



**LAKEWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKEWOOD VILLAGE, TEXAS**

**TOWN COUNCIL MEETING
JULY 9, 2015 7:00 P.M.**

REGULAR SESSION – AGENDA

Call to Order and Announce a Quorum is Present

A. PLEDGE TO THE FLAG

B. VISITOR/CITIZENS FORUM: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action may be taken on these items at this meeting.

C. CONSENT AGENDA: All of the items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member or citizen so request. For a citizen to request removal of an item from the Consent Agenda a speaker card must be filled out and submitted to the Town Secretary prior to the call to order.

1. Minutes of the June 11, 2015 Council Meeting (Asbell)
2. Engagement of Nabors CPA Services, P.C. for Fiscal Year 2014-2015 Audit (Asbell)

D. REGULAR AGENDA:

1. Discussion of Impact Fee Implementation, Town Engineer Kimley Horn (Vargus)
2. Consideration of Appointments to the Economic Development Corporation (Asbell)
3. Consideration of Appointments to the Municipal Development District (Asbell)
4. Consideration of Adoption Municipal Utilities Service Ordinance (Vargus)
5. Consideration of Amending Fee Ordinance related to Utility Rates (Vargus)
6. Discussion of Parking & Oversized Vehicle Ordinance (Vargus)
7. Discussion of Ordinance Adopting 2011 Electric Code (Bushong)
8. Consideration of Municipal Development District 2015-2016 Budget (Tantalo)
9. Consideration of Fiscal Year 2015-2016 Budget (Vargus)
10. Discussion of Construction Issues Related to: 829 Carrie, and 635 Melody (Vargus)
11. Consideration of Variance Request for Garage set-back at 428 Hillside (Vargus)

E. EXECUTIVE SESSION: Recess into executive session in compliance with (1) § 551.071, Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; (4) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (5) § 551.076 Texas Government Code to wit: deliberations about Security Devices;

F. RECONVENE: Reconvene into regular session and consideration of action, if any, on items discussed in executive session

G. COUNCIL AND STAFF COMMENTS: Comments may be made by Council or Staff. No formal action may be taken on these items at this meeting.

H. ADJOURNMENT

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 6:00 p.m. on Monday, July 6, 2015.

Linda Asbell, TRMC, Town Secretary



The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Town Secretary's office at 972-294-5555 or FAX 972-292-0812 for further information.

One or more members of the LAKEWOOD VILLAGE ECONOMIC DEVELOPMENT CORPORATION and the LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by either the EDC or MDD Boards during this meeting.

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JUNE 11, 2015

Council Members:

Dr. Mark Vargus, Mayor
Carl Menckhoff, M.D., Mayor Pro-Tem - ABSENT
Clint Bushong
Dave Getka
Gary Newsome
Ed Reed

Town Staff:

Linda Asbell, TRMC, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Session of the Town Council to order at 7:03 p.m. on Thursday, June 11, 2015, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

**PRESENTATION OF COLORS AND
PLEDGE TO THE FLAG:**

(Agenda Item A)

Boy Scout Troup 45 presented the colors and led the Pledge of Allegiance.

PRESENTATIONS:

(Agenda Item B)

Town Secretary, Linda Asbell, administered the oaths of office and presented the certificates of election to Mayor Vargus, Councilman Getka, Councilman Reed, Councilman Newsome, and Councilman Bushong.

VISITOR/CITIZENS FORUM:

(Agenda Item C)

No one requested to speak.

CONSENT AGENDA:

(Agenda Item D)

1. Minutes of the May 14, 2015 Council Meeting (Asbell)
2. Resolution Naming the Little Elm Journal as the Official Newspaper (Asbell)

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3. Interlocal Agreement with Denton County for the Collection of Ad Valorem Taxes (Asbell)

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Bushong the Council voted four (4) “ayes” and no (0) “nays” to approve the consent agenda items as presented. *The motion carried.*

REGULAR AGENDA

(Agenda Item E)

**Consideration of Election of Mayor Pro-Tem
(Asbell)**

(Agenda Item E.1)

Mayor Vargus reported that every year after the election the Council selects a Mayor Pro-Tem.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Newsome the Council voted four (4) “ayes” and no (0) “nays” to elect current Mayor Pro-Tem Menckhoff to continue serving as Mayor Pro-Tem. *The motion carried.*

Council Discussed Agenda Item E.3.

**Discussion of Goals and Objectives for the
Municipal Development District (Vargus)**

(Agenda Item E.3)

Mayor Vargus reported that several positions are due for reappointment. He would like the council to discuss goals and objectives for the board to work toward.

Mayor Vargus reported that high priority for the MDD should be creating a master plan for the water system. Mayor Vargus reported that the ground storage tank and the pressure tank sizes need to be increased. The access road needs to be improved and the sanitary buffer zone needs to be addressed. There was some discussion about moving one of the ground storage tanks from Lakewood Village or purchasing a smaller tank. There was some discussion about providing direction to the Municipal Development District board members. Mayor Vargus reported that the MDD will finish repayment of the debt to the Town for the original purchase of the Rocky Point Water System. Dan Tantalo, President of the MDD, also reported that alternate power supplies should also be researched. There was some discussion about the possibility of acquiring additional water systems, there was also discussion about regular communication with the residents of the MDD.

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**Discussion of Goals and Objectives for the
Economic Development Corporation
(Vargus)**

(Agenda Item E.2)

Mayor Vargus reported that the EDC operates like a “small projects fund”. There was some discussion about the minimum number of board members required. Council discussed enhancements to Witt Park. Bill Schoknecht, President of the EDC, expressed concern about maintenance responsibility for any improvements made. There was some discussion about inspiring community involvement. Councilman Getka reported that some shade covers or a sport court could be constructed at the Town Hall Park. Mayor Vargus reported that the EDC and the MDD both need to create budgets to be submitted to the Town Council.

**Discussion of Construction Issues Related to:
829 Carrie Lane, 428 Hillside Drive, and 635
Melody Lane (Vargus)**

(Agenda Item E.4)

Mayor Vargus reported that he communicates with many of the builders when there are problems in order to act as a buffer for the Building Inspector. Mayor Vargus reported that the property owner of 829 Carrie Lane originally submitted plans that had habitable space located inside the flood plain. Mayor Vargus stated the owner was required to submit an approved permit from the United States Army Corps of Engineers before his building permit for the town was released. Mayor Vargus reported on a driveway/garage entrance elevation issue. Mayor Vargus stated that the property now has a self-imposed hardship because the house is oriented in such a way that two of the three garage bays are inaccessible from the driveway due to the flood plain. Mayor Vargus also reported on an electrical compliance/safety issue which resulted in the electric meter being removed. Also, the building inspector discovered, during a courtesy inspection, that the entire house was wired with size 14AWG wiring which is prohibited.

Mayor Vargus reported on driveway issues at 428 Hillside. There have been discussions with the owner to correct ongoing issues. The driveway has been constructed four feet away from the property line. There was some discussion about the zoning requirements and the intention of restriction of flatwork within setbacks. There was some discussion about the building inspector providing an official opinion that the driveway as constructed does not constitute a life/health/safety concern which would allow the owner to receive a temporary certificate of occupancy to live in the home while in the process of requesting a variance from council.

Mayor Vargus reported that 635 Melody excavators mistakenly encroached on the neighboring property by 12 feet. There was some discussion about a meeting with the construction general contractor, Mayor Vargus, and Building Inspector Ausenbaugh. The builder, Our Country Homes, reported that they spoke to the neighboring property owners and made arrangements to correct the damages. Mayor Vargus reported that he spoke to the neighbors and discovered the contractor never contacted them and no arrangement has been made. The property has been

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under red-tag for approximately two weeks. There was some discussion about the building process and anticipated problems that might occur during the construction process. Councilman Getka reported that he does not want to wait to the end of the construction process to make sure the neighboring property owner's damages are corrected. There was some discussion about the timing of the agreement to correct damages.

