

**City of Alpine**  
**Regular City Council Meeting**  
**Tuesday, August 4, 2020**

Notice is hereby given that the City Council of the City of Alpine, Texas will hold **a Regular Meeting at 5:30 P. M. on Tuesday, August 4, 2020 via Zoom Conference, in the City of Alpine, Texas. Meeting login details may be found at [www.cityofalpine.com](http://www.cityofalpine.com)** for the purpose of considering the attached agenda. This notice is posted pursuant to the Texas Open Meetings Act. (Section 551.043, Texas Government Code).

Members of the audience will be provided an opportunity to address the Council on any agenda item after determination of quorum and proof of notice of the meeting. Zoom meeting comment and question rules and procedures are listed on the City Website. Remarks will be limited to a total of 3 minutes per person. Please email your name to Geo Calderon ([g.calderon@ci.alpine.tx.us](mailto:g.calderon@ci.alpine.tx.us)). If you have a petition or other information pertaining to your subject, please email it to the City Secretary beforehand. All names wanting to make public comment for the meeting will be queued up and given to the Mayor at that section of the meeting. The Mayor will call on those individuals one at a time and our meeting moderator will take you off mute to make your comments. This will function the same as our existing sign-up sheet in Council Chambers. **\*\*\* Please note, you MUST include your full name (first and last) along with what Ward you reside in or have business interest in. If you do not live or own property in the City please state that in your email.** State law generally prohibits the Council from discussing or taking any action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. **NO PERSONAL ATTACKS ON COUNCIL MEMBERS OR CITY STAFF WILL BE ALLOWED.** The Mayor and/or City Council Members may call a Point of Order to stop Personal Attacks. If an individual continues to personally attack an elected official or staff member in a meeting, they may be barred.

Agenda

1. Call to Order, and Pledge of Allegiance.
2. Determination of a Quorum and Proof of Notice of City Council Meeting.
3. Public Comments – (limited to 3 minutes per person)
4. Presentation, Recognitions and Proclamations – (A. Ramos, ,Mayor) – None
5. Reports -

City Mayor's Report – (A. Ramos, Mayor) – None

City Attorney's Report –

- Update on statewide COVID orders

- Update on code enforcement and municipal court

#### City Manager Report

- COVID-19 Update
- Economic Development
- Human Resources/Staffing
- Budget Approval Timeline

#### City Staff Update –

- Utilities Update – Water/Sewer/TCEQ and Gas/Texas Railroad Commission by Scott Perry, Johnny Marquez, and Randy Guzman.
- Quarterly Update – Visitor Center / HOT by Director of Tourism Chris Ruggia.

#### 6. Public Hearings –

- Public Hearing to obtain citizens views and comments regarding the City requesting \$216,000 from the TX Community Development Block Grant – Downtown Revitalization program for sidewalks and related infrastructure improvements in the downtown area.

#### 7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) –

(Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.)

- A. Approval of minutes from City Council meeting on July 21, 2020. (E. Zimmer, City Manager)
- B. Approval of acceptance of \$600.00 donation to the Alpine Police Department. (E. Zimmer, City Manager)
- C. Approval of Sarah Davison for the HOT Committee for Ward 1. (M. Curry, City Council)
- D. Approval of Jerry Johnson for the HOT Committee for Ward 2. (R. Olivas, City Council)
- E. Approval of Karen Sulewski for the HOT Committee for Ward 3. (B. Fitzgerald, City Council)

8. Information or Discussion items –

1. Family Crisis Center Readout – by Executive Director Sara Stropoli. (E. Zimmer, City Manager)
2. Discussion on Section 54 Code of Ordinances. (E. Zimmer, City Manager)
3. Discussion of Fire Fee's for the City of Alpine. (E. Zimmer, City Manager)

9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to 10 per meeting.) after being called upon by the Mayor or Mayor Pro Tem. Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City limits of Alpine, will be allowed to speak if there is time available.) –

1. Discuss, consider, and take appropriate action setting a date for the Emergency Services and Law Enforcement Workshop. (E. Zimmer, City Manager)
2. Discuss, consider, and take appropriate action on Resolution 2020-07-02, a Resolution authorizing the City of Alpine to participate in the Texas CDBG for the downtown revitalization in the amount of \$216,000. (E. Zimmer, City Manager)
3. Discuss, consider, and take appropriate action on the first reading of the City of Alpine Personnel Policy. (E. Zimmer, City Manager)
4. Discuss, consider, and take appropriate action to approve the Holiday Schedule for the City of Alpine FY 2021/2022. (E. Zimmer, City Manager)
5. Discuss, consider, and take appropriate action to approve recommendations from Planning & Zoning on Gary Neel application for a Conditional Use Permit for a non-conforming structure (storage container) placed at 201 S. Halbert Street, Alpine, Texas. Property Identification is 201 S. Halbert. Legal description is 1.21 acres of land out of the Southeast part of track 4, Section 43 to the City of Alpine, Brewster County, Texas. Record owner is Gary Neel. (E. Zimmer, City Manager)

10. City Councilmember Comments and Answers – No discussion or action may take place.

11. Executive Session - - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. –

1. Discussion of update on Parkhill Smith and Cooper. (E. Zimmer, City Manager)

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 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 551.086 (economic development.)

12. Action – Executive Session –

1. Discuss, consider, and take appropriate action, if any, on Parkhill Smith and Cooper. (E. Zimmer, City Manager)

I certify that this notice was posted at 2:00 P. M. on July 31, 2020, Pursuant to the Texas Open Meetings Act (Texas Government Code Section 51.043). This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (432)837-3301 or email [city.secretary@ci.alpine.tx.us](mailto:city.secretary@ci.alpine.tx.us) for further information.

  
Cynthia Salas, City Secretary  
City of Alpine

6. Public Hearings –

- Public Hearing to obtain citizens views and comments regarding the City requesting \$216,000 from the TX Community Development Block Grant – Downtown Revitalization program for sidewalks and related infrastructure improvements in the downtown area.

**To: City of Alpine Mayor and City Council Members**

**Re: TX-CDBG- Downtown Revitalization program funds & Draft Resolution 2020-**

**Date: July 27, 2020**

Honorable Mayor & City Council-

Per Texas Community Development Block Grant- Downtown Revitalization (TX-CDBG-DR) program regulations, the City of Alpine must hold an official Public Hearing to allow for any public comments on the TC-CDBG-DR funding and project, including a Notice of Public Hearing posted in the newspaper at least 72-hours prior to the Public Hearing date. The TX-CDBG-DR program does not require any specific language for the posting.

The accompanying Resolution for this Public Hearing item will be presented to Council on August 4, 2020 in the Action Items section of the meeting agenda.

Please find all of the supporting documentation for the Public Hearing on the following pages.

Sincerely,

***Marci Tuck***

Marci Tuck, AICP

Grant Writer,

City of Alpine

## Background Information for:

*PUBLIC HEARING to obtain citizens' views and comments regarding the City requesting \$216,000 from the TX Community Development Block Grant- Downtown Revitalization program for sidewalk and related infrastructure improvements in the downtown area.*

Prepared by: Marci Tuck, Grant Writer

Meeting Date: August 4, 2020

## PROJECT DESCRIPTION:

**Sidewalks, curb/gutter, driveways, and ADA accessibility improvements in downtown.**

Applying for \$216,000 from the TX Community Development Block Grant - Downtown Revitalization (TX-CDBG-DR) program would *provide the City 1,423(+/-) linear feet of ADA accessible, 6-foot wide sidewalk plus 6-inch curbs, driveway ingress/egress, strategic striping, engineering costs and related improvements specifically from 2<sup>nd</sup> Street to 8th Street, in-between Holland and Avenue E* (see map) – our downtown area.

The TX-CDBG-DR program requires only a 3.5% match of City funds. The City has \$78,000 earmarked in the FY21 Budget towards improving sidewalks, curb and related infrastructure throughout the City limits, a portion of which can be used as our matching funds for this application. The *City's match of \$9,000 (about 4%)* plus \$216,000 in TX-CDBG-DR funds would total \$225,000 towards sidewalk and curb improvements in the downtown area, allowing the remainder of our allocated sidewalks funds to be utilized elsewhere in the City.

## STAFF COMMENTS:

Applying for and entering into a grant agreement with the TX-CDBG-DR program will *almost triple the linear footage* of sidewalks the City had expected to improve in FY21. The 3.5% match requirement is one of the lowest matching grants available, offering a substantial return on investment for the City. The City of Alpine is in good standing with the TX-CDBG funding programs from past projects. City Staff has spoken with TX-CDBG program staff and the sidewalk improvements described herein are in line with the program's intended purpose.

## **PUBLIC PARTICIPATION & NEXT STEPS:**

- Monday, July 27, 2020- Presented to Planning & Zoning Commission for discussion and feedback
- Tuesday, August 4, 2020 - Public Hearing & Resolution presented at regular Council meeting
- Thursday, August 6, 2020 – Presentation to Alpine Downtown Association for expected endorsement
- Tuesday, September 1, 2020 – Grant application due to TX-CDBG-DR offices in Austin

*Blue lines represent the sidewalk sections to be renovated using TX-CDBG-DR funds.*





- Quarterly Update – Visitor Center / HOT by Director of Tourism Chris Ruggia.

## **ALPINE TOURISM PROMOTION PLAN: Report for April-June 2020**

This report covers tourism promotion activities for the previous quarter and available occupancy data for the quarter before that. In my presentation to Council I hope to also include some budgetary projections for the remainder of 2020.

### **HOTEL OCCUPANCY**

Texas Hotel Performance Factbook data provided by the Texas Hotel & Lodging Association. The Texas Hotel Performance Factbook is a product of Source Strategies, Inc. Their web site says that their data comes from State Comptroller reports, though direct comparison of a quarterly Comptroller's report shows that they do not include Value Inn ("Alpine Lodging") and that they group short term rentals in a different way. Accordingly, these numbers should be considered as generalizations.

**12 months ending March 31** (549 rooms - down from 588 rooms with Bienvenido closed)

Occupancy rate: 58.5% (-1.2% from previous year)

Total Revenue: \$13,010,916 (+1.1% over previous year)

Revenue Per Available Room: \$66.04 (+5.3% over previous year)

**3 months ending March 31** (555 rooms - down from 588 rooms with Bienvenido closed)

Occupancy rate: 61.5% (-0.9% from Q1 2019)

Total Revenue: \$3,177,536 (-6.5% from Q1 2019)

Revenue Per Available Room: \$63.61 (-0.6% Q1 2019)

### **PRINT ADS**

**Ride Texas** - 18,506 circulation (100,000 readers)

Summer - full-page advertorial (co-op with Marfa & Fort Davis)

Total cost: \$565.00

Cost per thousand circulation (full page): \$77.31

Cost per thousand "readers" (full page): \$14.31

**Texas Highways** - 176,000 circulation (490,000 readers)

August - 1/6-page (Full-page co-op with Fort Davis, Marfa, Fort Stockton, Midland, Odessa)

Total cost (each): \$835.19

Cost per thousand circulation (full page): \$33.25

Cost per thousand "readers" (full page): \$11.90

### **DIGITAL ADS**

#### **Alpine Email Newsletters**

**April** - Sent: 3,177; Opened: 772; Clicks: 63

Open Rate: 24.3%

CTR: 8.16%

Total cost: \$1,000

**May** - Sent: 3,527; Opened: 926; Clicks: 33

Open Rate: 26.25%

CTR: 3.56%

Total cost: \$1,000

**June** - Sent: 3,541; Opened: 732; Clicks: 56

Open Rate: 20.67%

CTR: 7.65%

Total cost: \$1,000

#### **Glasstire.com**

E-mail newsletter and social media

6,937 impressions and 120 engagements

Cost per thousand impressions: \$56.94

Cost per engagement: \$3.29

Total cost: \$395

**Facebook** - (3 months: April-June) 250,758 impressions to 118,208 viewers with 4,425 engagements across 6 ad campaigns

Total cost: \$1,290.15

Cost per thousand impressions: \$5.15

Cost per thousand viewers: \$10.91

Cost per engagement: \$0.29

#### **SOCIAL MEDIA (3 months: April-June)**

##### **Facebook**

31,662 followers (+6.93% over last year)

416,356 impressions (-30.8% from last year)

151 posts (+19.13% over last year)

28,096 engagements (comments, shares) (+3.61% over last year)

##### **Instagram**

10,560 followers (+46.81% over last year)

29 posts (-12.46% from last year)

11,774 likes (+50.14% over last year)

138 comments (+90.7% over last year)

##### **Twitter**

1,484 followers (+11.24% over last year)

34 tweets (-43.77% from last year)

12,994 impressions (-63.39% from last year)

759 engagements (likes, retweets) (-17.56% from last year)

## **WEB SITE & MOBILE APP (3 months: April-June)**

16,364 visitors (+9.89% over last year)

41,990 page views (+5.41 over last year)

### **Mobile App & Web Maps**

1,441 visitors (+50.2% over last year)

3,949 page views (-37.71% from last year)

76 iOS downloads (-26.09% from last year)

17 Android downloads (+67.86% over last year)

## **OTHER ACTIVITIES**

### **Budget and administration:**

- Prepare ongoing FEMA reports on emergency activities
- Request and receive HOT collections by month from Megan for past year
- Prepare and deliver quarterly tourism report to Council, including COVID-19 economic impact and projections
- Contact all HOT grant recipients asking for report on planned activities and any budget adjustments/reductions in light of pandemic
- Review ad solicitations as they come in against marketing strategy and budget (most are rejected)
- Consult with Erik re: public reaction to tiered response plan, messaging strategy during reopening transition, etyc
- Participate in City Staff Directors' Meetings
- Continue regular twice-monthly Tourism planning meetings with Erik
- Compile issues arising from proposed short-term rental ordinance with Erik and David Hale, distribute to STR operators, manage phone and email responses, schedule and facilitate zoom workshop, provide workshop results to City Staff and Council
- Review 5-Year Capital Plan with Erik and Heather Yadon
- Complete 2020-2021 Budget worksheet
- Assist Megan in clearing old open purchase orders from previous fiscal years
- Present Tourism/COVID report to City Council
- Review sidewalk sign policies with David Hale
- Encourage applications for HOT Grants Committee
- Consult with Erik and David Hale re: possibility of HOT-funded dark sky fixtures (resolution: probably not an appropriate/strategic use of that fund)

