The physical surface of the land is broken by a series of ridges, streams and drainage courses, which creates interesting homesites. The street system has been designed to generally follow the drainage courses, thereby, tending to concentrate rainfall runoff in the street areas.

Connectivity

Connectivity is both a local and a regional issue, which is characterized by an accessible and easily traversed community for citizens of all ages. Elevating the status of pedestrians and cyclists within the public realm will greatly enhance the connectivity of Indian Lake.

Preservation of Resources

Sustainability Issues

Building Standards

Establishing building standards advances architecture that centers on the efficient use of water, energy and materials realizing positive impacts on the environment. Good design enhances the quality of life for the users. The economic benefits of strong building practices can have a positive impact on the economy by encouraging the purchase of materials from local sources and increasing the need for contractors with special skills. The owners can expect a cost savings over the project's lifecycle because of lower maintenance and utility costs.

Dark Sky Community - Lighting

The community expressed a clear desire to modernize public and private lighting by significantly limiting unwanted glare, thereby, minimizing light pollution. An important balance, therefore, must be reached and new light fixtures should be dark sky compliant. Lighting that extends above the horizontal plane is largely ineffective, therefore, only leading to increased light pollution. Since outdoor lighting is expensive, eliminating misdirected and overly bright lighting saves money. Furthermore, excessive glare is, not only a strong indicator of waste and is aesthetically unappealing, it also provides safety concerns because of its tendency to cause temporary blindness in drivers.

A "Dark Sky Community" is an organized community that has shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of quality lighting codes, dark sky education, and citizen support of dark skies.

Public Realm

Streets

The widths of its streets typically match what has been determined to be “ideal” in new urbanism profiles. Early street designs of Indian Lake balanced the growing number of automobiles with other community goals and modes of traffic. The developers designed a variety of street patterns that provide the framework for the community’s unique character, as well as interesting experiences for the automobile driver and passenger.

Single-Family Zone Existing Character

Indian Lake is a unique place with a special character. The entire city has a single feel. Although most will recognize that a change has occurred, it is often difficult to pinpoint exactly what has changed. For recent annexations and residential development require updates to the City’s codes and regulations.

Infrastructure

Street Maintenance

Street maintenance has become a significant issue for the Town. The Town must develop standards which maintain the streets without altering their developed width or capacity for use. Such standards are expected to require the prohibition of oversized trucks and vehicles which the streets are not capable of supporting on a long term basis.

Water Lines

The city is developing a long-term plan to replace and/or relocate a number of water lines that need updating.

Solid Waste

Indian Lake provides garbage and brush pick-up services but needs to develop standards for solid waste pick up, enclosures and locations.

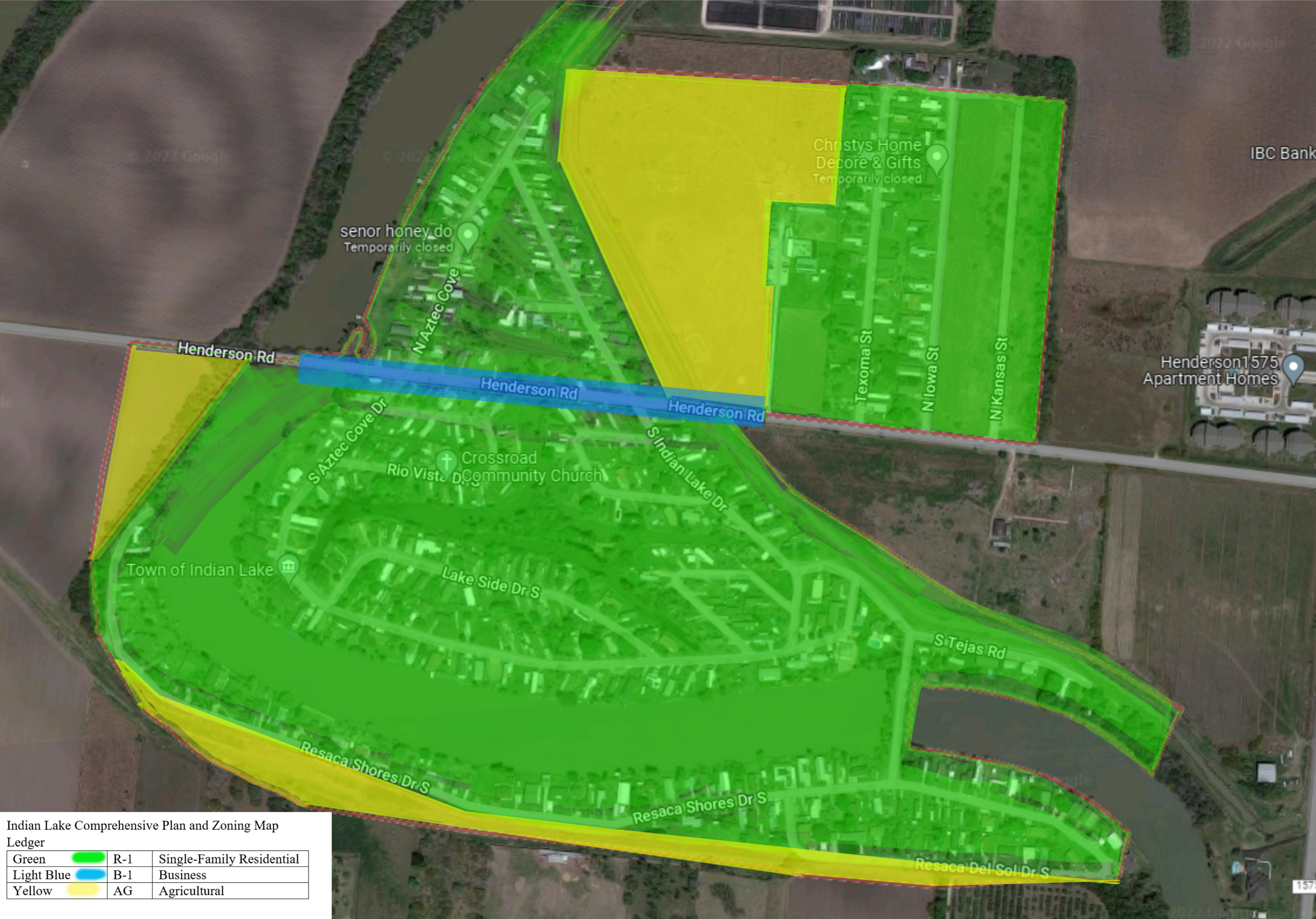
Parking

Indian Lake will develop standards for parking which does not negatively affect the surrounding zone characters. Parking is essential to a healthy commercial environment but is necessary to prevent any commercial or home business environment from negatively impacting the surrounding community.