**Discussion of Fiscal Year 2015-2016 Budget
(Vargus)**

(Agenda Item E.5)

Mayor Vargus reviewed the preliminary proposed budget. Mayor Vargus reported that a capital improvement budget has not been created yet. There was some discussion about the fire hydrant installation that will take place on Hillside on June 12. Mayor Vargus reviewed the proposed general fund revenues and discussed the possible impact of properties protesting their valuations. Mayor Vargus reviewed the general fund expenses and discussed the bond payment debt servicing. There was some discussion about the Fire/EMS contract. There was some discussion about recovering the cost of ambulance runs when caused by a violation of a town ordinance (dog attack by dog-at-large). There was some discussion on the animal control contract. Mayor Vargus reviewed the Utility Fund revenues and expenditures. Mayor Vargus reported that year to date numbers are almost exactly in-line with this time last year. There was some discussion on the Road Maintenance Fund. Mayor Vargus reported on proposals on repairs to be made on Melody Lane.

**Consideration of Amending Fee Ordinance
Related to Utility Rates (Vargus)**

(Agenda Item E.6)

Mayor Vargus reported that the garbage rates will increase approximately 3% in March. There was some discussion on the garbage collection rates being charged to the Town by Allied Waste. There was some discussion about the institution of a \$2.00 monthly franchise fee that would be dedicated to road repair. Mayor Vargus reported that the Public Utility Commission prohibits setting of a rate that offers a discount based on larger volume uses of water. Mayor Vargus reviewed the water rates of the Town of Little Elm and Lake Cities and compared them to the Town of Lakewood Village current rates. Mayor Vargus reviewed a rate simulation he created based on one month of summer usage and one month of winter usage. Council discussed setting a new water rate structure that reduces the minimum bill and encourages conservation.

EXECUTIVE SESSION:

(Agenda Item F)

At 9:24 p.m. Mayor Vargus recessed into executive session in compliance with Section (1) 551.071 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) §

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551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about security devices.

RECONVENE:

(Agenda Item G)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 10:09 PM.

COUNCIL AND STAFF COMMENTS

(Agenda Item H)

Town Secretary, Linda Asbell, reported the July meeting will possibly need to be moved. Council will email available dates between July 1st and July 15th.

ADJOURNMENT

(Agenda Item I)

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Newsome, council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 10:14 p.m. on Thursday, June 11, 2015. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 9th day of July 2015.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY



Nabors CPA Services, P.C.

CERTIFIED PUBLIC ACCOUNTANT
AUDIT, TAX AND CONSULTING SERVICES

(972) 464-1226

8765 Stockard Drive, Suite 404

Frisco, Texas 75034

How well do you know your CPA?

June 10, 2015

Town of Lakewood Village
100 Highridge Drive
Lakewood Village, TX 75068

I am pleased to confirm my understanding of the services I am to provide Town of Lakewood Village for the years ended September 30, 2015. I will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of Town of Lakewood Village as of and for the years ended September 30, 2015. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Town of Lakewood Village's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of my engagement, I will apply certain limited procedures to Town of Lakewood Village's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to my inquiries, the basic financial statements, and other knowledge I obtained during my audit of the basic financial statements. I will not express an opinion or provide any assurance on the information because the limited procedures do not provide me with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited.

1. Management's Discussion and Analysis.
2. Budgetary Comparison Schedules

Audit Objective

The objective of my audit is the expression of opinion as to whether your basic financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the first paragraph when considered in relation to the financial statements as a whole. My audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures I consider necessary to enable me to express such opinion. If my opinion on the financial statements is other than unqualified (unmodified), I will discuss the reasons with you in advance. If, for any reason, I am unable to complete the audit or am unable to form or have not formed opinion, I may decline to express opinion or to issue a report as a result of this engagement.

Member of:
American Institute of CPA's
Texas Society of CPA's

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. You are also responsible for making all management decisions and performing all management functions, for designating an individual with suitable skill, knowledge, or experience to oversee my assistance with the preparation of your financial statements and related notes and any other non-attest services I provide; and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities, for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Lakewood Village and the respective changes in financial position and where applicable, cash flows, in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to me and for the accuracy and completeness of that information. You are also responsible for providing me with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that I may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom I determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to me in the written representation letter that the effects of any uncorrected misstatements aggregated by me during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include my report on the supplementary information in any document that contains and indicates that I have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes my report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with my report thereon. Your responsibilities include acknowledging to me in the representation letter that (a) you are responsible for presentation of the supplementary information in accordance with GAAP; (b) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (c) that

the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) you have disclosed to me any significant assumptions or interpretation underlying the measurement or presentation of the supplementary information.

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, my audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. I will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because I will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by me, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the fraudulent financial reporting or misappropriation of assets that come to my attention. I will also inform the appropriate level of management of any violations of laws or governmental regulations that come to my attention, unless clearly inconsequential. My responsibility as auditor is limited to the period covered by my audit and does not extend to any later periods for which I am not engaged as auditor.

My procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. I will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of my audit, I will require certain written representations from you about the financial statements and related matters.

Audit Procedures – Internal Control

My audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatements, I will perform tests of Town of Lakewood Village's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of my audit will not be to provide an opinion on overall compliance and I will not express such an opinion.

Engagement Administration, Fees, and Other

I expect to begin my audit for the year ended September 30, 2015 on approximately October 26, 2015 and to issue my report no later than December 10, 2015. Wayne Nabors is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. My fee for these services will be at my standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that I agree that my gross fee, including expenses will not exceed \$10,500. My standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, I will discuss it with you and arrive at a new fee estimate before I incur the additional costs.

An invoice for one half of the audit fee will be submitted at the start of field work and one for the remainder upon delivery of the audit report to the Town Council.

I appreciate the opportunity to be of service to the Town of Lakewood Village and believe this letter accurately summarizes the significant terms of my engagement. If you have any questions, please let me know. If you agree with the terms of my engagement as described in this letter, please sign the enclosed copy and return it to me.

Very truly yours,



Nabors CPA Services, P.C.

RESPONSE:

This letter correctly sets forth the understanding of Town of Lakewood Village.

By: _____

Title: _____

Date: _____



MEMORANDUM

TO: Town Council
FROM: Linda Asbell, TRMC, Town Secretary
DATE: July 6, 2015
RE: Agenda Item D.2. - Reappointments to the Economic Development District

Below is a listing of the EDC Board members along with their corresponding term date.

<u><i>Name</i></u>	<u><i>Position</i></u>	<u><i>Term Ends</i></u>
Linda Asbell, Treasurer	#1	2015
Dr. Mark E. Vargus, Secretary	#2	2016
Bill Schoknecht, President	#3	2015
Jannet Fleitman	#4	2016
Van Freeman, Vice President	#5	2015
Linda Loudon	#6	2016
Vacant	#7	



MEMORANDUM

TO: Town Council
FROM: Linda Asbell, TRMC, Town Secretary
DATE: July 6, 2015
RE: Agenda Item D.3. - Reappointments to the Municipal Development District

Below is a listing of the MDD Board members along with their corresponding term date.

<u><i>Name</i></u>	<u><i>Position</i></u>	<u><i>Term Ends</i></u>
Dan Tantalo, President	#1	2015
Vacant	#2	
Kelly Rodocker, Treasurer (requested no reappointment)	#3	2015
Ed Reed, Vice President	#4	2016
Linda Asbell, Secretary	#5	2015
Maggie Walloch, Communication Officer	#6	2016

**TOWN OF LAKEWOOD VILLAGE
UTILITY ORDINANCE 15-xx**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, REQUIRING WATER, SEWER AND GARBAGE COLLECITON SERVICES IN THE CORPORATE LIMITS OF THE TOWN AND WATER FOR PROPERTIES SERVICED BY THE TOWN OF LAKEWOOD VILLAGE IN THE EXTRA TERRITROIAL JURISDICTION OF THE TOWN OF LAKEWOOD VILLAGE; PROVIDING FOR REPEAL; PRESCRIBING CERTAIN POLICIES, RULES AND REGULATIONS IN CONNECTION THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, heretofore, the Town of Lakewood Village, Texas (“Town”), owns and operates water and sewer systems in and for the Town and portions of the Extra Territorial Jurisdiction (“ETJ”);

WHEREAS, the Town Council of the Town has found, determined and declares that it is necessary and expedient to prescribe certain policies, rules and regulations in connection herewith;

WHEREAS, the Town Council believes it is in the best interest of the citizens of the Town and ETJ to have the ability to impose a lien on eligible properties as a means of securing payment of delinquent bills; and

WHEREAS, Section 402.0025 of the Texas Local Government Code gives municipalities authority to impose a lien on certain owner’s property for delinquent bills for utility services;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Savings / Repealing Clause

Water / Wastewater Rates & Fees 12-13 and Solid Waste Rates 07-04 are hereby repealed in their entirety.