### **Plan and execute promotions:**

- Execute license for drone/time lapse videos
- Complete custom Google Map of Hancock Hill trails system
- Prepare and send e-newsletter promoting music festival
- Commission, review and edit magazine feature pitch by local writer Kerry Laird for October Ultimate Fandango event in October, send to publications – followed by notice of the event's cancellation

- Add new email leads to email list and send Alpine email newsletter re: 1 on 1 on 1 Music Festival and essay by 10-year-old Alpine fan
- Create and send Alpine email newsletter re: Viva Big Bend, Texas Music Friendly Community program and Alpine music history
- Conceive and execute PR campaign with feature article for Trappings of Texas online sale
- Complete Hancock Hill Trails print handout with updated property lines, route mileage/elevation, and safety info, distribute through Visitor Center
- Communicate with Gulf Coast Distillers re: relaunch of Tejas Lager (Big Bend Brewing Company brand), pitch promotional partnerships with Alpine, arrange for Viva Big Bend sponsorship
- Plan content with Open Sky Media for July email newsletter
- Begin work on digital promotions plan including search and remarketing campaigns to target short term rentals and hotels

#### Worked with Visitor Center Staff on:

- Visitor sample itineraries for in-town visits and day trips from Alpine
- Develop and produce visitor information request postcard and new web form
- Collect and send information requests from Texas Monthly and tourtexas.com
- Musician coordination for 1 on 1 on 1 livestream music festival
- Develop and execute Earth Day Bingo contest to support Keep Alpine Beautiful's programming after event cancellation
- Discuss proposed post-COVID Walk/Hike Festival
- Help with planning and logo materials for in-house informational handouts
- Ongoing website updates of business listings (restaurants, hotels, short term rentals) to reflect COVID-related changes, etc)
- Recommend printing/distribution of COVID-19 handout & census flyers
- Ongoing occupancy check-ins with hotels
- Lay out free Yellow Pages ad for Visitor Center
- Plan for new Hancock Hill materials and volunteer program for trail development
- Re-opening: update Visitor Center info on visitalpinetx.com site and Facebook; design and printing for Welcome sign with COVID distancing policies
- Develop new web site content
- Consult on 2020-2021 budget
- Create oversized Hancock Hill trail map poster
- Manage email newsletter mailing list
- Collect RV park occupancy info for Erik

#### Media activity:

- **Texas Highways** - phone interview / online article promoting 1 on 1 on 1 LiveStream Music Festival
- **UK Media** - send music festival press releases to UK rep for Texas State Tourism Office
- **TX Music Office** - send music festival information, receive social media promos, press releases for Texas Music Friendly Community workshop
- **Texas Travel Alliance** - send music festival information for distribution
- **CBS7 Midland** - provide video assets of Alpine for news story in response to request by Emergency Coordinator Stephanie Elmore

- **Big Bend Sentinel** - short interview and share presentation slides re: economic projections, phone interview re: emergency mask ordinance
- **Marfa Public Radio** - share information on tiered response matrix, Governor's orders, hotel re-openings and travel industry projections, phone interview re: reopening, send requested info on business closures due to COVID cases
- **Marie Kondo "Tidy My Town"** - zoom meeting for Parks Board proposal re: call for locations from proposed TV show, review and give input on draft application, produce application video with Bobby Greeson including local personality interviews
- **San Antonio Express News** - phone interview re: reopening
- **Texas Country Reporter** - assist with Visitor Center creating welcome packets
- **KVLF Alpine Radio** - phone interview re: Music Friendly Community program
- **Visit USA Awards** - Claire Dodd (UK journalist we hosted in 2019) won Best Online Feature award for her article on Alpine, Marfa, Marathon

**Design and produce tourism web presence:**

- Several updates to COVID alerts informing visitors of hotels/services status
- Create Visitor Information Request form with checklist of subjects of interest to support postcard mailings
- Create mock-ups of new design for site typography and navigation at different device screen sizes
- Coding for redesign of site navigation
- Launch completed new design for site typography and navigation
- Send update requests for STR listings to Book > Direct system
- Add Hancock Hill Trails with custom Google Map to Attractions page
- Add Davis Mountains State Park info
- Work on new "Safe Travel" web page

**Coordinate with event organizers to assist with their planning, promotional programs and any HOT-funded activities:**

- Contact all HOT grant recipients to determine changes in plans/budgets in response to COVID-19
- check with Fall events on planning status for listing with Texas Highways
- **Big Bend Film Commission** - consult on Austin Film Festival promo materials, consider attendance/sponsorship of tentative 2020 Austin Film Festival
- **Alpine Cowboys Baseball** - receive word confirming cancellation of 2020 Season
- **Viva Big Bend** - extensive planning discussions for 2020 event, assist with concepts and technical considerations for pivot to streaming event
- **Artwalk** - discussions on 2020 event planning and HOT funding
- Assist Alpine Cowboys and Baseball and Alpine Christian School with dates for event scheduling
- **Ultimate Fandango** - assist with contacting Rangra Theatres to arrange special movie screening during event, then assist in communicating event cancellation to partners
- **Lone Star Cowboy Poetry Gathering** - advise re: Transportation grant budget and consultation re: promotions and execution of 2021 event
- **Center for Big Bend Studies** - receive notice of 2020 annual conference cancellation
- **Big Bend Comic Con** - consult on execution of online event for October 2020

Review and authorize HOT promotional expenditures:

- Invoicing for Open Sky email newsletters True West magazine
- Contract and invoicing with tourtexas.com for Road Trip email promotion
- Invoicing for Kerry Laird article on Ultimate Fandango
- Invoicing for Printco, first printing & reprinting of info request postcards
- Contract and invoicing for Ride Texas advertorial, invoicing for Austin Monthly social media & email newsletter
- Invoicing for Brenda Kissko article on Trappings of Texas online sale

Oversee all HOT-funded advertising by third parties:

- **Museum of the Big Bend** - contract and invoicing tourtexas.com Road Trip email promotion, invoicing for Lubbock, Texas Highways and True West magazines
- **Lone Star Cowboy Poetry Gathering** - invoicing for Lubbock newspaper, KACT radio ads and Midland Reporter-Telegram
- **Big Bend Film Commission** - invoicing for Austin Monthly digital campaign
- **Artwalk** - Finalize invoicing for radio ads

Recruitment of workshops, seminars and/or conferences:

- No activity this quarter

Plan, organize, supervise and participate in trade shows, sales missions, and tours for journalists, agents and event planners:

- **Odessa ABC "Big 2"** - create interview itinerary of downtown businesses and host news crew for travel feature

Maintain and strengthen industry knowledge by attending industry conferences and training and perform ongoing research on promotional best practices and market conditions:

- Research pandemic response for hotels and restaurants (5+ articles)
- Research pandemic impact on US employment for Council report
- Watch webinar from Texas Travel Alliance re: updates on CARES Act
- Read *10 things DMOs need to consider in their destination marketing recovery strategy* (<https://www.smgonline.net/post/10-things-dmos-need-to-consider-in-their-destination-marketing-recovery-strategy>)
- Review weekly COVID-19 reports from U.S. Travel Association
- Read *The coronavirus will create a new kind of tourist:* [https://www.theeagle.com/opinion/columnists/the-coronavirus-will-create-a-new-kind-of-tourist/article\\_d8101e39-692f-5cb1-a1fb-0ed0a5f04b26.html](https://www.theeagle.com/opinion/columnists/the-coronavirus-will-create-a-new-kind-of-tourist/article_d8101e39-692f-5cb1-a1fb-0ed0a5f04b26.html)
- Read Matador Network's COVID-19 *Traveler Sentiment Insight Report*
- View Host Compliance Webinar (*What 350 Communities Can Teach You About Short Term Rental Compliance*), send notes on enforcement program to David Hale
- Research *future of offices* (<https://www.vox.com/recode/2020/4/14/21211789/coronavirus-office-space-work-from-home-design-architecture-real-estate>)
- View live Washington Post presentation on hotel recovery with Hilton CEO
- Research Texas re-opening data and increasing trends in RV vacations

- Read *How Marketers Should Prepare for Recovery*  
(<https://www.phocuswire.com/travel-marketing-tips-coronavirus-pinterest>)
- Read TripAdvisor COVID travel trends and traveler sentiment report
- Read *COVID-19 Marketing Response Planning* report by Madden Media
- Read Coronavirus Travel Sentiment Index report by Destination Analysts
- View Tempest Interactive Media Webinar, *COVID-19: Preparing for Recovery*
- Read Bloomberg article, *Airbnb sees surge in summer rentals, with Texas' Port Aransas among top U.S. destinations*
- View webinar: *Google and Madden Marketing Recovery Insights*  
(<https://www.youtube.com/watch?v=JXOTHj2ctkg>)
- Watch MindEcology presentation, *Marketing During COVID-19*
- Read *11 Ways the Pandemic Will Change Travel*  
(<https://www.washingtonpost.com/travel/2020/06/15/11-ways-pandemic-will-change-travel/>)
- View *The Future of Tourism: A Community-Focused Approach to Destination Marketing*
- Review slide deck from *It's A New World in Social Media* webinar by the Atkins Group
- View webinar: *Crisis Marketing and Survival Strategies for Texas Travel Marketers*
- Read AAA Summer Travel Forecast

Develop and maintain relationships with hotels, restaurants and attractions:

- Receive and answer questions from hotels and short-term rentals re: HOT collections, essential operations, emergency occupancy requirements, other hotels in apparent violation of emergency ordinance, Council responses to Governor's orders
- Manage long and intensive exchanges with hoteliers re: desire to reopen and resistance (from some) to continuing restrictions, work back with Erik and Police Chief to answer questions and address ongoing concerns
- Two Zoom meetings with THLA re: state and federal laws, emergency orders and local ordinances, best practices and legal liability concerns, collect notes from calls and distribute to all hotels
- Respond to concerns from local businesses re: economic recovery from COVID
- Forward THLA newsletter information, COVID policy best practices, etc to hoteliers
- Email with Holland Hotel re: HOT Grants Committee and general occupancy levels in town
- Email hoteliers re: Judge's mask order
- Provide Visit Alpine logo to Murphy Street Mercado for tourist products (artwork approval required)

Develop and maintain relationships with local and regional partners:

- **Texas Hotel & Lodging Association** - forward hotel HOT questions that I can't answer for response, request and receive hotel occupancy data from state sources, assist with invitations and facilitate zoom calls with THLA Lead Counsel Justin Bragiel, receive 2020 Q1 hotel occupancy factbook report
- **Big Bend Conservation Alliance** - discussion of 2019-2020 HOT grant, Dark Sky Preserve project, proposed updates to Alpine lighting ordinance, possible Dark Skies HOT category
- **City of Alpine Parks Advisory Board** - zoom meeting re: proposed application to Marie Kondo "Tidy My Town" TV show; distribute draft of custom Google Map of Hancock Hill trails system
- **Sunshine House, Alpine Food Pantry** - assist in coordinating distribution of COVID-19 safety & support handout



- **Alpine Downtown Association** - discuss Governor's orders and Council response, attend regular monthly meetings via zoom, distribute "Travel in the New Normal" guidelines for travel businesses from US Travel Association, share current sidewalk sign policies, give information on working with freelance photographers for Texas Downtown Association, provide Economic Development update
- **Big Bend Arts Council** - refer short-term rental owner to BBAC to find artists for their art display/sales space
- **Texas Association of Convention and Visitors Bureaus** - participate in ongoing crisis survey of DMO leaders, review results as released
- **Brewster County Tourism Council** - share information upon request re: short-term rentals in City database, share Hancock Hill Trails google map for visiting photographer, consult with Robert Alvarez re: status of hotel recovery
- **Alpine Public Library** - discuss re-opening policies, consult on technical considerations for possible live stream fundraiser
- **Sul Ross State University** - collaborate with News & Information on PR campaign for Trappings of Texas, investigate possible enrollment campaign to assist with SRSU state funding
- **Alpine Kiwanis** - consult on cancellation of July 4 events
- **Big Bend Arts Council** - assist with registration of sidewalk signs for galleries
- **Rio Grande Council of Governments** - contact re: request for event information related to Homeland Security funding

Represent the City of Alpine in regional co-operative promotional partnerships:

- **Marfa, Fort Davis** - consider when to resume co-op print advertorials, commission and edit new article on outdoor activities, create layout for summer Ride Texas issue for summer *Ride Texas* issue
- **Marfa, Fort Davis, Fort Stockton, Odessa, Midland** - Coordinate and produce full page co-op ad for August issue of *Texas Highways*

Other tasks as they arise:

- **1 on 1 on 1 LiveStream Music Festival** - Create and execute online music festival as relief fundraiser and PR for Alpine: invite musicians, create logo and poster artwork, develop Facebook page/event and web page with artist lineup and schedule, research technical requirements and run tests, coordinate with relief fund nonprofit, collect artist info and promote extensively on social media, PR campaign of press releases to local/regional/state media, recruit/train/manage volunteers, process/upload pre-recorded performances, acquire photography and create interlude slide show videos, execute and manage event (13 hours of music over 2 days), distribute post-event press releases
- Add hotels, restaurants and retailers onto tiered response matrix; distribute proposed response levels to sample groups of affected businesses and incorporate feedback, complete development of tiered response matrix with Marci Tuck, Ekta Escovar and Erik Zimmer
- Attend virtual Economic Development workshop by State Comptroller's Office, call meeting of ad hoc committee to deliver report, help determine next steps and distribute action plan to group; Discussion with business leaders re: assistance resources for new business opportunities
- Work with Marci Tuck re: sharing information on state/federal programs that might be helpful to Alpine