Economic Sustainability

The long-term economic health is important to everyone. A healthy economic environment means that the goods and services that Indian Lake citizens need and use are readily available. The Town must increase its property tax base in order to properly compensate for the impacts of inflation; otherwise it must increase the tax rate, which is not the preferred way to create economic sustainability. The Town must develop annexation, residential and subdivision development

standards in order to allow for the proper expansion of the property tax base. The Town also needs to develop standards to limit commercial development which is inconsistent with the community look and feel. This means allowing certain home business uses which do not negatively impact adjoining property owners while prohibiting incompatible business uses. The Town needs to identify the areas which will allow for compatible non-residential commercial developments which will not negatively impact the Town's environment, but such areas have not been development and may not be developed for years.



Indian Lake Comprehensive Plan and Zoning Map Ledger

Green		R-1	Single-Family Residential
Light Blue		B-1	Business
Yellow		AG	Agricultural

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IBC Bank

senor honey do
Temporarily closed

Christys Home
Decore & Gifts
Temporarily closed

Henderson1575
Apartment Homes

Henderson Rd

NAztec Cove

Henderson Rd

Henderson Rd

Texoma St

N Iowa St

N Kansas St

SAztec Cove Dr

Rio Vista Community Church

S Indian Lake Dr

Town of Indian Lake

Lake Side Dr S

S Tejas Rd

Resaca Shores Dr S

Resaca Shores Dr S

Resaca Del Sol Dr S

1575

ZONING ORDINANCE

ARTICLE 1: IN GENERAL

SECTION 1: PURPOSE

The zoning map and zoning regulations as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, and the general welfare of the Town of Indian Lake. They have been made with reasonable consideration, among other things, to its particular suitability for the particular uses and with the view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community. They are designed to:

1. Enhance and protect citizen quality of life,
2. Lessen congestion in the streets, to secure safety from fire, panic and other dangers,
3. To provide adequate light and air,
4. To prevent overcrowding of land,
5. Provide for mobility, public services and utilities,
6. Protect against light pollution,
7. Protect against noise pollution,
8. Reduce nuisances and infringements into neighbor's rights,
9. Promote the environment and the natural characteristics of the Town, and
10. Protect property values.

SECTION 2: EFFECT

All buildings erected hereafter, all uses of land or buildings established or changed hereafter, and all structural alterations, enlargements, relocations, and restorations of existing buildings occurring hereafter shall be subject to the requirements and regulations of this chapter, and no land shall be used for and no building shall be erected for or converted to any use other than provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

SECTION 3: VIOLATION, PENALTY, AND ENFORCEMENT

- (a) Any owner, person, occupier of land, tenant, entity, agent, architect, building contractor, laborer, carpenter, or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or shall build or alter any building or use in violation this ordinance, or any statement or plan submitted and approved thereunder:
 - a. Shall be guilty of a criminal offense of a Class C misdemeanor and shall be liable for a fine of not less than twenty-five dollars (\$25) or more than two thousand dollars (\$2,000) for each day the violation shall be permitted to exist with each day constituting a separate offense. The culpable mental state required to prove a violation of this Ordinance is that of criminal negligence under Texas Penal Code section 6.03(d).

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- b. May additionally have this ordinance enforced against them through any other civil or administrative claims, including but not limited to injunctive and equitable relief in a court of competent jurisdiction, if allowed by state law. In such civil or administrative claims, the Town may assess or seek civil penalties of up to \$1,000 per day for each day of noncompliance, if authorized and to the extent permitted by state or local law.

SECTION 4: VALIDITY

If any section, paragraph, substitution, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the ordinance as a whole, or any part or provision thereof, other than the part so declared invalid or unconstitutional. Such invalid or unconstitutional provisions shall be severed from the all valid and constitutional parts and provisions.

SECTION 5: DEFINITIONS

The provisions of the latest version of the International Building Code as adopted by Town Council will apply except where they are in conflict with the definitions and regulations contained in this Code in which event this Code shall apply. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building or use means:

- (1) A detached building or use that is subordinate to and serves the principal building or the principal use;
- (2) Subordinate in area, extent, or purpose to the principal building or principal use served;
- (3) Contributes to the comfort, convenience, and necessity of occupants of the principal building or principal use served;
- (4) Is located upon the same building lot as the principal building or principal use served;
- (5) An accessory building may not exceed 600 square feet;
- (6) An accessory building may not contain plumbing, kitchen facilities, to cooking facilities;
- (8) An accessory building may not be used as living quarters.
- (9) The term "accessory," when used in the text, shall have the same meaning as accessory use. An accessory building may be a part of the principal building.

Business shall mean the activity of making, buying, leasing, or selling goods or providing services for compensation. It also includes renting or leasing any personal or real property to a person or entity who is performing a business use within the Town's jurisdiction. It further includes renting or leasing sleeping space, pool usage, or building usage, which is for a term of less than thirty-days. The term is not limited to for-profit activity, but also includes non-profit

activity and charitable activities. However, the term does not include any activity performed by the Town of Indian Lake or on behalf of the Town.

Carport shall mean an attached or detached accessory building not enclosed, designed to shelter one or more motor vehicles. A carport that is attached to a main building is considered part of the main building.

Commercial vehicle shall mean truck-tractor, road tractor; semi-trailer, bus; truck or trailer or any other commercial vehicle with a rated carrying capacity of two (2) tons or more according to the manufacturer's classification.

Driveway shall mean a drivable surface, especially a private one, leading from a street or other thoroughfare or public right-of-way to a building, house or garage.

Enterprise shall mean a business, organization, or organized activities where trade or income is a goal.

Fence shall mean an upright barrier constructed of wood, masonry, or metal fencing material (e.g. king style, large hog wire or similar) erected for the purpose of protection, confinement, enclosure, or privacy.

Flatwork shall mean a concrete or rock surface such as a sidewalk, driveway or patio.

Footcandle (fc) shall mean a unit of light measurement equal to one lumen per square foot.

Full Cutoff (FCO) shall describe a luminaire light distribution where 100 candela per 1,000 lamp lumens (ten percent) may emit at all vertical angles beginning at 80 degrees up from nadir to less than 90 degrees, and zero candela per 1,000 lamp lumens (zero percent) is allowed at 90 degrees (horizontal plane) and all angles above. This applies to all horizontal angles around the luminaire. A full cutoff luminaire is also fully shielded.