Section 3: Adoption

The Utility Ordinance attached hereto as Exhibit A is hereby adopted as the utility ordinance for the Town.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offences for each day during which the violation is continued.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200), imprisonment, or both. The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

C. Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 5: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 6: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 7: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the **xx** day of xxx, 2015.

Dr. Mark Vargus
Mayor

ATTEST:

Linda Asbell
Town Secretary, TRMC

Exhibit A



Utility Ordinance

Adopted: xxxx xx, 2015

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SECTION 1: PROVISIONS

1.1. SERVICE REQUIRED

All properties within the corporate limits of the Town and properties in the ETJ which receive water service from the Town are required to comply with the Town's Utility requirements.

1.1.1. Water

All water services within the areas covered by the Town's Certificate of Convenience and Necessity (CCN) shall be provided by the Town. Water wells within in the Town's ~~water CCN~~ corporate limits shall be prohibited.

1.1.2. Sewer

All wastewater services within the areas covered by the Town's Certificate of Convenience and Necessity (CCN) shall be provided by the Town. Onsite sewage systems (e.g., septic, aerobic) are ~~permitted in the ETJ~~ prohibited within the Town's corporate limits.

1.1.3. Garbage Collection

All properties within the corporate limits of the Town are required to receive garbage collection services from the firm contracted by the Town.

1.1.4. Water Exception

Lakefront properties with permission from the City of Dallas and consent permits issued by the United States Corps of Engineers may obtain water from Lewisville Lake for the purposes of irrigation only.

1.1.5. No Free Service

No free water, sewer or garbage collection services shall be provided to any person, firm or corporation.

1.2. UTILITY ACCOUNT

1.2.1. Initiation of Service

Customers who wish to open a utility account with the Town shall complete an application form. If the applicant has outstanding delinquent accounts with other municipal utilities, as a condition of new service, the Town may require proof of payment. The Town may also provide information on delinquent accounts to other utilities as provided by law and in accordance with relevant inter-local agreements.

1.2.2. Deposit

A deposit in the amount prescribed in the Consolidated Fee Ordinance shall be held by the Town until the account is closed by the customer. The Town shall not pay interest on money held for deposit. The deposit is due with the submission of the account application.

1.2.3. Termination of Service

The deposit shall be applied to unpaid balances upon termination of service. If the balance is less than the balance, the remainder shall be refunded to the customer by means of:

- 1) A refund check available for pickup at Town hall during normal business hours; or
- 2) Forwarding to the customer via USPS with an address provided by the customer.

If a deposit refund is unclaimed after one year, then the amount shall become property of the ~~utility funds~~ Town.

1.3. UTILITY TAPS

1.3.1. Existing Service Area

Only with properly issued permits, a licensed plumber contractor that is registered with the Town shall perform all work connecting to the Town utilities. No plumber or person, except an employee or agent of the Town, will be allowed to tap any street main or pipes belonging to the Town or do any work in the street or public grounds in connection with the laying of street service connections and in connection with their mains without the consent of the Town.

1.3.2. Future Service Area

The cost of extending service lines to property outside of the existing service area shall be at the expense of the property owner and/or customer.

1.3.3. Meter Specifications

One (1) inch meters shall be prohibited on water mains less than six (6) inches in diameter.

1.3.4. Irrigation

Any irrigation system that is connected to the potable water supply shall be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention device shall be approved by the American Society of Sanitary Engineers, the Foundation for Cross-Connection Control and Hydraulic Research or the Uniform Plumbing Code.

The backflow prevention device shall be tested by a licensed Backflow Prevention Assembly Tester prior to being placed into service and the test results provided to the Building Inspector within ten (10) days of test.

All new irrigation systems shall include an isolation valve between the water meter and the backflow prevention device. There shall be no interconnection between Irrigation lines drawing non-potable water directly from the lake with the Town's municipal water supply.

1.3.5. Inspections

Inspections shall be performed by the Building Inspector in accordance with the requirements defined in the Residential and/or Building Codes adopted and amended by the Town.

The property owner shall be responsible for fees associated with the required inspections and re-inspections as established in the Town's Fee Ordinance.

1.3.6. Damaged Utilities

The property owner and/or agent employed by a property owner shall be financially responsible for all costs incurred with the repair and/or replacement of damaged utilities that are attributed to ~~an~~ improper installation or repair actions of the owner and/or agent.

1.3.7. Fees

Applicable tap and/or impact fees are established in the Town's Consolidated Fee Ordinance.

1.4. BILLING PROCEDURES

1.4.1. Meter Reading

The Town shall read all water meters once each month and render a combined monthly utility bill for water, sewer and garbage collection services. The Town will make every effort to read meters within one day of the fifteenth of each month. Due dates for each bill shall be the fifth day of the subsequent month with a penalty established in the Consolidated Fees Ordinance for payments received on or after the sixth day of the month.

1.4.2. Deferred Payment Plans

If requested by the customer, the Town shall offer a deferred payment plan to any residential customer if the owed amount is in excess of three (3) times the average monthly bill for that customer for period of twelve (12) months and if the customer has not been issued any disconnection notices at any time during the previous twelve (12) months. A deferred payment plan may include a one-time finance charge that shall not exceed ten (10) percent of the gross water charges.

1.4.3. USPS Mail Delivery

Failure to receive the monthly bill via the US Postal Service does not alleviate the customer's responsibility to pay the bill on time. Billing information may be obtained and payments made at Town Hall during regular business hours.

1.5. ~~UTILITY SERVICE~~ DISCONTINUATION OF SERVICE

1.5.1. Failure to Pay

The Town ~~shall~~ may discontinue water service by means of locking the water meter for failure to pay an outstanding balance within forty-five (45) days from the date the bill was mailed to the customer or when an overdue balance exceeds the deposit.

1.5.2. ~~Discontinuation of Service by the Town~~ Dishonored Checks/Debit or Credit Charges

Payments ~~by~~ by dishonored by banking instution check shall constitute non-payment and water service shall remain discontinued.

1.5.3. Resumption of Service

The outstanding account balance, reconnect fees and any other applicable ~~returned check fees~~ shall be paid in full prior to service being restored.

1.5.4. Liens

The Town may file a lien against the real property to which service was provided when delinquent charges imposed by this ordinance remain unpaid. The lien shall include and secure the delinquent charges, penalties, collection and interest costs. The Town shall perfect the lien by filing a notice of lien containing a legal description of the property and the utility account number for the delinquent charges in the real property records of Denton County.

Exceptions to the lien process:

- 1) The lien shall not apply to outstanding balances for service connected in a tenant's name after notice by the property owner the property is rented;
- 2) The lien shall not apply to homesteaded properties; and
- 3) The lien shall be filed a minimum of fifteen (15) days after service has been discontinued.

1.6. WATER SERVICE

1.6.1. Construction / Maintenance

The Town reserves the right at any time to temporarily ~~to "shut-off"~~ interrupt water service for the purpose of cleaning, repairing, connecting or extending service connections. When possible, the Town will provide notice of planned service outages and areas affected.

1.6.2. Indemnity of Town

The Town shall not be liable for any damages as result of leaks or breaks of plumbing on any privately owned property.