- Encourage local artists to post home studio videos for social media
- Share new City job openings on social media
- Share City Manager blog posts, City Council mtg information and recordings on social media
- Work with Erik, Heather Yadon, Geo Calderon, Marci Tuck and BBRMC on potential (and eventually cancelled) program of printed, social media, and video PSAs promoting the use of face masks; commission but then cancel music for video PSA
- Develop and produce information sheet with artwork on best health practices backed with support resources, arrange for printing and distribution to Sunshine House, Food Pantry, retailers, etc
- Handle many, many responses and information requests re: tiered response plan on social media, email, phone
- Host COVID-19 retailer summit zoom meeting re: tiered response matrix and mask requirement
- View Governor's press conferences, acquire/read/distribute all of the Governor's Executive Orders related to COVID-19 as well as the Open Texas plan
- Work with Erik, Marci Tuck and Dr. Escovar in adapting City response to Governor's executive orders
- **Texas Music Friendly Community program** - send recap of music festival to TX Music Office, begin scheduling virtual workshop with advisory board, schedule and facilitate virtual workshop with advisory board and Texas Music Office representatives, follow-up contacts with musicians, send zoom recording and TMO slide presentation to all workshop invitees, receive draft Alpine music database, arrange for signing of Memorandum of Understanding and coordinate "virtual" certification ceremony during Viva Big Bend
- Add color to census promotional artwork and help to distribute
- Develop spreadsheet collecting comments/complaints about proposed short-term rental ordinance to ensure all are properly addressed
- Assist Human Resources in proofreading Employee Manual
- Work with Erik, Heather Yadon, and Marci Tuck on planning for Economic Development initiatives (remote work, office space, EDA grants through CARES Act, needs assessment for Alpine business)
- Assist Geo in acquiring Governor's Executive Orders, PPP Forgiveness Application and CDC Community & Restaurant/Bar Guidelines for posting to cityofalpine.com
- Contacts with hoteliers and others re: COVID cases in Alpine
- Update COVID safety poster for reprint
- Create Masks Required and Masks Recommended signs for Alpine businesses to comply with emergency ordinance
- Create new COVID safety poster on risk management with face masks in English and Spanish
- Work with Erik, Cynthia Salas and Heather Yadon on outdoor dining assistance, safety pledge, HVAC recommendations for Alpine restaurants
- Assist with restarting work on Kokernot Lodge project with SRSU and scheduling next meeting
- Lay out Restaurant Safety pledge document
- Research and write up HVAC guidelines
- Research Austin's COVID regulations and report back to Erik re: Viva Big Bend
- Arrange for Cristina Noriega to repair sun-damaged Fire Department mural at no cost; communicate with Erik about City maintenance going forward (heavy-duty clear coat)
- **#AlpineTXPhoto Contest** - launch 2020 contest on website with local press releases, newspaper ads and social media promotion

7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) –

(Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.)

- A. Approval of minutes from City Council meeting on July 21, 2020. (E. Zimmer, City Manager)
- B. Approval of acceptance of \$600.00 donation to the Alpine Police Department. (E. Zimmer, City Manager)
- C. Approval of Sarah Davison for the HOT Committee for Ward 1. (M. Curry, City Council)
- D. Approval of Jerry Johnson for the HOT Committee for Ward 2. (R. Olivas, City Council)
- E. Approval of Karen Sulewski for the HOT Committee for Ward 3. (B. Fitzgerald, City Council)

A. Approval of minutes from City Council meeting on July 21, 2020. (E. Zimmer, City Manager)

City of Alpine  
Workshop Meeting and  
Regular City Council Meeting  
Tuesday, July 21, 2020  
3:30 P.M.  
Minutes

Workshop Meeting

1. Call to Order, and Pledge of allegiance to the flag –
2. Determination of a quorum and proof of notice of the meeting –
3. Workshop
  1. Capital and Expense Proposed Budget for FY 2020-2021. (E. Zimmer, City Manager)
4. Adjourn

City Council Meeting

1. Call to Order, and Pledge of allegiance to the flags – Mayor Ramos called the meeting to order. The meeting was held via Zoom Conference in the City of Alpine, Texas. Mayor Ramos led the pledge of allegiance to the flags.
2. Determination of a quorum and proof of notice of the meeting – Councilor Curry, Councilor Olivas, Councilor Betty Fitzgerald, Councilor Escovedo, Councilor Stephens, and Mayor Ramos were present via zoom. City Secretary, Cynthia Salas reported that the agenda was posted at 1:00 P.M. on July 17, 2020. City Manager Erik Zimmer, City Secretary, Cynthia Salas, and City Attorney Rod Ponton also attended via zoom.
3. Public Comments (limited to 3 minutes per person) –
4. Presentations, Recognitions and Proclamations – (A. Ramos, Mayor) – None
5. Reports – Copies of the charts presented during the meeting are posted on the City website at <https://www.cityofalpine.com/Alpine%20City%20Council%20-%20CM%20Report%203-17-2020.pdf>

City Mayor's Report – (A. Ramos, Mayor) –

- COVID-19

City Attorney's Report –

- State and area COVID restrictions update
- Tax rate authority under Governor Emergency Order
- CARES Act funding opportunities

City Manager Report –

- Coronavirus Update
- Restaurant and HVAC initiatives

- Ordinance Revisions

City Staff Updates –

- Quarterly Report – Animal Control Officer Jennifer Stewart.

6. Public Hearings – None

7. Consent Agenda – (Minutes, Financial reports, Department written reports, board appointments, etc.) –

(Notice to the Public – The following items are of a routine and administrative nature. The Council has been furnished with background and support material on each item, and/or it has been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by a Council Member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote.)

1. Approval of minutes from City Council meeting on July 7, 2020. (E. Zimmer, City Manager)

2. Approval of Laura Gold for the HOT Committee for Ward 4. (L. Escovedo, City Council)

Motion was made by Councilor Stephens, by Resolution 2020-07-10 to approve the consent agenda as presented. Motion was seconded by Councilor Escovedo. Motion unanimously carried.

8. Information or Discussion items –

1. EMS Quarterly Update by Mike Scudder. (E. Zimmer, City Manager)
2. Discuss GA-28 and GA-29, differences in the Governor's Executive Orders and the impact on restaurants, bars, and the wearing of masks. (E. Zimmer, City Manager)
3. Discuss, changing the advisory board membership to include up to two (2) alternate members who would only be voting members in the event there is not a sufficient number of members to conduct business. (R. Stephens, City Council)

9. Action items to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to (up to 10 per meeting.) after being called upon by Mayor or Mayor Pro Term. Citizens are required to state their name and the Ward in which they reside. Priority will be given to citizens of Alpine and those who own businesses or property in the City. Individuals who do not live in, or own businesses or property in the City limits of Alpine, will be allowed to speak if there is time available.) –

1. Discuss, consider, amending Ordinance 2020-06-01, an Emergency Ordinance of the City of Alpine that was approved by Council on June 30, 2020 or additional action as determined by Council. (E. Zimmer, City Manager) – Motion was made by Councilor Stephens, by Resolution 2020-07-11, TO TAKE NO ACTION relative to changing the Emergency Ordinance 2020-06-01. Motion was seconded by Councilor Betty Fitzgerald. Motion unanimously carried.
2. Discuss, consider, and take appropriate action to approving Resolution 2020-07-09, a Resolution of the City of Alpine, Texas supporting outdoor dining expansions as a protective measure to combat the spread of COVID-19. (E. Zimmer, City Manager)- Motion was made by Councilor Stephens, by Resolution 2020-07-09, a Resolution of the City of Alpine, Texas supporting outdoor dining expansions as a protective measure to combat the spread of COVID-19. Motion was seconded by Councilor Curry. Motion unanimously carried

10. City Councilmember Comments and Answers – No discussion or action may take place.

Council minutes: 07-21-2020

Approved: 08-04-2020

11. Executive Session - Pursuant to Texas Government Code 551.071 Consultation with Attorney on a matter for which it is the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct conflict with this Chapter and requires discussion of the item in closed session), and 551.071(consultation with attorney regarding potential or contemplated claims against the City) Pursuant to Texas Government Code 551.074 – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. – None

NOTICE: The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Pursuant to Texas Government Code 551.071 (consultation with an 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 551.086 (economic development)

12. Action – Executive Session – None

I certify that this notice was posted at 1:00 P.M. on July 17, 2020, pursuant to Texas Open Meetings Act. (Texas Vernon's Annotated Civil statutes, section 551.043 Texas Government Code.) This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the city secretary's office at (432) 837-3301 or fax (432) 837-2044 for further information.

---

Andres "Andy" Ramos, Mayor

Attest:

---

Cynthia Salas, City Secretary

I, Cynthia Salas, City Secretary, do certify that this notice was posted at 1:00 P.M. on July 17, 2020, and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

---

Cynthia Salas, City Secretary

B. Approval of acceptance of \$600.00 donation to the Alpine Police Department. (E. Zimmer, City Manager)





309 West Sul Ross Avenue  
Alpine, Texas 79830

---

Chief Robert Martin  
Telephone (432) 837-3486

rmartin.police@ci.alpine.tx.us  
Fax (432) 837-2616

To: Eric Zimmer  
City Manager

Alpine City Council

From: Robert Martin  
Chief of Police

Re: Donation to the Alpine Police Department

The Alpine Police Department has received a donation from Kurt and Margaret Mannchen in the amount of \$600.00 dollars. I am asking the Alpine City Council to accept the donation in behalf of the Police Department.

Sincerely,

Robert Martin  
Chief of Police  
Alpine, Texas

C. Approval of Sarah Davison for the HOT Committee for Ward 1. (M. Curry, City Council)

RECEIVED

JUL 22 2020

*[Signature]*



CITY OF ALPINE  
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE

* First Name		* Last Name	
Sarah		Davison	
* Street Address			
1100 W Eagle Pass St			
* City	* State	* Zip	
Alpine	TX	79830	
* Email Address		* Phone	
sarah@thehollandhoteltexas.com		2546404908	
* Occupation	* How long have you been a resident of or involved with Alpine?		
General Manager	5 years		
* Are you a qualified voter of the City of Alpine?		* Board or Commission you have interest in serving on:	
<input checked="" type="radio"/> Yes		HOT Grants Committee	
<input type="radio"/> No			

\* Please provide brief background information about yourself, including education, work experience, and any special qualifications you have for serving on this board/commission:

I moved to Alpine 5 years ago to finish my bachelors in Kinesiology with a minor in Biology. I graduated in 2017 and since then have been working on my Masters in Health and Human performance. The first week I moved out here I was hired to work the front desk at the Maverick Inn. Over the next few years I worked my way up through the company to become the property manager of the Maverick Inn, then the events coordinator at the Holland Hotel, the assistant General Manager and now the General Manager. I have been in this position for a little over a year and a half now. I have every intention of staying in Alpine for the next few years to come and have fallen in love with this little community. I over see 2 hotels here in Alpine and 1 restaurant. Over the years I have come to appreciate and really enjoy the community we live in. I want Alpine to be the perfect destination/tourist town for both our guests and locals. Working with the two hotels I am also familiar with what kind of events work for the local businesses, what our slow seasons are, and what might help bring in some more revenue. I would love to be apart of the HOT Grant Committee if chosen.

Please state why you wish to service the City of Alpine as a member of a board or commission:

\* Do you receive any compensation from the City of Alpine or are there any potential conflicts of interest if you serve the City of Alpine?

☐ Yes

☒ No

\* Do you currently, or have you in the past served the City of Alpine?

☐ Yes

☒ No

If yes, in what capacity?

How long?

If yes, please explain:

\* \* \*

I, the applicant for this *Boards & Commissions Application*, certify that the information contained in this application is true, correct, and complete. I understand that, if selected, false statements reported on this applications may be considered sufficient cause for dismissal.

\* Electronic Signature

\* Date

Sarah Davison

07/22/2020

Format: MM/DD/YYYY

\* I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.

☒ Option 1

D. Approval of Jerry Johnson for the HOT Committee for Ward 2. (R. Olivas, City Council)

RECEIVED

JUL 29 2020

BY:                     



**CITY OF ALPINE  
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE**

Name: JERRY JOHNSON

Street Address: 1100 N BIRD

City, State & Zip: ALPINE TX 79830

Phone Number: 432-837-5139

E-Mail: fourjr@sbcglobal.net

Occupation: SELF EMPLOYED

How long have you been a resident of or involved with Alpine?: 32 YEARS

Are you a qualified voter of the City of Alpine?: YES

Board or Commission you have interest in servicing on: HOT BOARD

Please provide brief background information about yourself, including education, work experience, and any special qualifications you have for serving on this board/commission:

WHILE MAYOR I DEVELOPED, IMPLEMENTED  
AND WAS INVOLVED WITH THE HOTEL  
OCCUPANCY TAX BOTH ON A STATE LEVEL  
AND LOCAL LEVEL. I KNOW THIS EXPERIENCE

WOULD BE ~~BE~~ AN ASSET TO SERVING ON  
THIS BOARD

Please state why you wish to service the City of Alpine as a member of a board or commission:

I KNOW I CAN MAKE SIGNIFICANT POSITIVE  
CONTRIBUTIONS TO THIS BOARD AND THE CITY

Do you currently, or have you in the past served the City of Alpine? Yes ☒ No: ☐

If yes, in what capacity? MAYOR

How long? 4 YEARS

Do you receive any compensation from the City of Alpine or are there any potential conflicts of interest if you serve the City of Alpine? Yes ☐ No: ☒

If yes, please explain: \_\_\_\_\_

Signature: Denny Johnson

Date: 28 JUL 20

E. Approval of Karen Sulewski for the HOT Committee for Ward 3. (B. Fitzgerald, City Council)





RECEIVED  
5/29/20

CITY OF ALPINE  
ADVISORY BOARDS & COMMISSIONS QUESTIONNAIRE

\* First Name

Karen

\* Last Name

Sulewski

\* Street Address

505 S 5th st

\* City

Alpine

\* State

TX

\* Zip

79830

\* Email Address

kasulewski@gmail.com

\* Phone

(423) 294-4026

\* Occupation

Hotel General Manager

\* How long have you been a resident of or involved with Alpine?