Fully Shielded for Light shall mean a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. A fully shielded fixture is not necessarily full cutoff.

Glare shall mean a luminance produced by bright sources in the field-of-view superimposed on the image in the eye reducing contrast and hence visibility.

Greenhouse is an accessory building, primarily of glass or sheets of clear plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants.

Harmful Material shall be a substance known or reasonably suspected to cause unwanted or unlawful harm to humans, animals or vegetation.

Hazardous Fencing shall mean fence construction or material that is liable to cause hurt or harm.

Holiday Lighting shall mean temporary lighting used for a specific season or celebration consisting of festoon type low-output lamps that are limited to small individual bulbs on a string or other seasonal decorations.

Impervious Cover shall mean roads, parking areas, buildings, pools, patios, sheds, driveways, private sidewalks, and other impermeable construction covering the natural land surface that does not allow water to be readily absorbed into the ground.

Habitable shall mean that the structure or dwelling meets health and safety codes for human habitation on a temporary or permanent basis.

HUD-Code Manufactured Home shall have the same meaning as defined in the Texas Manufactured Housing Standards Act.

Intermittent lighting shall mean luminaries that do not remain on for an extended period of time.

Livestock shall mean any animal that is generally used for the production of food, commercial product such as wool, transportation, riding, work or utility, and not typically used as pets in homes.

Large Livestock shall mean any livestock that typically grows to an adult size of over 40 pounds and includes swine, goats, sheep, bovine animals, equine animals, ostrich and other large birds and mammals.

Long-term rental shall mean a residential property, including a single-family dwelling or portion thereof that is rented wholly or partly for a fee for a period longer than 30 consecutive days.

Lumen shall mean a unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this regulation, the lumen-output values shall be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

Luminary shall mean a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Mobile Home shall mean a structure constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet; and includes the plumbing, heating, air conditioning, and electrical systems of the home.

Manufactured Home shall mean a HUD-code manufactured home.

Outdoor lighting shall mean nighttime illumination of an outside area or object by any manmade device that is located outdoors and produces light.

Percent Impervious Cover shall mean the ratio of impervious cover to total land area and shall be calculated as the area of impervious cover within a lot, tract, or parcel or within the total site being developed, divided by the total area within the perimeter of such lot, tract, parcel or development. Vegetated water quality basins, vegetated swales, other vegetated conveyances for overland drainage, and public sidewalks shall not be calculated as impervious cover.

Portable Buildings shall mean any prefabricated structure assembled off site and delivered to the site as a complete unit or a building purchased in kit form and assembled on site, which can be moved without disassembly to another location.

Residential Unit shall mean the classification of a lot or group of lots, upon which a dwelling or dwellings exists, in compliance with this ordinance, and recorded with Cameron County as a single taxable unit, that is not in violation of health or safety provisions and having water, plumbing, and septic. (eg: a group of lots separately recorded on individual tax records with Cameron County would not be considered as one residential unit.) A residential unit, having satisfied these criteria, may receive City services and benefits as one unit.

Setback shall mean a minimum horizontal space extending across the front, side, or rear of property borders that shall remain open from and unoccupied by any structure or part of a structure, excepting for a fence, flatwork (eg: driveway, walkway, patio) lying on the ground, a deck that is less than 2 feet off the ground to the floor of deck, or movable accessory building of less than 7 feet in total height and less than 144 square feet. Measurement is to be made from the property line to the structure's foundation, roofed wall, raised deck edge, or any support of a structure whichever is closer.

Short-term rental shall mean a residential property, including a single-family dwelling or portion thereof that is rented wholly or partly for a fee for a period less than 30 consecutive days. Short-Term Rentals include but are not limited to bed and breakfasts, vacation rentals, airbnb's, etc. Short-term rentals must comply with all applicable ordinances specific to short-term rental permitting and regulation in addition to the zone restrictions within this ordinance.

Single-Family Dwelling shall mean a building that is usually occupied by only one household or family.

Storage Building shall mean a structure used for storage, hobbies or as a workshop.

Structure the definition contained in the International Building Code and International Residential Code are hereby incorporated by reference for purposes of zoning.

Structure Attached shall mean an accessory structure whose roof connects with another structure.

Structure Detached is one that is not connected by roof to the other structure.

Structural Alteration shall mean the moving of, change of or rearrangement of the structural elements of a structure, the addition of structural elements to a structure, or the removal of structural elements from a structure.

Structural Elements are the parts of a structure that give it form and support. Examples are exterior walls, supporting walls and beams, roof and ceiling rafters, foundations, floor joists, and other elements as commonly accepted by engineers, building inspectors, and architects.

Temporary Outdoor Lighting shall mean lighting for a specific unusual purpose of an outside area or object by any manmade device that produces light for a period of less than seven days, with at least 30 days passing before being used again.

Trespass Lighting shall mean light emitted by a luminary which falls outside the boundaries of the property on which the luminary is sited.

Vacant Lot shall mean a lot on which there are no permanent buildings or structures.

SECTION 6: ZONING MAP DESIGNATIONS

- (a) When definite distances in feet are not shown on the zoning map, the district boundaries of the zoning area are intended to be along existing street, alley, or property lines or extension of or from the same. When the location of a district boundary line is not otherwise determined, it shall be determined by the scale of the maps measured from a given point.
- (b) Where the street layout actually on the ground varies from the street layout as shown on the zoning map, the board of adjustment may apply the designations shown on the mapped streets in such a way as to carry out the intent of the plan for the particular area in question.

ARTICLE 2: ZONING DISTRICTS

SECTION 1: DISTRICTS

For the purpose of regulating and restricting the height and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, residence or other purposes, the Town of Indian Lake, Texas, is hereby divided into districts of which there shall be four classes in number, and which shall be known as:

A-0 Agricultural and Open Space District

R-1 Single-Family Residential District

R-2 Multifamily Residential District

C-1 General Business and Commercial District

Council shall decide on additional districts and boundaries as they determine are necessary to be consistent with the density of land use and type of use.

Any use of land or a structure is prohibited unless expressly allowed within a zoning district by this ordinance.