1.6.3. Pressure / Quantity

The Town does not guarantee a specified quantity, minimum water pressure or maximum water pressure to any connection made to the water system.

1.7. SUPPLEMENTAL SEWAGE BACKUP INSURANCE

The Town of Lakewood Village, for the benefit of the citizens, currently provides for supplemental sewage backup insurance. This insurance is provided for citizens through the Town's insurance carrier. Citizens may utilize this insurance coverage in the event of a sewage backup within a town sewer line that causes damage to the citizen's private property. In order to benefit from this insurance coverage the citizen must pay any deductibles associated with the claim. This ordinance does not require the Town to maintain supplemental sewage backup insurance and the Town may discontinue the coverage at any time and without prior notice to the public.

1.8 EASEMENT REQUIRED



Where recorded public utility easements on the service applicant's property do not exist or public road right-of-way easements are not available to access the applicant's property, the Town may require the applicant to provide it with a permanent recorded public utility easement, on and across the applicant's real property sufficient to provide service to that applicant. Such easement(s) shall not be used for the construction of production, storage, transmission or pressure facilities unless they are needed for adequate service to that applicant.

**SECTION 2: DEFINITIONS****2.1. GENERAL**

Terms which are used in this Ordinance and are not specifically defined shall be given their ordinary meaning, unless the context requires or suggests otherwise. In the case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the Town staff shall have the authority to assign an interpretation which is consistent with the intent and purpose of this Ordinance, or an interpretation which is consistent with previous usage or interpretation.

2.2. WORDS OR TERMS DEFINED

Customer: a person or corporation that receives utility service from the Town.

Deferred Payment Plan: an agreement between the utility provider and a customer in which an outstanding bill shall be paid in installments.

System: the network of pipes that provide the supply of fresh water and the removal of waste water.



End of Exhibit A

1.1. ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
14-xx	April xx, 2014	• Removed fees
12-07	May 17, 2012	

**TOWN OF LAKEWOOD VILLAGE
CONSOLIDATED FEE ORDINANCE 15-XX**

**AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS,
ESTABLISHING A CONSOLIDATED FEE ORDINANCE; PROVIDING
FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE;
PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY
CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS
ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE
CAPTION HEREOF.**

WHEREAS, the Town Council of the Town of Lakewood Village ("Town Council") has investigated and determined that it would be advantageous and beneficial to the citizens of Lakewood Village to establish a consolidated fee ordinance for the citizens to determine fees with greater convenience and for the town Council to more easily amend fees as necessary; and

WHEREAS, the effective operation of the Town of Lakewood Village ("Town") requires the collection of fees for services the Town provides.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:**

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein

Section 2: Savings / Repealing Clause

All ordinances that are in conflict with the provisions of this ordinance, and the same are hereby repealed and all other ordinances of the town not in conflict with the provisions of this ordinance shall remain in full force and effect.

Fee Ordinance 14-05 is hereby repealed in its entirety.

Section 3: Adoption

The Consolidated Fee Ordinance attached hereto as Exhibit A is hereby adopted as the consolidated fee ordinance for the Town.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offense for each day during which the violation is continued.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for

the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

C. Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 5: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 6: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 9th day of July, 2015.

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Asbell, TRMC
Town Secretary

Exhibit A



CONSOLIDATED FEE ORDINANCE

Adopted: July 9, 2015

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SECTION 1: BUILDING / CONSTRUCTION**1.1. RESIDENTIAL BUILDING PERMIT****1.1.1. Scope**

Defined in the Residential Code and as amended by the Town of Lakewood Village residential new home construction permits consist of five (5) components:

- 1) Application for Building Permit;
- 2) Mechanical;
- 3) Electrical;
- 4) Plumbing; and
- 5) Concrete / Flatwork.

Pool and/or Spa, fencing and irrigation permits are not included in the new home construction-building permit. Detached garages are not included in the permit for the dwelling. Conversion of non-conditioned space to conditioned space within 24 months of the initial CO of the dwelling will be charged a permit fee of the greater of \$2/sq. ft. or \$75 per required inspection.

1.1.2. Fee Rate

New construction fee rate is assessed on the total conditioned space, cooled and/or heated area of the dwelling. New construction fees do not include detached garages, which are permitted as accessory buildings. A remodel fee depends upon the number of inspections required. Fees for accessory buildings are also dependent upon the number of inspections required.

New Construction	\$2 / sq. ft.
Remodel	\$75 / Inspection
Accessory Building > 250 sq. ft.	\$75 / Inspection

1.2. POOL AND/OR SPA PERMIT**1.2.1. Fee Schedule**

Pool and Spa	\$525
Pool Only	\$525
Spa Only (In-Ground)	\$525
Spa (Pre-Fabricated)	\$75 / Inspection
Pool Enclosures	\$75

1.3. PROJECT PERMIT

1.3.1. Scope

Refer to Building or Residential Code as amended by the Town of Lakewood Village for types of projects that require a permit.

1.3.2. Fee Schedule

Electrical	\$75
Plumbing	\$75
Mechanical	\$75
Sprinkler / Irrigation	\$125
Fence / Screening Wall	\$25
Flatwork < 50 sq. ft.	\$0
Flatwork – Small Storage Unit	\$0
Flatwork – Driveway	\$200
Flatwork – All Other	\$200

Small storage units are less than 250 sq. ft. in size, are detached from the driveway, and will not house any automobiles or similar motor vehicles. Flatwork which connects to the driveway or that which is intended or used for ingress/egress by automobiles or similar shall be permitted as a driveway.

1.4. PLAN REVIEW

1.4.1. Fee Schedule

New Home	Included
Remodel	\$75
Accessory Building > 250 sq. ft.	\$0

1.5. RE-INSPECTIONS

1.5.1. Fee Schedule

The payment for a re-inspection shall be paid in full prior to scheduling the subsequent inspection.

New Home Construction	4 th and beyond = \$75 ea.
CSI	\$50 ea.
All other	\$75 ea.

1.6. CONTRACTOR REGISTRATION**1.6.1. Scope**

The General Contractor (new home construction) and all licensed contractors must register with the Town of Lakewood Village before applying for permits.

1.6.2. Fee Schedule

General Contractors, Building	\$25
Electrical	\$25
Plumbing	\$0
Mechanical	\$25
Irrigation	\$25
Third Party Back-Flow Inspector	\$25

1.7. CERTIFICATE OF OCCUPANCY & CUSTOMER SERVICE INSPECTION**1.7.1. Scope**

The fee for the CO applies to all inspections within the Town of Lakewood Village. The CSI inspection applies to all the Town's utility service areas within the Town and ETJ.

1.7.2. Fee Schedule

CO and CSI	\$100
CO Only	\$75
CSI Only	\$50

SECTION 2: UTILITIES**2.1. DEPOSITS –****2.1.1. Town of Lakewood Village (Corporate Boundaries)**

Deposit	\$ 200
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2.1.2. Rocky Point (ETJ)

Deposit	\$100
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2.2. WATER RATES – RESERVED FOR FUTURE USE**2.2.1. Residential - Town of Lakewood Village (Corporate Boundaries)**

0 → 2,000 Gallons / Month	\$21.00
2,001 → 20,000 Gallons / Month	\$ 3.70
20,001 → 50,000 Gallons / Month	\$ 4.00
> 50,000 Gallons / Month	\$ 10.00

2.2.2. Commercial – Town of Lakewood Village (Corporate Boundaries)

0 → 2,000 Gallons / Month	\$ 39.00
> 2,000 Gallons / Month	\$ 6.00

2.2.3. Rocky Point (ETJ)

0 → 3,000 Gallons / Month	\$ 37.00
> 3,000 Gallons / Month	\$ 8.00

Water leaks at residences will be handled as follows:

1. Leaks in a service line from property owner's side of the meter will be charged average bill plus \$1.50 (inside the town limits) or \$4.00 (outside the town) per thousand gallons above the average monthly usage. This adjustment shall only apply to one leak/billing cycle in a twelve-month period.
2. In order for the above to apply, plumber repair invoices (including location of leak) must be provided as proof or an agent of the Town must be notified if the owner wishes to make the repair.
3. The basis for computing the average bill and average usage for 1 and 2 (above) shall be the preceding three months
4. The Town will be responsible for making repairs for leaks that occur within the

confines of the meter box. The property owner will be responsible for payment for water consumption due to any leak on the owner's side of the meter regardless if the leak is inside the meter box.