6 years

\* Are you a qualified voter of the City of Alpine?

☒ Yes

☐ No

\* Board or Commission you have interest in serving on:

Hotel/Travel Tourism

\* Please provide brief background information about yourself, including education, work experience, and any special qualifications you have for serving on this board/commission:

I have been in the hotel/restaurant management field for over 25 years. I have a degree in travel and tourism from the Texas Travel Industry Association and have a continuing credit program with TTIA.

Please state why you wish to service the City of Alpine as a member of a board or commission:

I have a very strong commitment to promote Alpines travel and tourism opportunities. I am knowledgeable about a vast number of things having worked at Davis Mountains State Park for many years and excited to share this with visitors.

\* Do you receive any compensation from the City of Alpine or are there any potential conflicts of interest if you serve the City of Alpine?

☐ Yes

☒ No

\* Do you currently, or have you in the past served the City of Alpine?

☐ Yes

☒ No

If yes, in what capacity?

How long?

If yes, please explain:

\* \* \*

I, the applicant for this *Boards & Commissions Application*, certify that the information contained in this application is true, correct, and complete. I understand that, if selected, false statements reported on this applications may be considered sufficient cause for dismissal.

\* Electronic Signature

\* Date

Karen Sulewski

05/29/2020

Format: MM/DD/YYYY

\* I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.

☒ Option 1

8. Information or Discussion items –

1. Family Crisis Center Readout – by Executive Director Sara Stropoli. (E. Zimmer, City Manager)
2. Discussion on Section 54 Code of Ordinances. (E. Zimmer, City Manager)
3. Discussion of Fire Fee's for the City of Alpine. (E. Zimmer, City Manager)

1. Family Crisis Center Readout – by Executive Director Sara Stropoli. (E. Zimmer, City Manager)

**Family Crisis Center of the Big Bend, Inc.**  
**General Fund Profit & Loss**  
April 2020 to June 2020

	<u>Apr 2020</u>	<u>May 2020</u>	<u>June 2020</u>
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
4100 · CITY/COUNTY REVENUE	2,156.25	0.00	0.00
<b>Total Income</b>	<u>2,156.25</u>	<u>0.00</u>	<u>0.00</u>
<b>Gross Profit</b>	2,156.25	0.00	0.00
<b>Expense</b>			
8050 · INSURANCE	274.76	0.00	173.24
8100 · OFFICE EXPENSE	0.00	0.00	0.00
8200 · TELEPHONE EXPENSE	84.30	83.25	85.45
8450 · OFFICE UTILITIES	194.00	194.00	194.00
8460 · SHELTER UTILITIES	22.53	31.80	48.67
8500 · COMPUTER REPAIRS & MAINTENANCE	0.00	92.91	88.09
8700 · TRAVEL EXPENSE	40.57	93.99	115.44
8501 · OFFICE REPAIR & MAINTENANCE	0.00	339.25	0.00
<b>Total Expense</b>	<u>616.16</u>	<u>577.93</u>	<u>704.89</u>

Family Crisis Center of the Big Bend, Inc.  
**General Fund Profit & Loss**  
April 2020 to June 2020

	<u>Apr. 20 - June 20</u>
Ordinary Income/Expense	
Income	
4100 · CITY/COUNTY REVENUE	2156.25
Total Income	<u>2156.25</u>
Gross Profit	2156.25
Expense	
8050 · INSURANCE	448.00
8100 · OFFICE EXPENSE	0.00
8200 · TELEPHONE EXPENSE	253.00
8450 · OFFICE UTILITIES	582.00
8460 · SHELTER UTILITIES	103.00
8500 · COMPUTER REPAIRS & MAINTENANCE	181.00
8700 · TRAVEL EXPENSE	250.00
8501 - OFFICE REPAIR & MAINTENANCE	339.25
Total Expense	<u>2156.25</u>

**2. Discussion on Section 54 Code of Ordinances. (E. Zimmer, City Manager)**



Cynthia Salas &lt;city.secretary@ci.alpine.tx.us&gt;

---

**Code Enforcement Follow-Up**

3 messages

**Erik Zimmer** <erik.zimmer@ci.alpine.tx.us>

Fri, Jul 10, 2020 at 3:47 PM

To: Andy Ramos <mayor.ramos@ci.alpine.tx.us>, Maria Curry <ward1.curry@ci.alpine.tx.us>, Ramon Olivas <ward2.olivas@ci.alpine.tx.us>, Betty Fitzgerald <ward3.fitzgerald@ci.alpine.tx.us>, Lucy Escovedo <ward4.escovedo@ci.alpine.tx.us>, Rick Stephens <ward5.stephens@ci.alpine.tx.us>  
Cc: David Hale <building.official@ci.alpine.tx.us>, Cynthia Salas <city.secretary@ci.alpine.tx.us>, pontonrod <pontonrod@gmail.com>, Sandy Stewart <city.judge@ci.alpine.tx.us>, Court Clerk <court.clerk@ci.alpine.tx.us>

Honorable Mayor and City Council,

Thanks for the conversation on this topic Tuesday. We also appreciate Lucy's willingness to engage with staff on the review of the Ordinances and suggestions for updates/changes. I've also attached the section of Chapter 54 of our Code of Ordinances that outlines the expectations the City has in place currently.

In our Citation booklet that is used to write the citations, the header reads 'Notice to Appear'. That nomenclature has appeared for years, but David, Tony and I discussed today changing that to read 'Notice of Citation' instead. I do think these citation books pre-date Robert Polanco, but now is a good time to update. David and Tony had been working on a new format previous to the discussion. Ultimately, the header on them works against the human psyche and puts up an immediate barrier.

As Tony fills out the citation, he always gives the owner 10 days to abate. If they abate, the citation is cleared and the court is notified. The owner gets a note from Lorena in the Courts that they do not have to appear..

On Tuesday evening the question came up on whether people were given time to clear the citation: ***all citations up to this point have been given the 10 day opportunity to abate which is written on the ticket.*** Those that have appeared in Court with Judge Stewart and our CA Rod Ponton had not abated in the 10 days. Tony has also given people more time than the 10 days if they have a plan of action and communicate with him.

The next question came up surrounding the repetition of tickets. Our Ordinance calls for a citation each day after the 10th day an offense has not been abated, and each subsequent day thereafter. That is also what is taught and recommended at the state level classes. With that said, David, Tony and I agreed to not utilize that method in the interim and only write a subsequent ticket if the individual fails to appear in Court. As Council works through amending the language of the existing Ordinance, we will want to ensure a new expectation is mapped out over the current language.

We also need to tighten language on repeat offenses and abatement capabilities if the item is deemed of significant health importance.

David, Tony and I also discussed a communication plan relative to common nuisances. The first one that Tony will write about (we'll put up on our City website and do some PSA's) is around old tires. Not only are they prohibited in our City Ordinance, they are prohibited in State code. We will make sure we communicate about the common hazards in the community and the City's approach and expectations.

As you review Chapter 54 of the current Ordinances, please send any comments of suggested changes to David and myself (to avoid any TOMA conflicts). We will work back with Lucy to construct a draft of changes to present to the rest of Council (hopefully by the second meeting in August).

Thanks again, please let me know if you have any questions,  
Erik



PS - On a lighter side, Tony has seen some real interesting things in his Enforcement journey....pigs in the yard, 800 tires at a residence....just to name a few.

--

Erik M. Zimmer  
City Manager  
Alpine, TX 79830  
432.837.3301

**Attention Elected Officials** - A 'Reply to All' on this email could lead to unintentional violations of the Texas Open Meetings Act. Please reply only to the sender.



ARTICLE\_IV.\_\_\_\_OFFENSIVE\_CONDITIONS\_ON\_PROPERTY.doc  
68K

---

Cynthia Salas <city.secretary@ci.alpine.tx.us>  
To: David Hale <building.official@ci.alpine.tx.us>

Tue, Jul 28, 2020 at 3:12 PM

David,

I believe this is all i need.This is under "Info & Discussion" for next week's Council meeting. I will attach the email sent to Council and print the Article as supporting documents and I think we should be ok. This email is just FYI for you.

*Cynthia Salas*

*City of Alpine – City Secretary*

*100 North 13<sup>th</sup> St.*

*Alpine, Texas 79830*

*O. 432-837-3301*

*F. 432-837-2044*

*city.secretary@ci.alpine.tx.us*



*"Don't find fault, find a remedy" .....Henry Ford*

**\*\*Attention Elected Officials** - A 'Reply to All' on this email could lead

[Quoted text hidden]

## ARTICLE IV. - OFFENSIVE CONDITIONS ON PROPERTY<sup>(2)</sup>

### Footnotes:

--- (2) ---

**Editor's note**— Ord. No. 2009-07-01, adopted Aug. 4, 2009, deleted the former Art. IV, §§ 54-201—54-207 and enacted a new Art. IV as set out herein. The former Art. IV pertained to offensive conditions on property and derived from Code 1978, §§ 18-21—18-27; Ord. No. 2005-4-12, adopted Apr. 19, 2005.

**State Law reference**— Authority to prohibit conditions described in this article, V.T.C.A., Health and Safety Code ch. 342.

### DIVISION 1. - HIGH WEEDS AND GRASS

#### Sec. 54-202. - Prohibited generally.

It shall be unlawful for any owner of real property within the corporate limits of the city to fail to keep such real property free of any unsightly, unwholesome, unsanitary or dangerous condition, including, but not limited to, the failure of such owner to remove, or cause to be removed from such property, all debris, brush, weeds, garbage not in regulation containers, carrion, rubbish, filth or any other impure, unwholesome, unsightly or unsanitary matter of any nature.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

#### Sec. 54-203. - High weeds and grass prohibited.

- (a) Any property upon which weeds or grass exceed an average of 12 inches in height, is hereby declared to be a nuisance.
- (b) A person commits an offense if the person owns, occupies, or controls any real property upon which weeds or grass exceed an average of 12 inches in height.
- (c) A person commits an offense if the person owns, occupies, or controls any real property and fails to maintain the parkway adjacent to the property free of weeds and grass that exceed an average of 12 inches in height.
- (d) In a prosecution or other enforcement action of subsections (a) or (b) above, it is an exception that the real property was a lot, tract, or parcel of land of two or more acres under common ownership and the high grass or weeds was no closer than 100 feet to:
  - (1) Any adjacent street; or
  - (2) Any structure or other improvement on any adjacent property owned by another person.
- (e) The provisions of this section apply to real property located within the city.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

#### Sec. 54-204. - Abatement of high weeds or grass.

- (a) The building official or the code enforcement officer, or their designee, is hereby authorized to give notice to the owner of any property upon which high grass and weeds exist to abate the nuisance.
- (b) If the owner of the property does not comply with an abatement notice issued by the city within ten days after the date the notice is received, the city may:
  - (1) Enter the property and do or cause to be done the work required to abate the nuisance; and

- (2) Pay for the work done and charge the expenses to the owner of the property.
- (c) The notice must be given:
  - (1) Personally to the owner in writing;
  - (2) By letter addressed the owner at the owner's post office address; or
  - (3) If personal service cannot be obtained or the owner's post office address is unknown:
    - a. By publication at least twice within ten consecutive days;
    - b. By posting the notice on or near the front door of each building on the property to which the violation relates; or
    - c. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
- (d) Notice will be deemed to have been received:
  - (1) For personal service, as of the date the notice was given personally to the owner;
  - (2) For mailed notice, three days after it was mailed;
  - (3) For notice by publication, on the date that the last notice was published in the official newspaper; or
  - (4) For notice by posting, ten days after notice was posted.
- (e) The city in the notice of a violation may inform the owner by certified mail, return receipt requested, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.
- (f) If a violation covered by a notice under subsection (e) occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by subsections (a)(1) and (2) and assess its expenses as provided by section 54-205.

(Ord. No. 2009-07-01, Exh. A, 8-4-09; Ord. No. 2019-02-03, § 1, 3-5-19)

**Cross reference**— Notice requiring correction, V.T.C.A., Health and Safety Code § 342.006.

**Sec. 54-205. - Abatement of weeds or grass in excess of 48 inches.**

- (a) The city may abate, without notice, weeds or grass that:
  - (1) Have grown higher than 24 inches; and
  - (2) Are an immediate danger to the health, life, or safety of any person.
- (b) Not later than the tenth day after the date the director abates weeds or grass under this section, the director shall give notice to the property owner in the manner required by section 54-204.
- (c) This notice shall contain:
  - (1) An identification, which is not required to be a legal description, of the property;
  - (2) A description of the violations that occurred on the property;
  - (3) A statement that the city abated the weeds or grass; and
  - (4) An explanation of the property owner's right to request an administrative hearing about the city's abatement of weeds or grass.

- (d) The city shall conduct an administrative hearing on the abatement of weeds or grass under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city a written request for a hearing.
- (e) A hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- (f) The city may assess expenses and create liens under this section against the property on which the city does the abatement.

(Ord. No. 2009-07-01, Exh. A, 8-4-09; Ord. No. 2017-08-01, 9-5-17)

**Sec. 54-206. - Hazards to health, safety and welfare.**

It shall be unlawful for any owner of real property within the city to fail to keep such property free of sink holes, stagnant water, any unauthorized outdoor privies, dilapidated buildings, wrecked automobiles or free from any other dangerous, unsightly, unsanitary or unwholesome condition, matter or instrumentality, or to fail to keep such property clear of any condition liable to produce or communicate disease or likely to constitute a hazard to the health, safety or welfare of the inhabitants of the city.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

**Sec. 54-207. - Lien for expenses.**

On filing with the county clerk a statement by the mayor or duly authorized agent, of the amount of such expenses. The city shall then have a privileged lien on such lot or real estate upon which the work was done or improvements made to secure the expenditures so made in accordance with the provisions of the Revised Civil Statutes of Texas, article 4436, which lien shall be second only to tax liens and liens for street improvements, to secure the expenditure so made; and from the date of such filing by the mayor or authorized agent, the expenditure so made by the city shall draw interest at the rate of ten percent per annum from the date of payment by the city until paid.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

**State Law reference—** Lien for expenses, V.T.C.A. Health and Safety Code § 342.007.

**Sec. 54-208. - Prosecution for violations.**

In addition to all other penalties for violation of this chapter, such owner so violating this article, may be punished as provided by section 1-11 for each day such violation continues after such owner has received personal written notice or citation as described in this article that such condition exists and such owner fails to remedy, correct or abate such condition on such property within such ten-day period thereafter.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

**State Law reference—** Authority to punish for violations, V.T.C.A., Health and Safety Code § 342.005.

**DIVISION 2. - NUISANCES**

Sec. 54-209. - Purpose.