A-0 Agricultural and Open Space District

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- a. Purpose.** The A-O agricultural and open space district is designed to promote orderly, timely, economical growth and to recognize current land use conditions. It is a reserved area in which the future growth of the Town might occur. It is the intent of this district that agricultural land be held in that use for as long as is practical and reasonable.
- b. Permitted uses.** The uses permitted in the A-O agricultural and open space districts are as follows:
- (1) Farming, ranching, livestock, related activities, and accessory uses.
 - (2) One single-family dwelling or one mobile home on parcels of five acres or more.
 - (3) Portable buildings or storage buildings used as an accessory to the primary use and not for living quarters.
 - (4) Signs in accordance with applicable ordinances.
- c. Special uses.** Any other use as not specifically identified in this section requires a special use permit to be granted by Town Council.
- d. Prohibited uses.** The uses prohibited in the A-O agricultural and open space district are as follows:
- (1) Any building erected or land used for other than one or more of the uses specified in this section.
 - (2) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required in this ordinance.
- e. Automatic Up-zone to Residential R-1 upon Request after Annexation.** If real property is annexed into the Town limits it shall be automatically zoned upon annexation as A-O. Unless expressly provided for otherwise in the annexation ordinance, if the property owner requests annexed property be changed to R-1 within five years of annexation, the City Council shall approve R-1 use without the need for zoning commission recommendations. Annexed property shall be presumed to be comparable with R-1 use unless the annexation ordinance contains a finding it is only compatible with A-O use at the time of annexation. After the fifth anniversary of annexation, it is a conclusive presumption conditions will have changed significantly enough that a zoning commission recommendation is required. This provision does not prohibit a property owner from requesting rezoning for any other zone after annexation.

R-1 Single-Family Residential District

- a. Purpose.** The R-1 single-family residential district is established for the following purposes:

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- (1) To provide sufficient space in appropriate locations for residential development to meet the present and future housing needs of the Town, with allowance for a diversity of sites.
 - (2) To protect residential areas against pollution, environmental hazards and other objectionable influences.
 - (3) To protect residential areas and residential right-of-ways, as far as possible, against heavy and through traffic.
 - (4) To protect residential areas against congestion, as far as possible, by managing the density of population in and around them; by providing for off-street parking spaces; and by providing open areas for rest and recreation and to break the monotony of continuous building bulk, thus providing a more desirable environment.
 - (5) To provide for privacy and access of light and air to windows, as far as possible, through controls over the spacing and height of buildings and other structures.
 - (6) To promote the most desirable use of land and direction of building development not in conflict with the adopted policies of the Town; to promote stability of residential development; to protect the character of the district; to conserve the value of land and buildings; and to protect the Town's tax base.
 - (7) To promote the most efficient use of Town facilities and services.

b. **Permitted Uses.** The uses permitted in the R-1 single-family residential district are as follows:

- (1) One single-family dwelling per lot, and accessory uses typical for a single-family residence.
- (2) Mobile homes for single-family use.
- (3) Town of Indian Lake Municipal Buildings, facilities, and municipal operations.
- (4) Signs authorized by ordinance for R-1 placement.
- (5) Portable buildings or storage buildings used as an accessory to the residential use and not for living quarters.
- (6) Parking facilities associated with uses permitted within R-1 zoning districts that meet applicable conditions as identified in this ordinance.
- (7) Occasional family or social events or neighborhood parties, of no more than one per month on any specific property.
- (8) Garage, yard, and estate sales (not more than two per year). A permit for each garage, yard and estate sale is required to be obtained through the Town.
- (10) Long term rentals.
- (11) Short-Term Rentals in accordance with restrictions listed in this ordinance.
- (12) Churches.

(13) Community homes if they house fewer than six patient-residents, have proper authorization from state licensing authorities and are not within ½ mile of another community home.

(12) Occupations and business typically performed at home or from a home office (including but not limited to consulting, accounting, bookkeeping, notary services, etc.) or service businesses run from a home but where the service is not performed at the home/residence (including but not limited to tree trimming, maid service, housekeeping, etc.). These types of activities may not have:

- a. Client parking on a street
- b. An occupation or business sign
- c. Employees not related to the resident, who are working in the home
- d. Usage of the more than 50% of the building square footage for business
- e. Storage of any dangerous kinds of materials inside or outside the home.

c. **Special Uses.** The conditional uses requiring a special use permit permitted in the R-1 single-family residential districts are as follows:

- (1) Associated recreation.
- (2) Guesthouses that meet applicable conditions as identified in this ordinance.
- (3) Other home occupations or enterprises not listed in the above section that meet applicable conditions as identified in this ordinance.
- (4) Institutional uses.
- (5) Parking facilities associated with uses permitted within R-2 and C-1 zoning districts that meet applicable conditions as listed in this ordinance.
- (6) Planned unit developments, excluding industrial uses.
- (7) Railroad facilities or utilities holding a franchise with the Town.

d. **Prohibited Uses.** Any uses not expressly allowed under this ordinance for this zone are prohibited. For better clarity, uses that are expressly prohibited in the R-1 single-family residential district, include but are not limited to:

- (1) Occupation or business typically not performed at home including but not limited to: Industrial work, retail store, heavy manufacturing, motor vehicle or motorized equipment sales, equipment or vehicle rental, dumping, debris and junk storage, scrap and salvage activities, warehousing for others for profit, restaurants and food services, hotels, motels, etc.
- (2) Short-Term rentals except as specified in this ordinance.
- (3) Commercial or Event venues for which any form of compensation is exchanged.
- (4) An activity where odor, air quality, light, or noise creates a nuisance that interferes with normal residential quality of life or creates a safety risk; or where pedestrian

and automobile traffic impedes traffic flow, except on occasions as approved by the City Council.

(5) Goods or materials for sale or stands for selling in the front yard for more than two consecutive days unless permitted by the City.

(6) Enterprises that may result in harm to public health or that carry or dispense materials for sale or commercial use that are subject to regulation including but not limited to gasoline, oil, kerosene, propane, paint, solvents, and similar materials and products, unless permitted by the City.

(7) Allowing any harmful materials to be dispensed or leached into a creek or waterway.

(8) On- and off-premises signs.

(9) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required in this ordinance.

(10) Broadcast towers and personal wireless service facilities.

(11) Parking of:

a. Any commercial vehicle, as defined in this ordinance except:

(1) if the commercial vehicle is parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location while in the normal course of business for which the commercial vehicle operates, or

(2) if the commercial vehicle is owned by the owner/renter of the property, is being used as a livelihood by the owner/renter of the property, and is parked on a concrete driveway and not on cement blocks, cement pads, pavers, or bricks unless the property is enclosed by a six (6) foot privacy fence.