North Texas Groundwater District Fee: The cost of the North Texas Groundwater District Fee will be computed annually and will be charged to each water customer based on water consumption.

2.3. SEWER RATES – RESERVED FOR FUTURE USE

2.3.1. Town of Lakewood Village (Corporate Boundaries)

Flat Rate / Month	\$ 41.00
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2.4. WATER DISCONNECT / RECONNECT – RESERVED FOR FUTURE USE

Weekdays between 8 a.m. and 5 p.m.	\$ 50.00
Weekends / Holidays / After Hours	\$ 50.00

Unauthorized resumption of service by the customer may result in meter removal and an additional fee of \$100.00 to be paid prior to the resumption of service.

**2.5. GARBAGE COLLECTION – RESERVED FOR FUTURE USE****2.5.1. Town of Lakewood Village (Corporate Boundaries)**

Flat Rate / Month	\$ 17.50
Additional Collection Container / Month	\$ 6.50
Franchise Fee	\$ 2.00

2.6. BULK TRASH – RESERVED FOR FUTURE USE**2.6.1. Town of Lakewood Village (Corporate Boundaries)**

Included in Monthly Fee	\$
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2.7. TAPS**2.7.1. Water – Town of Lakewood Village (Corporate Boundaries)**

Water Tap	\$1575
Meter Set Fee	\$390

2.7.2. Water – Rocky Point (ETJ)

Water Tap	\$1575
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2.7.3. Sewer – Town of Lakewood Village (Corporate Boundaries)

Sewer Tap	\$1275
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SECTION 3: ZONING

3.1. ZONING CHANGE APPLICATION

3.1.1. Fee Schedule

Administrative Review	\$250
Professional Services	Actual Costs Incurred

The Administrative review fee does not include any engineering, legal, or other professional services that may be needed. The administrative fee is charged for each submittal.

3.2. PLANNED DEVELOPMENT (PD)

3.2.1. Fee Schedule

Administrative Review	\$250
Professional Services	Actual Costs Incurred

The Administrative review fee does not include any engineering, legal, or other professional services that may be needed. The administrative fee is charged for each submittal.

3.3. SPECIFIC USE PERMIT (SUP)

3.3.1. Fee Schedule

Administrative Review	\$100
Professional Services	Actual Costs Incurred

The Administrative review fee does not include any engineering, legal, or other professional services that may be needed. The administrative fee is charged for each submittal.

3.4. VARIANCE

3.4.1. Fee Schedule

Per Request	\$0
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3.5. ANNEXATION REQUEST

3.5.1. Application Form

Submittal information shall meet the requirements of Texas Local Government Code, Chapter 43.

3.5.2. Fee Schedule

Staff Review	\$0
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SECTION 4: PLAT**4.1. PRELIMINARY PLAT****4.1.1. Fee Schedule**

< 100 Lots	\$1400
≥ 100 Lots	\$1700

4.2. FINAL PLAT OR DEVELOPMENT PLAT**4.2.1. Fee Schedule**

< 100 Lots	\$600
≥ 100 Lots	\$900

4.3. REPLAT**4.3.1. Fee Schedule**

Administrative Review	\$250
Professional Services	Actual Costs Incurred

4.4. AMENDING PLAT**4.4.1. Fee Schedule**

Administrative Review	\$100
Professional Services	Actual Costs Incurred

SECTION 5: CONSTRUCTION PLANS**5.1. PLAN APPROVAL**

Prior to approval of the Final Plat, all construction plans must be approved by the Town engineers. Construction plan components include drainage plans, roadway, utility plans, and any additional required submittals.

5.1.1. Fee Schedule

< 100 Lots	\$4000
≥ 100 Lots	\$5500

**SECTION 6: GENERAL****6.1. RETURNED CHECK**

Administration	\$30 / Check
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6.2. ANIMAL CONTROL

Pet Registration	\$5 / Pet
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6.3. TOWN HALL RENTAL

\$50 per day - \$100 Deposit Required

6.4. PEDDLER / ITINERANT VENDOR

Application	\$150
License	\$100 / Employee

6.5. SIGNS – RESERVED FOR FUTURE USE

\$

6.6. OPEN RECORDS REQUEST

Fees for open records request shall be in accordance with Subchapter F of the Public Information Act, sections 552.261 through 552.275, as amended.

All information requests shall be submitted in writing to the Town of Lakewood Village, attention Town Secretary. No verbal requests shall be accepted.

SECTION 7: MUNICIPAL COURT – RESERVED FOR FUTURE USE

SECTION 8: DEFINITIONS

8.1. GENERAL

Terms that are used in this Ordinance and are not specifically defined shall be given their ordinary meaning, unless the context requires or suggests otherwise. In the case of ambiguity or uncertainty concerning the meaning of a particular term, whether or not defined, the Town staff shall have the authority to assign an interpretation that is consistent with the intent and purpose of this Ordinance, or an interpretation that is consistent with previous usage or interpretation.

8.2. WORDS AND TERMS DEFINED

CSI: Customer Service Inspection.

CO: Certification of Occupancy

Conditioned Space: the area devoted to the living area in a residence or dwelling and is exclusive of porches, enclosed or open breezeways or other non-living space.

ETJ: Extraterritorial Jurisdiction

End of Exhibit A

Adoption and Summary of Amendments

Ordinance Number	Date	Summary
14-05	June 12, 2014	<ul style="list-style-type: none">• First step in consolidating fees into a single ordinance; reserved sections will require amendments to other ordinances to remove fees.
11-10	May 12, 2011	REPEALED

**TOWN OF LAKEWOOD VILLAGE
ELECTRICAL CODE 15-xx**

AN ORDINANCE TO ADOPT THE 2011 NATIONAL ELECTRICAL CODE, WITHIN THE TOWN OF LAKEWOOD VILLAGE AND THE TOWN OF LAKEWOOD VILLAGE EXTRATERRITORIAL JURISDICTION; PROVIDING A SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas and the citizens inside the Town of Lakewood village Extraterritorial Jurisdiction (collectively “Lakewood Village”) to adopt the 2011 Edition of the National Electrical Code, save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the 2011 National Electrical Code

The National Electrical Code, 2011 Edition, copyrighted by the National Fire Protection Association, including Annex H, save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Electrical Code for Lakewood Village, regulating the construction, alteration, removal, use and/or maintenance of any electrical wiring, apparatus, device or system within Lakewood Village (the "2011 National Electrical Code"). The 2011 National Electrical Code is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Electrical Code 11-08 ordinance is hereby repealed in its entirety.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued after notification. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the xxth day of Xxxx, 2015.

Mark Vargus
Mayor

ATTEST:

Linda Asbell
Town Secretary, TMRC

Exhibit A

Town of Lakewood Village Amendments

2011 National Electrical Code



ELECTRICAL CODE

Adopted: Xxxx xx, 2015

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CHAPTER 2. WIRING AND PROTECTION

The following additions, deletions and amendments to the 2011 National Electrical Code adopted herein and hereby adopted.

ARTICLE 230 SERVICES

The following additions, deletions and amendments to the 2011 National Electrical Code adopted herein and hereby adopted.

230.71 Maximum Number of Disconnects

(A) General. The service disconnecting means for each service permitted by 230.2, or for each set service-entrances conductors permitted by 230.40. Exception No. 1, 3, 4, or 5, shall consist of not more than six switches or sets of circuit breakers, or a combination of not more than six switches and sets of circuit breakers, mounted in a single enclosure, in a group of separate enclosures, or in or on a switchboard. There shall be not more than six sets of disconnects per service grouped in any one location.