The purpose of this subdivision is to define as nuisances within the City of Alpine, certain conditions which are detrimental to the health and safety of persons or property or which are detrimental to the senses. The conditions made unlawful by this subdivision are hereby declared to be nuisances.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

Sec. 54-210. - Miscellaneous sanitation nuisances.

- (a) A person commits an offense if the person owns or is in control of property that contains a pond, pool, or container holding unwholesome, impure, or offensive water that creates an unreasonable and noxious odor in a public place or that is detrimental to the health of humans.
- (b) A person commits an offense if the person owns or is in control of property which contains any drain, ditch, tank or gutter that is maintained in such a manner that creates an unreasonable and noxious odor in a public place or that is detrimental to the health of humans.
- (c) A person commits an offense if the person owns or is in control of property which has an overflowing septic tank or has sewage leaking from any pipes onto the premises.
- (d) A person commits an offense if the person owns or is in control of property that contains a condition or place that is a breeding ground for rats.
- (e) A person commits an offense if the person owns or is in control of property that contains a collection of water that is a breeding place for mosquitoes.
- (f) A person commits an offense if the person owns or is in control of property that contains a condition or place that is a breeding ground for flies or cockroaches.
- (g) A person commits an offense if the person owns or is in control of a place where sleeping accommodations are offered to the public where ectoparasites suspected to be disease carriers are present.
- (h) A person commits an offense if the person operates or causes the operation of a vehicle or container used to transport garbage, human excreta, or other organic material, when such vehicle or container allows the leaking or spillage of its contents.
- (i) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of garbage on the property in a manner that creates an unreasonable and noxious odor in a public place, that provides a breeding ground or harborage for vectors, or that is detrimental to the health of humans.
- (j) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of any solid waste or recyclables upon the property except in solid waste containers of a type approved by the director of department of environmental management.
- (k) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of solid waste or recyclables upon the property in any leaking or unsecured solid waste containers.
- (l) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of solid waste or recyclables upon the property, even in approved containers, for a period in excess of one week.
- (m) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of materials in a composting pile or bin on such property in a manner that:
  - (1) Breeds or allows the harborage of vectors; or
  - (2) Creates an unreasonable and noxious odor in a public place.

- (n) A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of recyclables on such property in a manner that:
  - (1) Breeds or allows the harborage of vectors; or
  - (2) Creates an unreasonable and noxious odor in a public place.
- (o) In a prosecution of subsections (j), (k), or (l), it is an exception that the property was a solid waste facility regulated by the state natural resource conservation commission or was a recycling facility.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

**Sec. 54-211. - Storage of discarded, used, and broken items.**

- (a) A person commits an offense if the person accumulates or allows the accumulation on any property of any:
  - (1) Broken, inoperable, or discarded household furnishings, appliances, machines, tools, boxes and cartons, lawn maintenance equipment, play equipment, toys, and similar items;
  - (2) Used or discarded building materials;
  - (3) Materials or items stored on rooftops or porches of buildings when visible from the public right-of-way or neighboring property;
  - (4) Factory or mill wastes;
  - (5) Damaged merchandise;
  - (6) Wet, broken, or leaking barrels, casks, or boxes;
  - (7) Used, discarded, or broken automotive parts or equipment; or
  - (8) Any other materials which tend by decay to become putrid or to provide harborage for rodents and other vectors.
- (b) It is defense to prosecution of subsection (a) that the person was engaged in the business of dealing in junk, and was in compliance with the comprehensive zoning ordinance and all other applicable provisions of this Code relating to junk dealers.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

**Sec. 54-212. - Accumulation of carrion, filth, trash, rubbish or other unwholesome matter.**

- (a) It shall be unlawful for any person who shall own or occupy any house, buildings, establishment, lot or yard in the city, to permit or allow any carrion, filth, trash, rubbish or other impure or unwholesome matter to accumulate or remain thereon.
- (b) The term "rubbish" as that term is used in this article, shall include, but not be limited to, the debris left upon properties after any building or other structure on such properties have been:
  - (1) Destroyed by fire or other calamity and the same not restored to its original or better condition or removed from the property within 90 days from the date of such destruction;
  - (2) Intentionally wrecked or demolished by the owner;
  - (3) Moved from such property to another location; and/or
  - (4) Vacated by prior owner or tenant.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

Sec. 54-213. - Duty to maintain property free from litter.

- (a) An owner, occupant, or person in control of private property commits an offense if he or she fails to maintain the property free of litter, unless the litter has been deposited in a trash receptacle that securely contains the litter.
- (b) Construction sites within the city and sidewalks, streets, alleys and public or private properties in the vicinity of the construction sites shall be maintained free of construction trash, litter, and debris that is not securely contained.
  - (1) Any applicant for a permit for new residential construction issued by the city shall identify the owner, occupant, or person in control of the property on the permit, by name, driver's license number, and date of birth, who is responsible for maintaining the construction site in a manner that securely contains all construction trash, litter, and debris until a final inspection is delivered or the permit expires.
  - (2) A person or owner commits an offense under this section when the individual identified on a permit under subsection (b)(1) fails to maintain the construction site in such a manner as described in this section.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

Sec. 54-214. - Nuisance abatement order.

The city is hereby authorized to give notice to the owner of any property upon which a nuisance under this division exists to abate the nuisance in accordance to the process described in sections 54-204 through 54-206.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

Secs. 54-215—54-240. - Reserved.

ARTICLE V. - HERBICIDES; PESTICIDES

Sec. 54-241. - V.T.C.A., Agriculture Code ch. 76 adopted.

- (a) The city council does hereby adopt V.T.C.A., Agriculture Code ch. 76, to the extent that it may, as a governmental entity, be of such assistance to the state department of agriculture in the receiving and transmission of complaints, investigating, under the state department of agriculture's supervision and/or at its request, such matters within the city that the state department of agriculture may deem helpful and/or necessary in its investigation and enforcement of possible violations of these regulations that may occur within the city limits of the City of Alpine, Brewster County, Texas.
- (b) By adopting V.T.C.A., Agriculture Code ch. 76, the city does hereby, as a political subdivision of the state, being a Texas Municipal Corporation chartered under the General Laws of the State of Texas and thereby being a governmental entity of the State of Texas, accept the role as local auxiliary investigative, complaint receiving and transmitting governmental entity, under the direction and supervision of the state department of agriculture, and at its request, or at the request of any of its duly authorized investigative agents who may make such requests for any aid or assistance of the city that are within the scope of the city's authority to give, grant or accomplish, in full cooperation with the state department of agriculture in its enforcement efforts of the regulatory laws concerning the use, sale, storage, transportation and application of herbicides and/or pesticides within the city limits, all as set out in V.T.C.A., Agriculture Code ch. 76, that are here adopted to the full extent of their applicability to the city.

(Code 1978, § 14-51)



**SENDER: COMPLETE THIS SECTION**

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LUAN TUANITA  
1100 West Ave I  
Alpine, TX 79830



017 0530 0000 8488 8780

2. Article Number (Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

☒ Signature

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

John Doe

C. Date of Delivery

6-6-2020

D. Is delivery address different from item 1?

If YES, enter delivery address below: ☐ Yes ☐ No

**3. Service Type**

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input checked="" type="checkbox"/> Certified Mail®                    | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

**USPS TRACKING#**



9590 9402 2707 6351 2407 35



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

**CODE COMPLIANCE  
CITY OF ALPINE BUILDING DEPT.  
309 W SUL ROSS AVE  
ALPINE, TX 79830**



CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

LUJAN JUANITA

**CITY OF ALPIN  
BREWSTER COUNTY, TEXAS**

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **LUJAN JUANITA**, hereinafter called the Defendant, heretofore, on or about the **4<sup>TH</sup> day of the month of June 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **1100 W Ave I Alpine, Texas 79830** ,legal deception of Said address: **GILLIS 3<sup>RD</sup>,BLK 22,LOT1** own, occupy, or control real property, the Defendant did then and there allow **dangerous and fire conditions** to be present on grounds of said address, which is a violation of City of Alpine **Ordinance sec-43-87** based upon inspection of said property on the **4<sup>th</sup> day of the month of June 2020**

**Sec. 46-87. - Correction of dangerous conditions.**

Whenever the fire marshal shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so occupied that fire would endanger persons or property in such building or other structure; and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind, including chimneys, flues and pipes with which the stoves, ranges, furnaces or other heating appliances may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firefighters or occupants, he shall order the conditions to be removed or remedied, and such order shall be complied with by the owner or occupant of such building or premises; provided, however, that if the owner or occupant deems himself aggrieved by such order, he may, within five days, appeal to

the mayor, who shall investigate the cause of the complaint; and unless by his authority the order is revoked, such order shall remain in force and be complied with by the owner or occupant. Any owner or occupant who fails to comply with such order within a ten-day period from the date of such notice shall be deemed guilty of a misdemeanor.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

LUJAN JUANITA

CITY OF ALPINE

BREWSTER COUNTY, TEXAS

In the name and by the authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **LUJAN JUANITA**, hereinafter called the Defendant, heretofore, on or about the **4<sup>TH</sup> day of the month of June 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **1100 W Ave I Alpine Texas -79830**, legal description: **GILLIS 3<sup>RD</sup>, BLK 22, LOT 1** own, occupy, or control real property, the Defendant did then and there did and allowed **weeds** to grow more than **12 inches**, which is a violation of the City of Alpine Ordinance based upon inspection of said property on the **4<sup>TH</sup> day of the month of June 2020**

**Sec. 54-203. - High weeds and grass prohibited.**

(a)

Any property upon which **weeds** or grass exceed an average of 12 inches in height, is hereby declared to be a nuisance.

(b)

A person commits an offense if the person owns, occupies, or controls any real property upon which **weeds** or grass exceed an average of 12 inches in height.

(c)

A person commits an offense if the person owns, occupies, or controls any real property and fails to maintain the parkway adjacent to the property free of **weeds** and grass that exceed an average of 12 inches in height.

(d)

In a prosecution or other enforcement action of subsections (a) or (b) above, it is an exception that the real property was a lot, tract, or parcel of land of two or more acres under common ownership and the **high** grass or **weeds** was no closer than 100 feet to:

(1)

Any adjacent street; or

(2)

Any structure or other improvement on any adjacent property owned by another person.

(e)

The provisions of this section apply to real property located within the city.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

LUJAN JUANITA

CITY OF ALPIN  
BREWSTER COUNTY, TEXAS

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **LUJAN JUANITA**, hereinafter called the Defendant, heretofore, on or about the 4<sup>TH</sup> day of the month of June 2020, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **1100 W Ave I Alpine, Texas-79830**, legal deception of Said address :**GILLIS 3<sup>RD</sup>,BLK 22,LOT 1** own, occupy, or control real property, the Defendant did then and there of said address committed illegal and improper disposal of bulky waste namely **tires** by placing them on roof of said address, which is a violation of City of Alpine **Ordinance sec- 82-56** based upon inspection of said property on the 4<sup>th</sup> day of the month of June 2020

**Sec. 82-56. - Littering on public or private property.**

It shall be unlawful for any person to throw, place or deposit, or cause to be thrown, placed or deposited, or suffer or permit his servant or any other person in his family to throw or deposit in any street, alley, gutter, ditch, lot or other place in this city, the carcass of any dead animal or fowl or any meat, fish, hides, skins, bones, offal, manure, fruit, vegetables, litter, debris, melon rinds, fruit peelings, slop, trash or other unsound or offensive matter or matter liable to become offensive or injurious to the health of those who reside in the vicinity or owned or controlled by him, or to throw, place or deposit, or cause to be thrown, place or deposit in any street, alley, gutter, ditch or other public place, or upon any lot or other premises not owned or controlled by him, **tires**, bottles, cans, loose paper, rags, scraps of leather, shavings, dishwater, chips, debris, litter or trash.

Any individual group of individuals, business, or corporation who illegally disposes of litter, solid waste, **tires**, hazardous materials, bulky wastes, or other such materials can be charged with the following offenses and penalties:

(1)

*Class C misdemeanor: 5lbs/5gals or less: Fine up to \$500.00*

(2)

*Class B misdemeanor:* 6lbs—499lbs/6gals—99c.f.: Fine up to \$2,000.00 and/or not more than 180 days in county jail.

(3)

*Class A misdemeanor:* 500—999lbs./100c.f.—199c.f.: Fine up to \$4,000.00 and/or not more than one year in county jail.