(3) the exceptions listed in this section shall only apply to one (1) commercial vehicle per address.

b. More than two vehicles owned by others for the purpose of repairing on the premises.

c. Inoperable, unlicensed, or unregistered vehicle for a month or more where such is both visible from the roadside and within 50 feet of the road.

R-2 Multifamily Residential District

a. **Purpose.** The R-2 multifamily residential district is established for the following purposes:

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- (1) To provide adequate space and site diversification for higher density residential development in which adequate streets and other community facilities are available for present and future needs.
 - (2) To protect residential areas against pollution, environmental hazards and other objectionable influences.
 - (3) To protect residential areas, as far as possible, against heavy traffic.
 - (4) To manage the density of population and protect against congestion by providing for off-street parking spaces and by requiring the provision of open space in residential areas in order to open areas for rest and recreation and to break the monotony of continuous building bulk, thus providing a more desirable environment for urban living.
 - (5) To provide for privacy and access of light and air to windows, as far as possible, through controls over the spacing and height of buildings and other structures.
 - (6) To promote the most desirable use of land and direction of building development, not in conflict with the adopted policies of the city; to promote stability of development; to protect the character of the district; to conserve the value of land and buildings; and to protect the city's tax base.
 - (7) To promote the most efficient use of city facilities and services.

b. **Permitted Uses.** All uses permitted in R-1 are permitted in R-2. Further, the uses permitted in the R-2 multifamily residential district comprise of additional residential uses including apartment residential, condominium residential and townhouse residential uses, including the following:

- (1) Apartment residential uses:
 - a. Those permitted in R-1 District.
 - b. Apartment buildings with **five or more units**.
 - c. Storage buildings not used for living quarters and accessory to the residential use.
- (2) Condominium residential district permitted uses:
 - a. Condominium buildings with **five or more units**.
 - b. Storage buildings not used for living quarters and accessory to the residential use.
- (3) Townhouse residential district permitted uses:
 - a. Townhouse buildings with **five or more attached townhouses**.
 - b. Storage buildings not used for living quarters and accessory to the residential use.

c. **Special Uses.** Any special use permitted in R-1 is permitted in R-2 by special use permit.

d. Prohibited Uses. Any uses not expressly allowed under this ordinance for this zone are prohibited.

e. Site Plan Required

(a) Any owner, builder or developer of a multiple-family, condominium or townhouse dwelling complex of five units or more on a single lot or parcel, or five single-family attached units, shall submit to the **building official** for review a site and building plan for the proposed development.

- (1) Location of all structures proposed and existing on the subject property and on adjoining property;
- (2) Landscaping and/or fencing of yards and setback areas and proposed changes;
- (3) Design of ingress and egress;
- (4) Off-street parking and loading facilities;
- (5) Heights of all structures;
- (6) Proposed uses; and
- (7) Location and types of all signs, including lighting and heights.

(b) The purpose of the site plan review is to:

- (1) Ensure compliance with this chapter, while allowing for design flexibility;
- (2) Assist in the orderly and harmonious development of the Town;
- (3) Protect adjacent uses from obstructions to light, air and visibility;
- (4) Provide protection from fire;
- (5) Avoid undue concentrations of population and overcrowding of land; and
- (6) Facilitate the adequate provision of transportation, water, sewage, drainage and other public requirements.

C-1 General Business and Commercial District

a. Purpose The C-1 general business and commercial district is established for the following purposes:

- (1) To provide sufficient space and off-street parking in appropriate locations in proximity to residential areas, for businesses and commercial development.
- (2) To provide appropriate space for off-street parking to control congestion, and to encourage commercial development to concentrate to the mutual advantage of both consumers and merchants.
- (3) To protect local commercial development against fire, explosions, pollution and environmental hazards.

(4) To promote the most desirable uses of land and the direction of building development in accordance with the adopted growth management policy of the Town; to promote stability of commercial development; to strengthen the economic base of the Town; to protect the character of the district; to conserve the value of land and buildings; and to protect the Town's tax base.

(5) To promote the most efficient use of Town facilities and services.

b. Permitted Uses. The uses permitted in the C-1 general business and commercial district is as follows:

(1) Retail businesses that sell products on the premises to consumers primarily from adjacent residential areas, such as convenience stores, neighborhood meat or produce markets, bakeries or tortillerias, ice cream stores, florists and gift stores, pharmacies, books/newspapers/magazines, and video/tape/record stores and similar uses.

(2) Personal services which perform services on the premises such as tailor shops, beauty parlors or barbershops, photographic studios, day care centers, and similar uses but not including automotive parts or repair services.

(3) Laundromats, laundry/dry-cleaning pickup stations, and laundry/dry cleaning establishments dealing directly with consumers.

(4) Loan companies, insurance and real estate offices.

(5) Medical offices for general practice physicians, dentists, chiropractors, and other similar nonspecialized medical professionals.

(6) Parking facilities associated with uses permitted within any residential or C-1 zoning districts.

(7) On-premises signs, including those that are animated or illuminated.

(8) All signs permitted in C-1 zoning district.

c. Special Uses. The conditional uses requiring a special use permit permitted in the C-1 general business and commercial district are as follows:

(1) Gasoline service stations or retail outlets where gasoline products are sold.

(2) Personal wireless service facilities.

d. Prohibited Uses. Any uses not expressly allowed under this ordinance for this zone are prohibited. For further clarity, uses expressly prohibited in the C-1 general business and commercial district, include but are not limited to the following:

(1) Off-premises signs.

(2) Any use of property that does not meet the required minimum lot size; front, side and rear yard dimensions; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required in this ordinance.

e. Type of Building Facility Permitted. All businesses servicing or processing in the C-1 general business and commercial district shall be conducted within a completely enclosed building, except for off-street parking or loading, excluding drive-in businesses or gasoline service stations or retail outlets where gasoline products are sold.

SECTION 3: FLOODPLAIN REQUIREMENTS

No building may be placed in a floodplain in whole or part unless it meets and satisfies requirements set forth by Federal Emergency Management Agency (FEMA), Floodplain Management in Starr County, and other applicable Town of Indian Lake ordinances for such a structure.

SECTION 7: HEIGHT LIMITATIONS OF BUILDINGS

No building shall exceed two standard stories and attic or thirty-five feet (35 ft) from finished grade on any one side.