For the purpose of this section, disconnecting means installed as part of listed equipment and used solely for the following shall not be considered a service disconnecting means:

- (1) Power monitoring equipment
- (2) Surge-protective devices(s)
- (3) Control circuit of the ground-fault protection system
- (4) Power-operable service disconnecting means

Exception: Multi-occupant buildings. Individual service disconnecting means is limited to six for each occupant. The number of individual disconnects at one location may exceed six.

CHAPTER 3. WIRING METHODS AND MATERIALS

The following additions, deletions and amendments to the 2011 National Electrical Code adopted herein and hereby adopted.

ARTICLE 310 CONDUCTORS FOR GENERAL WIRING

The following additions, deletions and amendments to the 2011 National Electrical Code adopted herein and hereby adopted.

310.106 Conductors

(A) Minimum Size of Conductors. The minimum size of conductors shall be as shown in Table 310.106(A), except as permitted elsewhere in this Code.

(B) Conductor Material. Conductors in this article shall be ~~of aluminum, copper-clad aluminum, or~~ copper unless otherwise specified.

Table 310.106(A) Minimum Size of Conductors

Conductor Voltage Rating (Volts)	Minimum Conductor Size (AWG) Copper
0 - 2,000	12
2,001 - 5,000	8
5,001 - 8,000	6
8,001 - 15,000	2
15,001 – 28,000	1
28,001 – 35,000	1/0

ARTICLE 334 NONMETALLIC-SHEATHED CABLE: TYPES NM, NMC AND NMS

The following additions, deletions and amendments to the 2011 National Electrical Code adopted herein and hereby adopted.

334.12 Uses Not Permitted

(A) Types NM, NMC and MNS. Types NM, NMC and NMS cables shall not be permitted as follows:

- (1) In any dwelling or structure not specifically permitted in 334.10(1), (2) and (5).
- (2) Exposed in dropped or suspended ceilings in other than one- and two-family and multifamily dwellings.
- (3) As service-entrance cable.
- (4) In commercial garages having hazardous (classified) locations as defined in 511.3.
- (5) In theaters and similar locations, except where permitted in 518.4(B).
- (6) In motion picture studios
- (7) In storage battery rooms
- (8) In hoist ways or on elevators or escalators
- (9) Embedded in poured cement, concrete or aggregate.
- (10) In hazardous (classified) locations, except where specifically permitted by other articles in this Code.
- (11) In structures where it would be required to pass through either factory or field punched, cut or drilled slots or holes in metal members.

(B) Types NM and NMS. *(No edits)*

ANNEX H. ADMINISTRATION AND ENFORCEMENT

The 2011 National Electrical Code is amended by deleting the entire article and replacing it with the following:

[H] 101 GENERAL
[H] 101.1 Title

These regulations shall be known as the *National Electrical Code* of The Town of Lakewood Village hereinafter referred to as "this code."

[H] 101.2 Scope

The provision of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems within this jurisdiction. This code shall also regulate the installation of electrical conductors, equipment, and raceways; signaling and communications conductors equipment, and raceways; and optical fiber cables and raceways as identified in Article 90 of this code. Provisions in the appendices shall not apply unless specifically adopted.

Exception

Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

[H] 101.3 Intent

The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of electrical systems and equipment.

[H] 102 APPLICABILITY**[H] 102.1 General**

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[H] 102.2 Existing Installations

Electrical systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continue if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such electrical system.

[H] 102.3 Maintenance

All electrical systems, materials and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed. The owner or the owner's designated agent shall be responsible for maintenance of electrical systems. To determine compliance with this provision, the code official shall have the authority to require any electrical system to be reinspected.

[H] 102.4 Additions, Alterations or Repairs

Additions, alterations, renovations or repairs to any electrical system shall conform to that required for a new electrical system without requiring the existing electrical system to comply with all the

requirements of this code unless otherwise determined by the code official that it is necessary to change part of or all of the existing electrical system to safeguard life or limb, health, property and public welfare. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded. Minor additions, alterations, renovations and repairs to existing electrical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

[H] 102.5 Change in Occupancy

It shall be unlawful to make any change in the occupancy of any structure that will be subject the structure to any special provision of this code applicable to the new occupancy without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of the law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

[H] 102.6 Moved Buildings

Except as determined by section 102.2, electrical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

[H] 102.7 Referenced Codes and Standards

The codes and standards referenced in this code, when specifically adopted, shall be considered as part of the requirements of this code to the prescribed extent of each such reference. Where the differences occur between provisions of this code and the referenced standards, the provisions of this code shall be the minimum requirements. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well.

[H] 102.7.1 Conflicts

Where conflicts occur between provisions of this code and the referenced standards, the provision of this code shall apply.

[H] 107.2 Provision in Referenced Codes and Standards

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provision of this code, as applicable, shall take precedence over the provisions in the 'referenced code or standard.

[H] 102.8 Requirements not Covered by Code

Any requirements necessary for the strength, stability or proper operation of an existing or proposed electrical system, or for public safety, health and general welfare, not specifically covered by this code shall be determined by the code official.

[H] 102.9 Other Laws

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[H] 102.10 Application of References

Reference to chapter section numbers, or provision not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

[H] 103 DEPARTMENT OF ELECTRICAL INSPECTION**[H] 103.1 General**

The department of electrical inspection is hereby created and the executive official in charge thereof shall be known as the code official.

[H] 103.2 Appointment

The code official shall be appointed by the chief appoint authority of the jurisdiction.

[H] 103.3 Deputies

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appoint authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall powers as delegated by the code official.

[H] 103.4 Liability

The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final terminate of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

[H] 104 DUTIES AND POWERS OF THE CODE OFFICIAL**[H] 104.1 General**

The code official is hereby authorized and directed to enforce the provision of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and

procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[H] 104.2 Applications and Permits

The code official shall receive applications, review construction documents and issue permits for the installation and alteration of electrical systems, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

[H] 104.3 Inspections

The code official shall make all the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appoint authority.

[H] 104.4 Right of Entry

Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or upon an premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall be present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry. When the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

[H] 104.5 Identification

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[H] 104.6 Notices and Orders

The code official shall issue all necessary notices or orders to ensure compliance with this code.

[H] 104.7 Department Records

The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

[H] 105 APPROVAL**[H] 105.1 Modifications**

Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the electrical inspection department.

[H] 105.2 Alternative Materials, Methods and Equipment

The provisions of this code of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed alternative material, method or equipment complies with the intent of the provision of this code and is at least the equivalent of that prescribed in this code.

[H] 105.2.1 Research Reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[H] 105.3 Required Testing

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternate materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

[H] 105.3.1 Test Methods

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

[H] 105.3.2 Testing Agency

All tests shall be performed by an approved agency.

[H] 105.4 Approved materials and Equipment

Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[H] 105.4.1 Material and Equipment Reuse

Materials, equipment and devices shall not be reused unless such elements have been reconditions, tested, placed in good and proper working condition and approved.

[H] 106 PERMITS**[H] 106.1 When Required**

Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work.

[H] 106.2 Exempt Work

The following work shall be exempt from the requirements for a permit:

1. The work identified in Article 90.2(B) as not being covered by this Code.

[H] 106.3 Application for Permit

Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

[H] 106.3.1 Construction Documents

Construction documents, engineering calculations, diagrams and other such data shall be submitted, as required by the code official, with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional when required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipes, conduits, wiring, equipment, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fire blocking.

Exception

The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such reviewing of the construction documents is not necessary to determine compliance with this code.

[H] 106.3.2 Preliminary Inspection

Before a permit is issued, the code official is authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

[H] 106.3.3 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned 90 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued: except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[H] 106.4 By Whom Application is Made

Application for a permit shall be made by the person or agent to install all or part of any electrical system. The applicant shall meet all qualifications established by statute, or by rules promulgated by this code, or by ordinance or by resolution. The full name and address of the applicant shall be stated in the application.

[H] 106.5 Permit Issuance

The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section [H] 106.6 have been paid, a permit shall be issued to the applicant.