(4)

*State jail felony:* Over 1,000 lbs./200c.f., any amount of waste in a closed drum or barrel: Fine up to \$10,000.00 and/or 180 days to two years in a state jail.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

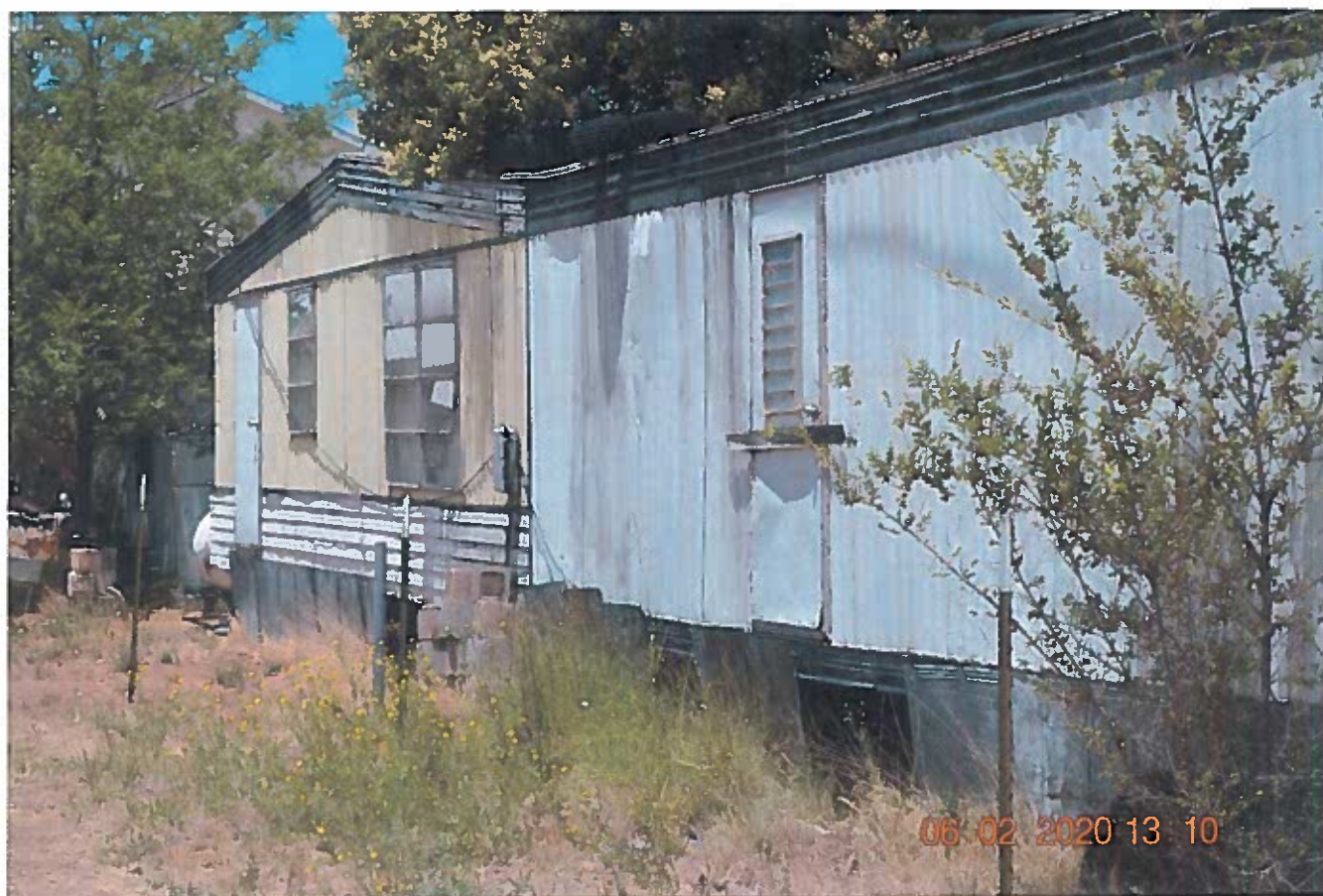












CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

VALENZUELA RAYMUNDO R

CITY OF ALPIN  
BREWSTER COUNTY, TEXAS

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **VALENZUELA RAYMUNDO R**, hereinafter called the Defendant, heretofore, on or about the **12<sup>TH</sup> day of the month of June 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **407 S BEKELEY Alpine, Texas 79830**, legal deception of Said address: **BERKELEY,BLOCK 6,LOT** own, occupy, or control real property, the Defendant did then and there allow disposal of construction and demolition waste to be present on grounds of said address, which is a violation of City of Alpine **Ordinance Sec 82-45** based upon inspection of said property on the **12<sup>th</sup> day of the month of June 2020**

**Sec. 82-45. - Disposal of construction and demolition wastes.**

It is unlawful to place wastes resulting from construction and demolition activity in the collection containers, and shall be disposed of directly by the contractor, or by the person in control of the premises wherein such debris is accumulated. Contractors are required to have a roll-off container onsite for all construction debris, or shall be inspected for holding valid landfill receipts. All such wastes shall be removed promptly and shall not be stored in any location where it may be blown, or otherwise dispersed, beyond the construction or demolition site. Wastes may be disposed of at the city landfill. Rock, dirt, concrete, brick, tile, plaster, waste, scrap building materials, or other trash resulting from construction or major remodeling; resulting from a general cleanup of vacant or improved property just prior to its occupancy; or resulting from sizable amounts of trees, brush and debris, cleared from the property in preparation for construction, will not be removed by the city as regular service. The owner will have such debris removed at his expense. All contractors shall obtain a container for disposal of building debris. Proof of such contract shall be a requirement for obtaining a building permit. Any materials including, but not limited to, rocks, large metal bolts,

castings or machining, which the collector determines to be damaging to his trash and garbage collection equipment, may be excluded from collection by the collector.

*Wastes from tree trimming operations.* It shall be the duty of any person employing, engaging or otherwise paying a contractor, student, professional tree trimmer, or any other person to trim and prune his trees or shrubs, to have the trimmings and debris removed at the owner's expense. The city will not remove trimmings and debris created by such persons as regular service.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)



CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

VALENZUELA RAYMUNDO R

CITY OF ALPIN  
BREWSTER COUNTY, TEXAS

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **VALENZUELA RAYMUNDO R**, hereinafter called the Defendant, heretofore, on or about the **12<sup>TH</sup> day of the month of June 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **407 S BEKELEY Alpine, Texas 79830** ,legal deception of Said address: **BERKELEY,BLOCK 6,LOT** own, occupy, or control real property, the Defendant did then and there allow fire hazard conditions to be present on grounds of said address, which is a violation of City of Alpine **Ordinance Sec 46-87** based upon inspection of said property on the **12<sup>th</sup> day of the month of June 2020**

#### **Sec. 46-87. - Correction of dangerous conditions.**

Whenever the fire marshal shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so occupied that fire would endanger persons or property in such building or other structure; and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind, including chimneys, flues and pipes with which the stoves, ranges, furnaces or other heating appliances may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firefighters or occupants, he shall order the conditions to be removed or remedied, and such order shall be complied with by the owner or occupant of such building or premises; provided, however, that if the owner or occupant deems himself aggrieved by such order, he may, within five days, appeal to the mayor, who shall investigate the cause of the complaint; and unless by his authority the order is revoked, such order shall remain in force and be complied with

by the owner or occupant. Any owner or occupant who fails to comply with such order within a ten-day period from the date of such notice shall be deemed guilty of a misdemeanor.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)



CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

VALENZUELA RAYMUNDO R

CITY OF ALPIN  
BREWSTER COUNTY, TEXAS

In the name and by the authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **VALENZUELA RAYMUNDO R**, hereinafter called the Defendant, heretofore, on or about the **12<sup>th</sup> day of the month of June 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **407 S BEKELEY Alpine, Texas 79830** ,legal deception of Said address: **BERKELEY,BLOCK 6,LOT** own, occupy, or control real property, the Defendant did then and there allow hazardous conditions to be present on grounds of said address, which is a violation of City of Alpine Ordinance Sec 54-206 based upon inspection of said property on the **12<sup>th</sup> day of the month of June 2020**

• **Sec. 54-206. - Hazards to health, safety and welfare.**

It shall be unlawful for any owner of real property within the city to fail to keep such property free of sink holes, stagnant water, any unauthorized outdoor privies, dilapidated buildings, wrecked automobiles or free from any other dangerous, unsightly, unsanitary or unwholesome condition, matter or instrumentality, or to fail to keep such property clear of any condition liable to produce or communicate disease or likely to constitute a hazard to the health, safety or welfare of the inhabitants of the city.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

• **Sec. 54-207. - Lien for expenses.**

On filing with the county clerk, a statement by the mayor or duly authorized agent, of the amount of such expenses. The city shall then have a privileged lien on such lot or real estate upon which the work was done or improvements made to secure the expenditures so made in accordance with the provisions of the Revised Civil Statutes of Texas, article 4436, which lien shall be second only to tax liens and liens for street improvements, to secure the expenditure so made; and from the date of such filing by the mayor or authorized agent, the expenditure so made by the city shall draw interest at the rate of ten percent per annum from the date of payment by the city until paid.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

VALENZUELA RAYMUNDO R

**CITY OF ALPIN  
BREWSTER COUNTY, TEXAS**

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **VALENZUELA RAYMUNDO R**, hereinafter called the Defendant, heretofore, on or about the **12<sup>TH</sup> day of the month of June 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **407 S BEKELEY Alpine, Texas 79830** ,legal deception of Said address: **BERKELEY,BLOCK 6,LOT** own, occupy, or control real property, the Defendant did then and there allow littering on public or private property to be present on grounds of said address, which is a violation of City of Alpine **Ordinance Sec 82-56** based upon inspection of said property on the **12<sup>th</sup> day of the month of June 2020**

**Sec. 82-56. - Littering on public or private property.**

It shall be unlawful for any person to throw, place or deposit, or cause to be thrown, placed or deposited, or suffer or permit his servant or any other person in his family to throw or deposit in any street, alley, gutter, ditch, lot or other place in this city, the carcass of any dead animal or fowl or any meat, fish, hides, skins, bones, offal, manure, fruit, vegetables, litter, debris, melon rinds, fruit peelings, slop, trash or other unsound or offensive matter or matter liable to become offensive or injurious to the health of those who reside in the vicinity or owned or controlled by him, or to throw, place or deposit, or cause to be thrown, place or deposit in any street, alley, gutter, ditch or other public place, or upon any lot or other premises not owned or controlled by him, tires, bottles, cans, loose paper, rags, scraps of leather, shavings, dishwater, chips, debris, litter or trash.

Any individual group of individuals, business, or corporation who illegally disposes of litter, solid waste, tires, hazardous materials, bulky wastes, or other such materials can be charged with the following offenses and penalties:

*Class C misdemeanor:* 5lbs/5gals or less: Fine up to \$500.00

(2)

*Class B misdemeanor:* 6lbs—499lbs/6gals—99c.f.: Fine up to \$2,000.00 and/or not more than 180 days in county jail.

(3)

*Class A misdemeanor:* 500—999lbs./100c.f.—199c.f.: Fine up to \$4,000.00 and/or not more than one year in county jail.

(4)

*State jail felony:* Over 1,000 lbs./200c.f., any amount of waste in a closed drum or barrel: Fine up to \$10,000.00 and/or 180 days to two years in a state jail.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

VALENZUELA RAYMUNDO R

CITY OF ALPIN  
BREWSTER COUNTY, TEXAS

In the name and by the authority of the State of Texas:

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **VALENZUELA RAYMUNDO R**, hereinafter called the Defendant, heretofore, on or about the **12<sup>TH</sup> day of the month of June 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **407 S BEKELEY Alpine, Texas 79830** ,legal deception of Said address: **BERKELEY,BLOCK 6,LOT** own, occupy, or control real property, the Defendant did then and there allow grass to grow and exceed 12 inches in hight to be present on grounds of said address, which is a violation of City of Alpine **Ordinance SEC-54-203** based upon inspection of said property on the **12<sup>th</sup> day of the month of June 2020**

• **Sec. 54-203. - High weeds and grass prohibited.**

(a)

Any property upon which weeds or grass exceed an average of 12 inches in height, is hereby declared to be a nuisance.

(b)

A person commits an offense if the person owns, occupies, or controls any real property upon which weeds or grass exceed an average of 12 inches in height.

(c)

A person commits an offense if the person owns, occupies, or controls any real property and fails to maintain the parkway adjacent to the property free of weeds and grass that exceed an average of 12 inches in height.

(d)

In a prosecution or other enforcement action of subsections (a) or (b) above, it is an exception that the real property was a lot, tract, or parcel of land of two or more acres under common ownership and the high grass or weeds was no closer than 100 feet to:

(1)

Any adjacent street; or

(2)

Any structure or other improvement on any adjacent property owned by another person.

(e)

The provisions of this section apply to real property located within the city.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

• **Sec. 54-204. - Abatement of high weeds or grass.**

(a)

The building official or the code enforcement officer, or their designee, is hereby authorized to give notice to the owner of any property upon which high grass and weeds exist to abate the nuisance.

(b)

If the owner of the property does not comply with an abatement notice issued by the city within ten days after the date the notice is received, the city may:

(1)

Enter the property and do or cause to be done the work required to abate the nuisance; and

(2)

Pay for the work done and charge the expenses to the owner of the property.

(c)

The notice must be given:

(1)

Personally to the owner in writing;

(2)

By letter addressed the owner at the owner's post office address; or

(3)

If personal service cannot be obtained or the owner's post office address is unknown:

a.  
By publication at least twice within ten consecutive days;

b.  
By posting the notice on or near the front door of each building on the property to which the violation relates; or

c.  
By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

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

(1)  
For personal service, as of the date the notice was given personally to the owner;

(2)  
For mailed notice, three days after it was mailed;

(3)  
For notice by publication, on the date that the last notice was published in the official newspaper; or

(4)  
For notice by posting, ten days after notice was posted.

(e)  
The city in the notice of a violation may inform the owner by certified mail, return receipt requested, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city without further notice may correct the violation at the owner's expense and assess the expense against the property.

(f)  
If a violation covered by a notice under subsection (e) occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by subsections (a)(1) and (2) and assess its expenses as provided by [section 54-205](#).

(Ord. No. 2009-07-01, Exh. A, 8-4-09; Ord. No. 2019-02-03, § 1, 3-5-19)

**Cross reference**— Notice requiring correction, V.T.C.A., Health and Safety Code § 342.006.

- **Sec. 54-205. - Abatement of weeds or grass in excess of 48 inches.**

- (a)
- The city may abate, without notice, weeds or grass that:
- (1)
- Have grown higher than 24 inches; and
- (2)
- Are an immediate danger to the health, life, or safety of any person.
- (b)
- Not later than the tenth day after the date the director abates weeds or grass under this section, the director shall give notice to the property owner in the manner required by [section 54-204](#).
- (c)
- This notice shall contain:
- (1)
- An identification, which is not required to be a legal description, of the property;
- (2)
- A description of the violations that occurred on the property;
- (3)
- A statement that the city abated the weeds or grass; and
- (4)
- An explanation of the property owner's right to request an administrative hearing about the city's abatement of weeds or grass.
- (d)
- The city shall conduct an administrative hearing on the abatement of weeds or grass under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city a written request for a hearing.
- (e)
- A hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- (f)
- The city may assess expenses and create liens under this section against the property on which the city does the abatement.