SECTION 8: SETBACKS

8.01 Road Setbacks. As defined, the structure must be setback 25 feet from the edge of any public roadway or easement.

8.02 Property Setbacks. As defined, the property setbacks for any structure not on a public roadway must be 15 feet for any dwelling, 10 feet for other non-dwelling structures, and 2 feet for a greenhouse structure.

SECTION 14: LIGHTS

14.01 Lighting Requirements.

1. Generally. All public and private outdoor lighting installed after the effective date of this article shall be in conformance with the requirements established by this section.
2. Control of glare. Any luminary that is aimed, directed, or focused so as to cause direct light from the luminary to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways is prohibited. Such luminary must be redirected or its light output controlled as necessary to eliminate such conditions.
3. Residential and Non-residential lighting.
 - a. No trespass lighting may exceed one and one-half footcandles at the property line, with the exception of intermittent lighting.
 - b. Intermittent lighting must be of the motion sensor type that stays on for a period of time not to exceed five minutes and has a sensitivity setting that allows the luminary to be activated only when motion is detected on the site.

- c. For lighting horizontal tasks such as roadways, sidewalks, entrances and driveway areas, fixtures must meet “full cutoff” criteria (no light output emitted above 90 degrees at any lateral angle around the fixture).
- d. Spot lighting used for landscape purposes (e.g. trees, statuary, etc.) or for a flagpole bearing a state flag or a flag of the United States, must use full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated.
- e. Floodlight fixtures must be aimed so as to prevent direct radiation of light into the open sky at any angle above the horizontal plane as shown in Figure 1 and verified using a tool such as shown in Figure 2.

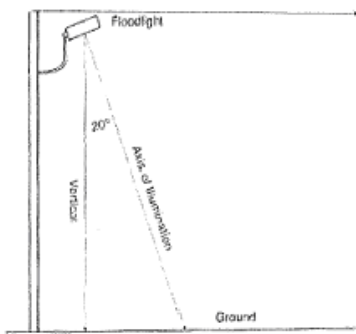


Figure 1: Horizontal plane is parallel to the ground and perpendicular to the vertical line. A floodlight may not be so positioned as to direct illumination at or above the 90° angle of the horizontal plane.

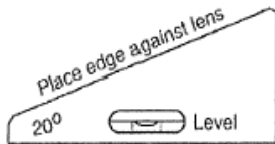


Figure 2: This is a tool for aiming lights such as the floodlight represented in Figure 1. This tool would verify the angle of 20° by placing the upper edge of the tool against the floodlight lens and adjusting the floodlight so that a level parallel to the bottom edge shows level.

- 4. Other prohibited lighting. Unless authorized by Town council for a special event:
 - a. The use of laser source light or any similar high intensity light, such as used for outdoor advertising or entertainment, when projected above the horizontal is prohibited; and
 - b. The operation of searchlights is prohibited.

14.02 Exemptions.

- (a) The following types of outdoor lighting are exempt from the requirements:

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1. All outdoor lighting in place prior to the effective date of this ordinance until maintenance is required as describe below:
 - a. Except for lamp replacement, no luminaire should be repaired and/or modified to perpetuate its existence unless the repair and/or modification maintains conformance or makes the luminaire conforming to this article.
 - b. If a lamp is available that makes a luminaire conform, or progress towards conformance with this article’s required illuminance level, then such a lamp should be utilized when the lamp is replaced.
 2. Seasonal holiday lighting shall be exempt from the requirements of this ordinance, providing that such lighting does not produce glare on roadways and neighboring residential properties.
 3. Temporary lighting as needed by police, emergency medical technicians, and fire personnel, or for meteorological data gathering purposes.

SECTION 15: PARKING

15.01 Prohibited Parking – In General.

- (a) It shall be unlawful for any motor vehicle or commercial vehicle to be parked:
 - 1) on a public street within the limits of the Town of Indian Lake between the hours of 12:00 PM and 6:00 AM;
 - 2) on any grass within Town limits for more than 3 consecutive days;
 - 3) on a public street at any time in front of or immediately across the street from a driveway full width plus additional five feet on either side of said driveway; or
 - 4) in the Town Hall and Community Building parking lots from 7:00 PM to 6:00 AM except for reasons of attending functions within the Community Building or for Town business at the Town Hall.

15.02 Parking of Commercial Vehicles Prohibited

- (a) It shall be unlawful for any owner or person in control of a commercial vehicle, as defined herein, to leave, park, or stand, or permit the leaving, parking, or standing of such vehicle upon any public street, easement, or other except that this section shall not apply to:
 - a. Commercial vehicles while being used for street construction. maintenance, or repair;
 - b. Commercial vehicles being utilized by a company engaged in extending public service utilities;
 - c. A commercial vehicle parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location; and

d. A commercial vehicle experiencing a mechanical defect making it unsafe or impossible to proceed, for such period of time as emergency repairs are made or, if repairs cannot be made in a timely manner, until a tow truck arrives.

SECTION 16: CHANGES, AMENDMENTS, ORDINANCES AND BUILDING CODES

16.01 Zoning Commission. The Town Council serves as the Zoning Commission.

16.02 Changes. Town Council may from time to time amend, supplement, or change the regulations herein established. A Public Hearing shall be held before adopting any proposed amendment, supplement, or change. Notice of a public hearing shall be given in the official newspaper of the Town stating the time and place of such hearing and posted at Town Hall. The time of the hearing shall not be earlier than fifteen (15) days from the date of publication of the notice.

16.03 Ordinances, Building Codes. Established ordinances and all building codes still apply except where exempted or strengthened by this ordinance.

SECTION 17: PERMITS AND ENFORCEMENT

17.01 Permit Requirements. Building permits are mandatory on any and all construction in the Town in accordance with adopted building codes and all Town ordinances and codes unless an exception is specified in this ordinance. Building permits are valid for a period of one year from the date of issuance. One six month extension may be granted at no additional fee for the same construction project. Extensions beyond this period will require a variance from the Planning and Zoning Commission.

17.02 Permit Application. All applications for building permits shall be accompanied by a platted site plan drawn to scale with actual dimensions of property, setbacks, location of wells and septic systems, construction and foundation plans, use of property, applicable septic system permit if required by Ordinance, and such other information and plans necessary for the building official or building inspector to review and approve the site and construction plans before construction begins and to provide for enforcement of all regulations.

17.03 Plan Review and Execution. Upon receipt of permit application, fees, and associated plats and plans, the Building Inspector will review the plans for completeness and compliance with building codes, lot sizes, setbacks, or any other portion of this ordinance. All construction is prohibited until the Building Inspector approves the plans and/or the Planning and Zoning Commission grants a variance in writing. If in compliance, the Building Inspector may approve the construction to commence. If approved, the construction may commence in accordance with the approved plans and required inspections. At the discretion of the Building Inspector, the construction may be stopped if the construction deviates from the plan or fails one or more inspections.