[H] 106.5.1 Approved Construction Documents

When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "APPROVED." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. All work shall be done in accordance with the approved construction documents. The code official shall have the authority to issue a permit for the construction of a part of a electrical system before the entire construction documents for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire electrical system will be granted.

[H] 106.5.2 Validity

The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. Not permit presuming to give authority to violate or cancel the provisions of this code shall be valid. The issuance of a permit based upon construction documents and other data shall not prevent the code official from thereafter required the correction of errors in said construction documents and other data or from preventing building

operations being carried on thereunder when in violation of this code of other ordinances of this jurisdiction.

[H] 106.5.3 Expiration

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after the issuance, or if the work authorized by such permit is suspended, abandoned or lacks any required inspection for a period of 180 days after the time the work is commenced. The code official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[H] 106.5.4 When Extensions

Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. Not permit shall be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

[H] 106.5.5 Suspension or Revocation of Permit

The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis on incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

[H] 106.5.6 Retention of Construction Documents

One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. Once set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

[H] 106.5.7 Previous Approvals

This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[H] 106.5.8 Posting of Permit

The permit or a copy shall be kept on the site of the work until the completion of the project.

[H] 106.6 Fees

A permit shall not be issued until the fees prescribed in Section 106.6.2 have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the electrical systems, has been paid.

[H] 106.6.1 Work Commencing before Permit Issuance

Any person who commences any work on an electrical system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

[H] 106.6.2 Fee Schedule

The fees for all electrical work shall be as indicated in the Consolidated Fee Ordinance for the Town of Lakewood Village.

[H] 106.6.3 Fee Refunds

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

[H] 107 INSPECTIONS AND TESTING**[H] 107.1 General**

The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[H] 107.2 Required Inspections and Testing

The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping and conduit installed, and before any backfill is put in place.
2. Rough-in inspection shall be made after the roof, framing, fire blocking, fire stopping, draft stopping and bracing is in place and all electrical systems are rough-in, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made after the building is complete, all electrical fixtures are in place and properly connected, and the structure is ready for occupancy.

[H] 107.2.1 Other Inspections

In addition to the inspections specified above, the code official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

[H] 107.2.2 Inspection Requests

It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

[H] 107.2.3 Approval Required

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not covered or concealed until authorized by the code official.

[H] 107.2.4 Approved Agencies

The code official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

[H] 107.2.5 Evaluation and Follow-up Inspection Services

Prior to the approval of a closed, prefabricated, electrical system and the issuance of an electrical permit, the code official may require submittal of an evaluation report on each prefabricated electrical system indicating the complete details of the electrical system, including a description of the system and its components, the basis upon which the electrical system is being evaluated, test

results and similar information, and other data as necessary for the code official to determine conformance to this code.

[H] 107.2.5.1 Evaluation Service

The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

[H] 107.2.5.2 Follow-up Inspection

Except where ready access is provided to all electrical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow up inspection manual and a report of inspections upon request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspection have been performed.

[H] 107.2.5.3 Test and Inspection Records

All required test and inspection records shall be available to the code official at all times during the fabrication of the electrical system and the erection of the building, or such records as the code official designates shall be filed.

[H] 107.3 Special Inspections

Special inspections of alternative engineered design electrical systems shall be conducted in accordance with Sections 107.3.1 and 107.3.2.

[H] 107.3.1 Periodic Inspection

The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved construction documents. All discrepancies shall be brought to the immediate attention of the electrical contractor for correction. Records shall be kept of all inspections.

[H] 107.3.2 Written Report

The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents. A notice of approval for electrical system shall not be issued until a written certification has been submitted.

[H] 107.4 Testing

Electrical work and systems shall be tested as required by this code and in accordance with Sections 107.4.1 through 107.4.3. Tests shall be made by the permit holder and observed by the code official.

[H] 107.4.1 new, Altered, Extended or Repaired Systems

New electrical systems and parts of existing systems that have been altered, extended or repaired shall be inspected and tested as required by the code official.

[H] 107.4.2 Equipment, Material and Labor for Tests

All equipment, material and labor required for testing a electrical system or part thereof shall be furnished by the permit holder.

[H] 107.4.3 Reinspection and Testing

Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

[H] 107.5 Approval

After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

[H] 107.5.1 Revocation

The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provision of this code.

[H] 107.6 Temporary Connection

The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provision of this code wherever the notice issued in error, or on the basis of incorrect information supplied, or where it is determined that the build or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provision of this code.

[H] 107.7 Connection of Service Utilities

A person shall not make connections from a utility, source of energy, or power system to any building or system that is regulated by this code for with a permit is required until authorized by the code official.

[H] 108 VIOLATIONS**[H] 108.1 Unlawful Acts**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any electrical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[H] 108.2 Notice of Violation

The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of electrical work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[H] 108.3 Prosecution of Violation

If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[H] 108.4 Violation Penalties

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair electrical work in violation of the *approved* construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of separate offenses for each day during which the violation is continued after notification.

[H] 108.5 Stop Work Orders

Upon notice from the code official, work on any electrical system that is being done contrary to the provision of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or that owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as required herein by this code.

[H] 108.6 Abatement of Violation

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premise, or to stop an illegal act, conduct, business or utilization of the electrical system on or about an premises.

[H] 108.7 Unsafe Electrical Systems

Any electrical system regulated by this code that is unsafe or that constitutes a fire or health hazard, or is otherwise dangerous to human life is hereby declared unsafe. Any use of electrical systems regulated by this code constituting a hazard to safety, health or public welfare by reason of

inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe used. Any such unsafe electrical system is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

[H] 108.7.1 Authority to Condemn Equipment

Whenever the code official determines that any electrical system, or portion thereof, regulated by this code has become hazardous to life, health or property the code official shall order in writing that such electrical system either be removed or restored to a safe conditions. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain a defective electrical system after receiving such notice. When such electrical system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without notice.

[H] 108.7.2 Authority to Disconnect Service Utilities

The code official shall have the authority to authorize disconnection to utility service to the building, structure or system regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.

[H] 108.7.3 Connection after Order to Disconnect

No person shall make connections from any energy or power supply system or supply energy or power supply to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment. When any electrical system is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

[H] 109 MEANS OF APPEAL

[H] 109.1 Application for Appeal

Any person shall have the right to appeal a decision of the code official to the board of appeals established by ordinance. The board shall be governed by the Town of Lakewood Village's enabling ordinance.



End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
15-xx		<ul style="list-style-type: none">• Removed amendments to Article 680• Removed amendments to Annex G• Added Annex H
11-08	April 14, 2011	REPEALED

2:16 PM
07/02/15
Accrual Basis

Rocky Point Utility Fund

Profit & Loss Budget Overview

October 2015 through September 2016

	Oct '15 - Sep 16
Ordinary Income/Expense	
Income	
4000 · Interest Received	10.00
4005 · Sales Tax	15,000.00
4010 · Water Revenue	14,200.00
4013 · Late Fees	400.00
4014 · Overpayments	0.00
4016 · Adjustments	0.00
Total Income	29,610.00
Expense	
5000 · Administrative Expenses	
5001 · Office Supplies	0.00
5006 · Licensing Fees	175.00
5008 · Fee for Svcs (Admin)	4,250.00
Total 5000 · Administrative Expenses	4,425.00
5010 · Professional Svcs & Contracts	
5011 · Water Operator	2,400.00
Total 5010 · Professional Svcs & Contracts	2,400.00
5020 · Utility Line Maintenance	
5022 · Laboratory	720.00
5023 · Water Repairs	1,500.00
5027 · Chemicals	200.00
Total 5020 · Utility Line Maintenance	2,420.00
5030 · Utilities	
5032 · Electricity	1,200.00
Total 5030 · Utilities	1,200.00
5070 · Capital Improvements	11,165.00
5080 · LWV Road Project	5,000.00
5310 · LWV Operating Loan Interest	0.00
6000 · Asset Acquisition	3,000.00
Total Expense	29,610.00
Net Ordinary Income	0.00
Other Income/Expense	
Other Expense	
80000 · Ask My Accountant	0.00
Total Other Expense	0.00
Net Other Income	0.00
Net Income	0.00