**Contrary to said ordinance, and**



**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

VALENZUELA RAYMUNDO R

CITY OF ALPINE

BREWSTER COUNTY, TEXAS

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that ,**VALENZUELA RAYMUNDO R** hereinafter called the Defendant, heretofore, on or about the **12<sup>th</sup> day of the month of June 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **407 South Berkeley Avenue, Alpine Texas -79830**, legal description :**Berkeley ,block 6,lot** own, occupy, or control real property, the Defendant did then and there did not place skirting around owned manufactured home as per described by city ordinance . which is a violation of the City of Alpine Ordinance based upon inspection of said property on the **12<sup>th</sup> day of the month of June 2020**

**Section IV-A. - "R-4"—Mobile home district.**

A.

This **zone** is intended to provide **homes** manufactured in one or more modules at a site other than the **home** site. Additional uses necessary and incidental to the operation of a residential dwelling are also permitted. This **zone** is typically associated with the low and medium density residential land use category and is not permitted in other land use categories.

Principal permitted uses. Buildings, structures and lands shall be used and structures shall hereinafter be erected, altered, or enlarged only for the following uses:

HUD Code manufactured **homes**\*\*

Local utility service

R-1 Single-family residential

R-2 Duplex

R-2 Group Residential\*

R-2 Townhouses

---

\*Same as stated in R-2.

\*\*HUD Code manufactured **home** compliance: Certificate of occupancy shall not be issued until compliance with the Texas Department of Housing and Community Affairs/Manufactured housing Division: Administrative Rules of the Texas Department of Housing and Community Affairs 10 Texas Administrative Code, Chapter 80.

B.

Uses permitted subject to conditional use permit. The following uses may be permitted subject to a conditional use permit as provided in [Section 20](#).

Bed and Breakfast, VRBO

Day care services

**Home** occupations subject to approval of **home** occupation application provisions\*\*\*

New concept housing\*\*\*\*

Religious assembly

---

\*\*\*Same as stated in R-1.

\*\*\*\*housing built with non-standard building practices such as: connex containers, rammed earth, papercrete, hay bale, and those not specifically addressed in the building code.

Each lot in the R-4 district shall be subject to the following site development regulations:

Feature	Regulation
Lot size	6,000 square feet
Lot width	50 feet
Height	1 story

Front yard	20 feet*
Street side yard	12 feet 6 inches*
Interior side yard	5 feet*
Rear yard	18% or $\leq$ 25 feet
Residential density	1 mobile home per lot
Minimum dwelling area	850 square feet
Maximum impervious area	56% all structures
Nonconforming uses	Section 4
Special yard regulations	Section VIII
Fences, walls and visibility	Section 6
Parking	Off street, 1 per unit minimum
Home occupations	<a href="#">Section 20</a>
Manufactured home skirting	Required within 90 days of occupancy**

EXPAND

\*No window sills, belt courses, cornices, and other architectural features will project within the setbacks stated above.

\*\*All mobile homes and prefabricated units shall be skirted on all four sides with a material that is compatible in strength and decor with the main structure.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

VALENZUELA RAYMUNDO R

CITY OF ALPIN  
BREWSTER COUNTY, TEXAS

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **VALENZUELA RAYMUNDO R**, hereinafter called the Defendant, heretofore, on or about the **12<sup>th</sup> day of the month of June 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **407 S BEKELEY Alpine, Texas 79830** ,legal deception of Said address: **BERKELEY,BLOCK 6,LOT** own, occupy, or control real property, the Defendant did then and there allow sanitation nuisances conditions to be present on grounds of said address, which is a violation of City of Alpine **Ordinance Sec 54-210/211/212/213** based upon inspection of said property on the **12<sup>th</sup> day of the month of June 2020**

• **Sec. 54-210. - Miscellaneous sanitation nuisances.**

A person commits an offense if the person owns or is in control of property that contains a pond, pool, or container holding unwholesome, impure, or offensive water that creates an unreasonable and noxious odor in a public place or that is detrimental to the health of humans.

A person commits an offense if the person owns or is in control of property which contains any drain, ditch, tank or gutter that is maintained in such a manner that creates an unreasonable and noxious odor in a public place or that is detrimental to the health of humans.

A person commits an offense if the person owns or is in control of property which has an overflowing septic tank or has sewage leaking from any pipes onto the premises.

A person commits an offense if the person owns or is in control of property that contains a condition or place that is a breeding ground for rats.

A person commits an offense if the person owns or is in control of property that contains a collection of water that is a breeding place for mosquitoes.

A person commits an offense if the person owns or is in control of property that contains a condition or place that is a breeding ground for flies or cockroaches.

A person commits an offense if the person owns or is in control of a place where sleeping accommodations are offered to the public where ectoparasites suspected to be disease carriers are present.

A person commits an offense if the person operates or causes the operation of a vehicle or container used to transport garbage, human excreta, or other organic material, when such vehicle or container allows the leaking or spillage of its contents.

A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of garbage on the property in a manner that creates an unreasonable and noxious odor in a public place, that provides a breeding ground or harborage for vectors, or that is detrimental to the health of humans.

A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of any solid waste or recyclables upon the property except in solid waste containers of a type approved by the director of department of environmental management.

A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of solid waste or recyclables upon the property in any leaking or unsecured solid waste containers.

A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of solid waste or recyclables upon the property, even in approved containers, for a period in excess of one week.

A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of materials in a composting pile or bin on such property in a manner that:

Breeds or allows the harborage of vectors; or

Creates an unreasonable and noxious odor in a public place.

A person commits an offense if the person owns or is in control of property and accumulates or allows the accumulation of recyclables on such property in a manner that:

Breeds or allows the harborage of vectors; or

Creates an unreasonable and noxious odor in a public place.

In a prosecution of subsections (j), (k), or (l), it is an exception that the property was a solid waste facility regulated by the state natural resource conservation commission or was a recycling facility.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

- **Sec. 54-211. - Storage of discarded, used, and broken items.**

A person commits an offense if the person accumulates or allows the accumulation on any property of any:

Broken, inoperable, or discarded household furnishings, appliances, machines, tools, boxes and cartons, lawn maintenance equipment, play equipment, toys, and similar items;

Used or discarded building materials;

Materials or items stored on rooftops or porches of buildings when visible from the public right-of-way or neighboring property;

Factory or mill wastes;

Damaged merchandise;

Wet, broken, or leaking barrels, casks, or boxes;

Used, discarded, or broken automotive parts or equipment; or

Any other materials which tend by decay to become putrid or to provide harborage for rodents and other vectors.

It is defense to prosecution of subsection (a) that the person was engaged in the business of dealing in junk, and was in compliance with the comprehensive zoning ordinance and all other applicable provisions of this Code relating to junk dealers.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

- **Sec. 54-212. - Accumulation of carrion, filth, trash, rubbish or other unwholesome matter.**

It shall be unlawful for any person who shall own or occupy any house, buildings, establishment, lot or yard in the city, to permit or allow any carrion, filth, trash, rubbish or other impure or unwholesome matter to accumulate or remain thereon.

The term "rubbish" as that term is used in this article, shall include, but not be limited to, the debris left upon properties after any building or other structure on such properties have been:



Destroyed by fire or other calamity and the same not restored to its original or better condition or removed from the property within 90 days from the date of such destruction;

Intentionally wrecked or demolished by the owner;

Moved from such property to another location; and/or

Vacated by prior owner or tenant.

(Ord. No. 2009-07-01, Exh. A, 8-4-09)

• **Sec. 54-213. - Duty to maintain property free from litter.**

An owner, occupant, or person in control of private property commits an offense if he or she fails to maintain the property free of litter, unless the litter has been deposited in a trash receptacle that securely contains the litter.

Construction sites within the city and sidewalks, streets, alleys and public or private properties in the vicinity of the construction sites shall be maintained free of construction trash, litter, and debris that is not securely contained.

Any applicant for a permit for new residential construction issued by the city shall identify the owner, occupant, or person in control of the property on the permit, by name, driver's license number, and date of birth, who is responsible for maintaining the construction site in a manner that securely contains all construction trash, litter, and debris until a final inspection is delivered or the permit expires.

A person or owner commits an offense under this section when the individual identified on a permit under subsection (b)(1) fails to maintain the construction site in such a manner as described in this section.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)









CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

BELL ROBERT H

CITY OF ALPINE

BREWSTER COUNTY, TEXAS

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **BELL ROBERT H**, hereinafter called the Defendant, heretofore, on or about the **15<sup>TH</sup> day of the month of May 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **610 N 3<sup>RD</sup> Avenue, Alpine Texas -79830**, legal description: **WALTON,BLK W 1,LOT 6-7** own, occupy, or control real property, the Defendant did then and there did commit illegal dumping of construction material and placed it on city property and on the right of way which is a violation of the City of Alpine Ordinance based upon inspection of said property on the **15<sup>TH</sup> day of the month of May 2020**

**Sec. 82-45. - Disposal of construction and demolition wastes.**

(a)

It is unlawful to place wastes resulting from construction and demolition activity in the collection containers, and shall be disposed of directly by the contractor, or by the person in control of the premises wherein such debris is accumulated. Contractors are required to have a roll-off container onsite for all construction debris, or shall be inspected for holding valid landfill receipts. All such wastes shall be removed promptly and shall not be stored in any location where it may be blown, or otherwise dispersed, beyond the construction or demolition site. Wastes may be disposed of at the city landfill. Rock, dirt, concrete, brick, tile, plaster, waste, scrap building materials, or other trash resulting from construction or major remodeling; resulting from a general cleanup of vacant or improved property just prior to its occupancy; or resulting from sizable amounts of trees, brush and debris, cleared from the property in preparation for construction, will not be removed by the city as regular service. The owner will have such debris removed at his expense. All contractors shall obtain a container for disposal of building debris. Proof of such contract shall be a requirement for obtaining a building permit. Any materials including, but not limited to, rocks, large metal bolts,

castings or machining, which the collector determines to be damaging to his trash and garbage collection equipment, may be excluded from collection by the collector.

(b)

*Wastes from tree trimming operations.* It shall be the duty of any person employing, engaging or otherwise paying a contractor, student, professional tree trimmer, or any other person to trim and prune his trees or shrubs, to have the trimmings and debris removed at the owner's expense. The city will not remove trimmings and debris created by such persons as regular service.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

BELL ROBERT H

CITY OF ALPINE

BREWSTER COUNTY, TEXAS

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **BELL ROBERT H**, hereinafter called the Defendant, heretofore, on or about the **15<sup>TH</sup> day of the month of May 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **610 N 3RD Avenue, Alpine Texas -79830**, legal description: **WALTON,BLK W1,LOT 6-7** own, occupy, or control real property, the Defendant did then and there did and had possession and stored items that can cause a fire and allowed for dangerous conditions to be present on said property, which is a violation of the City of Alpine Ordinance based upon inspection of said property on the **15<sup>TH</sup> day of the month of May 2020**

**Sec. 46-87. - Correction of dangerous conditions.**

Whenever the fire marshal shall find any building or other structure which, for want of repair, or by reason of age or dilapidated condition, or for any cause, is especially liable to fire, and which is so occupied that fire would endanger persons or property in such building or other structure; and whenever he shall find an improper or dangerous arrangement of stoves, ranges, furnaces or other heating appliances of any kind, including chimneys, flues and pipes with which the stoves, ranges, furnaces or other heating appliances may be connected, or a dangerous arrangement of lighting devices or systems, or a dangerous or unlawful storage of explosives, compounds, petroleum, gasoline, kerosene, dangerous chemicals, vegetable products, ashes, combustible, inflammable and refuse materials, or other conditions which may be dangerous in character or liable to cause or promote fire or create conditions dangerous to the firefighters or occupants, he shall order the conditions to be removed or remedied, and such order shall be complied with by the owner or occupant of such building or premises; provided, however, that if the owner or occupant deems himself aggrieved by such order, he may, within five days, appeal to the mayor, who shall investigate the cause of the complaint; and unless by his



authority the order is revoked, such order shall remain in force and be complied with by the owner or occupant. Any owner or occupant who fails to comply with such order within a ten-day period from the date of such notice shall be deemed guilty of a misdemeanor.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

BELL ROBERT H

CITY OF ALPINE

BREWSTER COUNTY, TEXAS

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **BELL ROBERT H**, hereinafter called the Defendant, heretofore, on or about the **15<sup>TH</sup> day of the month of May 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **610 N 3<sup>RD</sup> Avenue, Alpine Texas -79830**, legal description: **WALTON,BLK W1,LOT 6-7** own, occupy, or control real property, the Defendant did then and there did and had possession and stored items that can cause a fire, which is a violation of the City of Alpine Ordinance based upon inspection of said property on the **15<sup>TH</sup> day of the month of May 2020**

**Sec. 86-42. - Permitting dangerous conditions on sidewalk declared a nuisance.**

Whoever shall keep or leave open, or shall allow or suffer to be left open, any cellar door or trap door on the grating of any vault, in or upon any sidewalk, street, thoroughfare or passageway; or whoever shall make, keep or maintain any uncovered opening in any sidewalk or footway; or shall allow any sidewalk or footway, which it is his duty to maintain or repair, to be broken or to continue to be broken, uneven or out of repair, as to endanger any person's safety; or shall allow any sidewalk or footway, which it is his duty to maintain, to collect oils, greases, ice or water; or shall allow other obstacles or obstructions, natural or artificial, which overlap, impinge upon or appropriate any part of the sidewalk area, or the space eight feet above it, so as to endanger any person's safety or impede the use of such sidewalk, shall be deemed guilty of maintaining a nuisance.