17.04 Variance Requirements. Noncompliance with any regulations concerning building codes, lot sizes, setbacks, or any other portion of this ordinance require an approved variance from the Zoning Commission. Upon determination of the Building Inspector that a variance is required,

applications for variances of the Building and Zoning regulations on property shall be in accordance with all ordinances and requirements of the Town. Application for variance shall be submitted to the Town Secretary and be accompanied by the fee and the same documents required to obtain a building permit. The Zoning Commission will conduct a public hearing and rule on the Variance request.

17.04.001 Variance Requirement Exception. The following structures that have no electric, plumbing or slab/foundation are exempt from variance requirements based on lot size and setbacks:

1. Portable sheds on girders or with a gravel/dirt floor.

ARTICLE II. MOBILE HOMES AND MANUFACTURED HOMES

SECTION 1: GENERAL

The Texas Manufactured Housing Standards Act of the State of Texas (Chapter 1201 of the Texas Occupations Code) and all of its definitions, is hereby included and adopted in its entirety as part of this Ordinance and shall serve as the guidelines for enforcement by the Town of Indian Lake.

SECTION 2: USE OF MOBILE HOME

- (A) A mobile home, as defined in this ordinance, designed to be used as a dwelling with or without a permanent foundation when the structure is attached to the required utilities, transportable in one or more sections, existing and used as a dwelling in the Town of Indian Lake as of the date of passage of this ordinance may continue to exist and be used as a dwelling until the same is destroyed, removed or replaced. No mobile home, as defined in this ordinance, may be brought into the Town of Indian Lake and placed on a lot to be used as a dwelling.
- (B) No mobile home, site-built home or HUD-CODE MANUFACTURED HOME smaller than 14 feet by 40 feet is allowed as permanent residential housing in the Town of Indian Lake.
- (C) All residences must be parallel with lot lines or the street, and must be at least fifteen (15) feet from the street easement and at least five (5) feet inside the owner's lot boundary line.
- (D) All mobile homes and HUD-Code Manufactured Homes will be tied down in accordance with state law or manufacturer's specifications, whichever is greater, and there will be a presumption that the state law requirement is greater unless proved otherwise.
- (E) All mobile homes and HUD-Code Manufactured Homes must be skirted after installation and before occupancy.
- (F) All lots and homes in the Town of Indian Lake will be for residential use only. No open storage of any household appliance, indoor furniture, leftover building rubbish, water heaters or inoperable motor vehicles is allowed.
- (G) Storage buildings must be a minimum size of forty-eight (48) square feet in floor area. Storage buildings, garages, patios, enclosed porches or any other improvement must be

approved by the Town Building Official before installation and/or construction. Due to climatic conditions, galvanized metal sheets are acceptable only with factory-applied protective coating.

- (H) All buildings must be properly anchored and skirted and have utilities connected before occupancy. All buildings must be fifteen (15) feet off the street easement and at least five (5) feet inside the owner's side lot lines. An exception may be granted in situations where a storage building is removed and a replacement is installed on the existing permanently installed foundation which is positioned at least three (3) feet from the property line. No storage buildings will be allowed in front of dwellings nor closer to the road than the inhabited portion of the permanent residence. No storage building, garage, enclosed porch, patio cover or carport may be taller than the existing mobile home, HUD-Code Manufactured Home or site-built home.
- (I) All improvements, including but not limited to driveways, sidewalks, patios, garages, carports, storage buildings, residences and mobile homes, will conform to a maximum percent impervious coverage of 70%.
- (J) No storage-type building may be used as a dwelling or for any sales or service business.
- (K) Carports may be within five (5) feet of the property lines, provided that the carport has no sides within the buildings setback line of fifteen (15) feet.
- (L) Sun decks, screened-in porches, and closed-in porches are authorized to be attached to mobile homes, site-built homes and HUD-CODE MANUFACTURED HOMES provided they are within the setback limitations stated above.
- (M) Buildings permits, construction drawings and site plans are required when building or placing a home, HUD-Code Manufactured Home, storage building, fencing, patio, enclosed porch, concrete work, or any improvement on any lot within the Town of Indian Lake. The fee for obtaining building or inspection permits shall be set by the Town Council. Building and Inspection Permits will be obtained from Building Permit Department. A copy of said building permit will be conspicuously displayed at the construction site while such work is being performed and shall remain there until inspection is completed. The Town Building Department shall use the latest edition of the International Building Code, International OR National Electric Code, International Plumbing Code, and International Mechanical Code and their standards for approval of all permits and any required inspections.
- (N) No alterations or repairs, other than routine maintenance, nor any new construction of any kind shall begin without the approval of the Town Building Official and the issuance of a permit for the type of work to be done. Any work begun prior to obtaining a written permit will subject the lot owner to a fine of \$25.00. The Town of Indian Lake reserves the right to require the owner to remove unauthorized structures, and/or any alterations, repairs, or new construction, to include but not be limited to, concrete work, roofs, fences, carports, patios, awnings, storage buildings, garages and additions to the mobile home, site-built home or HUD-CODE MANUFACTURED HOME. The dimensions for the work must be written on the building permit and attached site plan when issued as set forth above.