2016 BUDGET SUMMARY

Preliminary

CASH BUDGET	2016	
General Fund Operating Revenues	\$402,650	
General Fund Operating Expenses	<u>\$398,000</u>	
General Fund Operating Surplus	\$4,650	
Utility Fund Operating Revenues		\$315,320
Utility Fund Operating Expenses		<u>\$288,000</u>
Utility Fund Operating Surplus		\$27,320

CASH RESERVE BALANCES	2015
General Fund Reserve Beginning	\$200,000
Reserve Funds Provided/Used	\$4,650
<i>Reserve Funds Ending</i>	<u>\$204,650</u>
Utility Fund Reserve Beginning	\$190,000
Cash from Operations	\$78,320
Capital Expenditures	<u>(\$51,000)</u>
<i>Reserve Funds Ending</i>	<u>\$217,320</u>

		<i>General Fund Expenses</i>		
		BUDGET	YTD	A. BUDGET
		2016	31-May-15	2015
<i>Operating Expenses</i>				
5022	<i>Street Repair</i>		\$7,580	
5012	<i>Attorney Fees</i>	\$50,000	\$36,921	\$20,000
5051	<i>Payroll</i>	\$60,000	\$37,262	\$57,000
5055	<i>Benefits - Insurance</i>	\$8,200	\$5,215	\$8,000
5056	<i>Payroll Tax Expense</i>	\$4,600	\$2,115	\$4,400
5057	<i>Benefits- Retirement</i>	\$3,000	\$3,000	\$2,900
5016	<i>Building Inspections</i>	\$18,000	\$13,525	\$18,000
5011	<i>Town Engineer</i>	\$0		\$0
5014	<i>Fire/EMS</i>	\$29,000	\$7,188	\$26,000
5027	<i>Town Hall Improvements</i>	\$1,000		\$1,000
5070	<i>Capital Improvements</i>	\$0	\$1,245	\$0
	<i>Debt Servicing (Principle)</i>	<i>\$145,000</i>	<i>\$128,000</i>	<i>\$128,000</i>
5075	<i>Debt Servicing (Interest)</i>	<i>\$27,800</i>	<i>\$23,438</i>	<i>\$38,526</i>
5200	<i>Contingency Fund</i>	\$3,000	\$1,452	\$3,000
5026	<i>Town Mowing</i>	\$1,500	\$825	\$2,000
	<i>Parks/Recreation/Playground</i>	\$8,000	\$7,226	\$35,000
5021	<i>Town Maintenance</i>	\$4,000	\$1,736	\$4,000
5013	<i>Accounting Fees</i>	\$10,500	\$10,500	\$10,500
5102	<i>Travel Meeting Expenses</i>	\$3,600	\$1,742	\$2,400
5031	<i>Telephone/Telecom</i>	\$1,600	\$999	\$1,700
5032	<i>Electricity</i>	\$6,800	\$3,761	\$6,680
5033	<i>Propane</i>	\$600	\$466	\$800
5101	<i>Continuing Education</i>	\$1,000	\$160	\$1,500
5001	<i>Office Supplies</i>	\$1,000	\$1,850	\$1,000
5008	<i>Elections</i>	\$3,000	\$1,006	\$2,000
5002	<i>Postage</i>	\$200	\$67	\$200
5003	<i>Computers Maintenance</i>	\$200	\$85	\$1,000
5061	<i>Appraisal District</i>	\$1,300	\$784	\$1,300
5007	<i>Advertising</i>	\$300	\$332	\$300
5103	<i>Membership Dues</i>	\$1,000	\$969	\$500
5062	<i>Tax Collector</i>	\$300		\$300
5085	<i>Town Functions</i>	\$1,500	\$1,122	\$2,000
5021	<i>Animal Control</i>	\$200	\$290	\$200
	<i>Court Attorney Fees</i>	\$1,000	\$651	\$1,000
5280	<i>Municipal Court</i>			
5041	<i>Abatement Mowing</i>	\$700	\$4,500	\$700
	<i>Lien Recording Fees</i>	\$100	\$160	\$90
	<i>Postage</i>		\$33	
<i>TOTAL OPERATING EXPENSES</i>		<i>\$398,000</i>	<i>\$306,205</i>	<i>\$381,996</i>

[illegible]

		<i>Utility Fund Expenses</i>		
		<i>BUDGET</i>	<i>BUDGET</i>	<i>YTD</i>
		<i>2016</i>	<i>2015</i>	<i>31-May-15</i>
	<i>Operating Expenses</i>			
	<i>Capital Improvements</i>	\$51,000		\$27,800
	<i>GIS Mapping</i>		\$2,000	\$92
	<i>Operator Salaries</i>	\$36,600	\$36,600	\$21,350
	<i>Payroll</i>	\$8,000		\$4,100
	<i>Engineer</i>	\$30,000		\$770
	<i>Contract Labor</i>		\$8,000	\$2,424
	<i>Electricity (Water)</i>	\$17,000	\$17,000	\$10,120
	<i>Electricity (Sewer)</i>	\$21,000	\$21,000	\$13,725
	<i>Solid Waste</i>	\$42,000	\$40,000	\$23,993
	<i>Water Repairs</i>	\$10,000	\$10,000	\$2,756
	<i>Sewer Repairs</i>	\$10,000	\$10,000	\$7,547
	<i>Water Scheduled Maintenance</i>	\$1,000	\$0	\$2,460
	<i>Sewer Scheduled Maintenance</i>	\$1,000	\$1,000	
	<i>Insurance</i>	\$4,600	\$5,600	\$4,588
	<i>Contingency Fund</i>	\$1,000	\$1,000	\$81
	<i>Water Equipment</i>	\$2,000	\$2,500	\$706
	<i>Sewer Equipment</i>	\$1,000	\$500	
	<i>Chemicals (Water)</i>	\$1,000	\$800	\$767
	<i>Chemicals (Sewer)</i>	\$800	\$500	\$498
	<i>Laboratory (Water)</i>	\$500	\$600	\$238
	<i>Laboratory (Sewer)</i>	\$4,500	\$4,500	\$2,876
	<i>Office Supplies</i>	\$1,500	\$2,000	\$942
	<i>Postage</i>	\$1,800	\$1,500	\$1,121
	<i>TCEQ Licensing Fees (Water)</i>	\$500	\$450	\$484
	<i>TCEQ Licensing Fees (Sewer)</i>	\$1,250	\$1,250	\$1,250
	<i>Sludge Removal (Sewer)</i>	\$1,200	\$1,200	\$600
	<i>Computers / IT</i>			\$480
	<i>Software Licensing Fees</i>	\$750	\$700	\$375
	<i>Fee for Administrative Services</i>	\$38,000	\$35,260	\$35,260
	<i>Total Operating Expenses</i>	\$288,000	\$203,960	\$167,403

	Road Maintenance Fund				
		BUDGET	YTD	BUDGET	
		2016	31-May-15	2015	
	Revenues				
	<i>EDC</i>	\$7,000	\$5,783	\$3,200	
	<i>MDD</i>	\$4,700	\$3,965	\$2,720	
	<i>Franchise Fee - Residential</i>	\$5,160		\$5,160	
	<i>Franchise Fee - Commercial</i>	\$900		\$900	
	<i>Interest</i>	\$30	\$10	\$30	
		\$17,790	\$9,758	\$12,010	
	Expenses				
	<i>Maintenance</i>	\$0	\$7,580	\$0	
	<i>Beginning Fund Balance</i>	\$7,000	\$1,006	\$1,000	
	<i>Revenues</i>	\$17,790	\$9,758	\$12,010	
	<i>Expenses</i>		(\$7,580)		
	<i>Ending Fund Balance</i>	\$24,790	\$3,184	\$13,010	

Capital Projects - Utility Fund

Fire Hydrant Project

Hillside (east)	\$8,000
Peninsula (west)	\$8,000

Utilities Service Building	\$35,000
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\$51,000