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- (O) Self-contained trailers and any other HUD-CODE MANUFACTURED HOME smaller than 14'x40' are to be used only as temporary housing under a permit issued by the Town Permit Department for a period not to exceed 180 days in any twelve month period. The fee for this permit is \$10.00. The permit must be displayed and visible from the exterior at all times.
- (P) One travel trailer or recreational vehicle, as defined by the Texas Transportation Code, shall be allowed per lot. The lot must have its own water meter, sewer tap and electrical service connections. All such travel trailers/RVs shall be set back at least fifteen (15) feet from the street easement and at least five (5) feet from the side and rear property lines. Each travel trailer or RV must be placed on a concrete or asphalt parking area no smaller than the travel trailer or RV and the lot must have a driveway no smaller than 10'x15' adjacent to the street right-of-way. No rooms, screened-in porches/rooms, or other additions attached to travel trailers or RVs will be permitted.
- (Q) Visitors of residents may park one self-contained travel trailer or RV weighing less than 20,000 lbs on the resident's property for a period of up to twenty-eight (28) days in any twelve month period under a permit issued by the Town Permit Department. The fee for this permit is \$10.00. The permit must be displayed and visible from the exterior at all times. All such travel trailers or RV's shall be set back at least fifteen (15) feet from the street easement and at least five (5) feet from the side and rear property lines. Travel trailer or RV wheels must be placed on concrete, asphalt, or paving blocks. No rooms, screened-in porches/rooms, or other additions attached to the travel trailer or RV will be permitted.
- (R) All travel trailers, RVs, boats and boat trailers that are stored in place on a year round basis or during hurricane season will be placed on concrete or asphalt and shall be set back at least fifteen (15) feet from the street easement and at least five (5) feet from the side and rear property lines and will be tied down with a minimum of four (4) auger type anchors that are a minimum of three feet long with four-inch discs, or by anchors embedded in concrete.
- (S) There shall be one (1) sewer tap and water meter per residence, whether the residence is permanent or temporary.
- (T) All fences to be erected must have a permit. Fences cannot exceed six feet (6) feet in height, measured from the ground up, for chain link, redwood, cedar, pine or wrought iron.

SECTION 3: PARKING OF MOBILE HOME

- (A) Parking: It shall be unlawful for any individual, person, firm, corporation or association to park a mobile home in the Town of Indian Lake other than as herein provided.
- (B) Temporary Parking. A mobile home may be parked in a public street, alley or highway during an emergency for minor repairs for a period not exceed three (3) hours subject to any other and further prohibitions; regulations, or limitations imposed by the traffic and parking regulations or ordinances pertaining to the particular street, alley or highway.

SECTION 4: NONCONFORMING USAGE

Any mobile home parked lawfully within the city limits on the effective date of this ordinance may be continued subject to the limitations, restrictions, and regulations set forth below, to wit:

- (a) Abandonment: Any person, firm or corporation or association who abandons or allows a mobile home to remain unoccupied for six (6) consecutive months shall forfeit on the last day of such six (6) months the right to be classified as a nonconforming use under this ordinance.
- (b) The following standards must be met by the nonconforming mobile homes by the date this Ordinance is passed:
- (1) All mobile homes must be tied down and properly anchored.
 - (2) All mobile homes must rest on reinforced concrete foundations.
 - (3) All mobile homes must meet the electrical and plumbing standards as set forth in the adopted Building Codes and other applicable Codes adopted by Town Council.
 - (4) Skirting is mandatory for all mobile homes and must be done with masonry. Masonry construction shall be defined as that form of construction composed of stone, brick, concrete, hollow clay tile, tile, stucco, or other similar building units or materials or combinations of these materials laid up unit by unit and set in mortar. Brick veneer construction is included in this definition of masonry.
 - (5) All mobile home siding must be of natural material (wood or masonry) or be a natural looking material similar to wood or stone.
- (c) Damage or destruction:
- (i) In the event 40% or more of the current value of a mobile home is damaged or destroyed by fire, the elements, or other cause, it shall not be replaced by a mobile home or any such nonconforming structure.
 - (ii) In the event of partial destruction of a mobile home by fire, the elements, or other cause, where the damage does not exceed 40% of the current value thereof, and the destruction and repair occur prior to **December 31, 1985**, reconstruction will be permitted, but the function of the nonconforming use cannot be expanded and the repaired structure shall meet the requirements of paragraph (b) above.
 - (iii) In the event of partial destruction of a mobile home by fire, the elements, or other cause where the damage does not exceed 40% of the current value thereof and the destruction occurs after **December 31, 1985**, the nonconforming structure shall not be replaced by a mobile home or any such nonconforming use.
- (d) Sale: In the event of a sale of a nonconforming mobile home prior to **1985**, the requirements of paragraph (b) above shall become effective for such mobile home at the time of sale.

SECTION 5: NUISANCE

Any mobile home parked in violation of the terms and provisions of this ordinance is hereby declared to be a public nuisance, and the appropriate officers of the city are hereby authorized to initiate any action which may be necessary to restrain or abate such violation. Unless otherwise specified by the **Director of Public Health**, owners of mobile homes lawfully parked at the time of the passage of this ordinance shall during the period of time specified above bring the mobile home and the real estate upon which it is placed to a conforming status with respect to the rules and regulations which may be passed by the Indian Lake Town Council.

SECTION 6: VIOLATION, PENALTY, AND ENFORCEMENT

1. Any owner, person, agent, architect, building contractor, laborer, carpenter, or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or shall build or alter any building or use in violation of any statement or plan submitted and approved thereunder shall be guilty of a Class C misdemeanor and shall be liable for a fine of not less than twenty-five dollars (\$25) or more than two thousand dollars (\$2,000) for each day the violation shall be permitted to exist with each day constituting a separate offense.
2. The culpable mental state required to prove a violation of this Ordinance is that of criminal negligence under Texas Penal Code section 6.03(d).
3. The Town of Indian Lake Municipal Court shall have jurisdiction consistent with Government Code **§ 29.003 as a municipal court and/or Government Code § 30.00005** as a municipal court of record to enforce any provisions of this chapter. Nothing in the Town of Indian Lake Code of Ordinances shall prevent the Town from utilizing the municipal court as a court of competent jurisdiction.
4. The building official shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon them by the provisions of this ordinance, to enter upon and examine any building or premises to conduct inspections to determine the condition of buildings and premises in the interest of safeguarding the health and safety of the occupants of the such buildings and the general public, which authority shall be exercised only with reason and good discretion.
5. The building official or his/her agent, upon complaint of any person having an interest in any building or property adjacent and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon buildings and premises within the Town, and it shall be his/her duty, quarterly or more often, to enter upon and make or cause to be entered and made, a thorough examination of all mercantile, manufacturing, and public buildings, together with the premises belonging thereto. Whenever he/she shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire and/or is so situated as to endanger other buildings or property, or so occupied that the condition would endanger persons or property therein, and whenever he/she shall find any conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to persons or occupants, he/she shall order the same to be

removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said building or premises. Provided, however, that if said owner or occupant deems himself/herself aggrieved by such order, he/she may, within five days, appeal to the mayor, who shall investigate the cause of the complaint, and unless by his/her authority the order is revoked, such order shall remain in force and be forthwith complied with by said owner or occupant.

SECTION 7: VALIDITY

If any section, paragraph, substitution, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the ordinance as a whole, or any part or provision thereof, other than the part so declared invalid or unconstitutional. This ordinance supersedes all previous ordinances including zoning matters.

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