**Sec. 86-46. - Duty to maintain sidewalks free of hazardous substances, obstructions.**

It shall be the duty of the owner of any property abutting upon any sidewalk, at their own cost and expense, to maintain and keep the sidewalks (and paving laid on such sidewalks), bordering their property, free of collection of oils, greases, ice or water, and free of obstacles, obstructions or encroachments, natural or artificial, above or below ground, or which overlap, impinge upon or appropriate any part of the sidewalk area, or the space eight feet above the sidewalk area.

**Sec. 86-47. - Liability of property owner for damages due to hazardous substances on, obstruction of sidewalk.**

The abutting property owner or person, firm or corporation enjoying the use of any property abutting on a sidewalk, who has allowed such abutting sidewalk to become obstructed, or in a dangerous condition in violation of section 86-46, and such violation has resulted in damage or injury, shall be primarily liable in damages for any loss or damage sustained as a result of such condition.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

BELL ROBERT H

CITY OF ALPINE

BREWSTER COUNTY, TEXAS

**In the name and by the authority of the State of Texas:**

I, the undersigned affiant, do solemnly swear that I have good reason to believe and do believe that **BELL ROBERT H**, hereinafter called the Defendant, heretofore, on or about the **15<sup>th</sup> day of the month of May 2020**, and before the making and filing of this complaint, in the territorial limits of the City of Alpine in the County of Brewster, and the State of Texas, the Defendant did then and there, at the location of **610 N 3RD Avenue, Alpine Texas -79830**, legal description: **WALTON,BLK W1,LOT 6-7** own, occupy, or control real property, the Defendant did then and there did commit illegal dumping on public or private property, which is a violation of the City of Alpine Ordinance based upon inspection of said property on the **15<sup>th</sup> day of the month of May 2020**

**illegal dumping** means the disposal or allowing disposal of litter or other solid waste at a place that is not approved solid waste site, including places on or within 300 feet of a public highway, a right-of-way, public or private property, or into inland or coastal water of the state.

*Landfill* means the area provided by the city under Texas Commission for Environmental Quality Arid Exemption Permit No. 2197 for a Type I landfill in which garbage and other debris shall be accumulated or disposed of. The area shall include such area known as the landfill access road bounded on two sides by a fence.

*Medical refuse* means refuse from residences, hospitals, doctors' offices, clinics and nursing homes, such as facial tissue, bandages, pathological wastes and other contaminated material.

*Nonresident* means persons who do not permanently reside within the corporate limits of the city.

*Premises* means business houses, boardinghouses, offices, theaters, hotels, motels, restaurants, cafes, eating houses, hospitals, tourist courts, churches, trailer parks, schools, private residences, vacant lots, grocery stores, butcher shops, restaurants, drugstores, hotels and other places within the city where garbage or rubbish accumulates.

*Recycling center* means the area provided by the city and overseen by city employee(s) to receive recyclable materials being diverted from the landfill. The collected recyclables may be sold by the city or by the contracted waste hauler to help fund recycling activities.

*Recyclables* means any of a number of materials that can be diverted from the landfill to be reused or repurposed, such as glass, aluminum, tin, scrap metal, plastics #1 and #2, paper, corrugated cardboard, magazines, newsprint, used motor oil, and others.

*Rubbish* means combustible and noncombustible solid waste material from households, institutions and commercial concerns. Combustible rubbish consists of paper, rags, cartons, boxes, wood, excelsior, bedding, rubber, leather, grass, leaves, yard trimmings and plastics. Noncombustible rubbish consists of metals, tin cans, metal foils, dirt, stones, bricks, glass, bottles and ceramics. Whenever the term "rubbish" is used alone, it shall mean a combination of such wastes.

*Tourist* means a nonresident of Brewster, Jeff Davis and Presidio Counties, who is in the city for the purpose of pleasure, amusement or educational purposes or civic meetings.

#### **Sec. 82-56. - Littering on public or private property.**

It shall be unlawful for any person to throw, place or deposit, or cause to be thrown, placed or deposited, or suffer or permit his servant or any other person in his family to throw or deposit in any street, alley, gutter, ditch, lot or other place in this city, the carcass of any dead animal or fowl or any meat, fish, hides, skins, bones, offal, manure, fruit, vegetables, litter, debris, melon rinds, fruit peelings, slop, trash or other unsound or offensive matter or matter liable to become offensive or injurious to the health of those who reside in the vicinity or owned or controlled by him, or to throw, place or deposit, or cause to be thrown, place or deposit in any street, alley, gutter, ditch or other public place, or upon any lot or other premises not owned or controlled by him, tires, bottles, cans, loose paper, rags, scraps of leather, shavings, dishwater, chips, debris, litter or trash.

Any individual group of individuals, business, or corporation who **illegally** disposes of litter, solid waste, tires, hazardous materials, bulky wastes, or other such materials can be charged with the following offenses and penalties:

(1)

*Class C misdemeanor:* 5lbs/5gals or less: Fine up to \$500.00

(2)

*Class B misdemeanor:* 6lbs—499lbs/6gals—99c.f.: Fine up to \$2,000.00 and/or not more than 180 days in county jail.

(3)

*Class A misdemeanor:* 500—999lbs./100c.f.—199c.f.: Fine up to \$4,000.00 and/or not more than one year in county jail.

(4)

*State jail felony:* Over 1,000 lbs./200c.f., any amount of waste in a closed drum or barrel: Fine up to \$10,000.00 and/or 180 days to two years in a state jail.

**Contrary to said ordinance, and**

**Against the peace and dignity of the State.**

Affiant: \_\_\_\_\_  
Code Compliance Inspector  
City of Alpine, Texas

Sworn and Subscribed before me by \_\_\_\_\_, a credible person,  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Deputy Clerk)(Peace Officer)  
(Notary Public in and for the State of Texas)











**3. Discussion of Fire Fee's for the City of Alpine. (E. Zimmer, City Manager)**

## **City of Alpine, Texas**

### **Fire System / Hazardous Operation Fee Schedule**

The following fees are hereby established for obtaining permits from the City of Alpine Texas . All payments will be made by money order, or check made out to the **City of Alpine Texas** and will be paid prior to the start of a particular plan review process for which the fee is charged and/or before a permit is issued.

Fees shall be paid at the City of Alpine Texas office that provides the permit application.

#### **Fire Protection System Construction Permits Fee**

#### **1. Automatic Fire Extinguishing System:**

##### **A. New Sprinkler System**

1-10 heads	\$125.00
11-25 heads	\$150.00
26-200 heads	\$200.00
201 +	\$200.00 + 0.75 cents. per head
<i>\$2,000.00 maximum sprinkler head charge</i>	

*Additional Floor Charge: \$40.00 for each floor above and below the first floor.*

This fee covers reviewing plans, rough-in inspections, and witnessing the 2-hour hydrostatic testing for fire sprinkler systems.

##### **B. Sprinkler Modification With Heads**

1-9 heads	\$12.50 per head.
10-25 heads,	\$125.00
26-200 heads,	\$150.00
201+,	\$150 + 0.75 per head
<i>\$2,000.00 maximum sprinkler head charge</i>	

*Additional Floor Charge: \$40.00 for each floor above and below the first floor.*

This fee covers reviewing plans, rough-in inspections, and witnessing the 2-hour hydrostatic testing for fire sprinkler systems.

**C. Sprinkler Modification Without Heads: \$100.00**

This fee covers reviewing plans, rough-in inspections, and witnessing the 2-hour hydrostatic testing for fire sprinkler systems.

**D. Paint/Spray Booth: \$250.00**

This fee covers the reviewing of plans, witnessing the testing, and inspection of commercial paint/spray booth fire suppression systems.

**E. Vent/Hood Suppression System: \$150.00**

This fee covers reviewing plans, witnessing the testing, and inspection of fire extinguishing system in kitchen vent hoods and exhaust ducts.

**F. Alternative Fire Protection System: \$250.00**

This fee covers reviewing plans, rough-in inspections, and witnessing the acceptance testing of alternative fire protection and fire suppression systems.

**2. Compressed Gases: \$100.00**

When the compressed gases in use or storage exceed the amounts listed in the table below, a construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

This fee covers the reviewing of plans, witnessing any required testing, and inspection of any compressed gas use facility.

**PERMIT AMOUNTS FOR COMPRESSED GASES**

<b>Type of Gas</b>	<b>Amount (Cubic feet at NTP)</b>
Corrosive	200
Flammable (Except cryogenic fluids and liquefied petroleum gases)	200
Highly Toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Toxic	Any Amount

3. Fire Alarm and Detection System and Related Equipment:

A. New Fire Alarm System

1-10 devices	\$125.00
11-25 devices	\$150.00
26-200 devices	\$200.00
201 +	\$200.00 + 0.75 cts. per device
<i>\$2,000.00 maximum device charge</i>	

*Additional Floor Charge: \$40.00 for each floor above and below the first floor.*

This fee covers reviewing plans, rough-in inspections, and witnessing the fire alarm acceptance testing.

B. Fire Alarm modification

1-9 devices	\$12.50 per device
10-25 devices	\$125.00
26-200 devices	\$150.00
201 +	\$200.00+.75 cts. per device
<i>\$2,000.00 maximum device charge</i>	

*Additional Floor Charge: \$40.00 for each floor above and below the first floor.*

This fee covers reviewing plans, rough-in inspections, and witnessing the fire alarm acceptance testing.

C. Smoke Control Systems: \$175.00

This fee covers witnessing the testing of building smoke control systems (including fire dampers, smoke dampers, and fire/smoke dampers) required by the building or fire code.

4. Fire Pumps and Related Equipment: \$200.00

A construction permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. This fee covers reviewing plans, rough-in inspections, and witnessing any required acceptance testing.

**5. Flammable and Combustible Liquids: \$200.00**

A construction permit is required to repair or modify a pipeline for the transportation of flammable or combustible liquids.

To install, construct or alter tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.

To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

This fee covers reviewing plans, rough-in inspections, and witnessing any required acceptance testing.

**6. Hazardous Materials: \$200.00**

A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other area regulated by Chapter 50 of the International Fire Code (current edition) when the hazardous materials in use or stored exceed the amounts listed in the current Fire Code.

**7. Industrial Ovens: \$200.00**

A construction permit is required for installation of industrial ovens covered by Chapter 30 of the International Fire Code (2015 edition).

This fee covers reviewing plans, rough-in inspections, and witnessing any required acceptance testing.

**8. LP- Gas: \$200.00**

A construction permit is required for installation of or modification to an LP-gas system. This fee covers reviewing plans, rough-in inspections, and witnessing any required acceptance testing.

**9. Private Fire Hydrants: \$100.00**

A construction permit is required for the installation or modification of private fire hydrants. This fee covers reviewing plans, rough-in inspections, and witnessing any required acceptance testing, including 2-hour hydrostatic test.

10. Spraying or Dipping: \$200.00

A construction permit is required to install or modify a spray room, dip tank or booth. This fee covers reviewing plans, rough-in inspections, and witnessing any required acceptance testing.

11. Standpipe Systems: \$200.00 for the first,  
\$125.00 for each additional system

A construction permit is required for the installation, modification, or removal from service any standpipe system. This fee covers reviewing plans, rough-in inspections, and witnessing any required acceptance testing.

12. Underground Fire System: \$200.00

This fee covers reviewing of plans, witnessing the 2 hour hydrostatic testing on underground fire protection systems, fire protection standpipes, and fire hydrants installed on both public and private water systems.

## **Operational Permits Required**

The Fire Code of the City of Alpine authorizes the fire code official to issue certain operational permits for the operations listed below.

Operational permits include plan review, on site inspections, and any required or necessary consultation. These permits shall be one-time only per applicant and per address, unless specifically addressed by the Fire Marshall.

1. Aerosol Products: \$ 200.00

An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 (Chapter 51 IFC, 2015 ) aerosol products in excess of 500 pounds (227 kg) net weight.

2. Battery Systems: \$150.00

A permit is required to install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L).

3. Cellulose Nitrate Film: \$200.00

An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

4. Combustible Dust-Producing Operations: \$200.00

An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts.

5. Combustible Fibers: \$150.00

An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m<sup>3</sup>).



6. Compressed Gases: \$200.00

An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in the table below.

*Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.*

PERMIT AMOUNTS FOR COMPRESSED GASES

Type of Gas	Amount (Cubic feet at NTP)
Corrosive	200
Flammable (Except cryogenic fluids and liquefied petroleum gases)	200
Highly Toxic	Any Amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Toxic	Any Amount

7. Cryogenic Fluids: \$200.00

An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in the table below.

- **Exception:** not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

PERMIT AMOUNTS FOR COMPRESSED GASES

Type of Cryogenic Fluid	Inside Building (gallons)	Outside Building (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (including oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

8. Dry Cleaning Plants: \$150.00

An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

9. Flammable and Combustible Liquids:

\$200.00

An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Texas Department of Transportation (TXDOT) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
  - 2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official, would cause an unsafe condition.
  - 2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To remove Class I or Class II liquids from an under-ground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
6. To place temporarily out of service (for more than 90 days) an underground, protected aboveground or aboveground flammable or combustible liquid tank.
7. To change the type of contents stored in a flammable or combustible liquid tank to a material which poses a greater hazard than that for which the tank was designed and constructed.
8. To manufacture, process, blend or refine flammable or combustible liquids.
9. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
10. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

10. Fumigation and Thermal Insecticide Fogging: \$150.00

An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used or stored.

11. Hazardous Materials: \$300.00

An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in the current edition of the International Fire Code.

12. HPM Facilities: \$300.00

An operational permit is required to store, handle or use hazardous production materials.

13. High-piled Storage: \$100.00

An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m<sup>2</sup>).

14. Hot Work Operation: \$100.00

An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.  
*Exception: Work that is conducted under a construction permit.*
3. Fixed-site hot work equipment such as welding booths.
4. Hot work conducted within a hazardous fire area.
5. Application of roof coverings with the use of an open-flame device.
6. When approved, the fire code official shall issue a permit to carry out a Hot Work Program. This program allows approved personnel to regulate their facility's hot work operations.

15. Industrial Ovens: \$100.00

An operational permit is required for operation of industrial ovens regulated by the International Fire Code (Chapter 50 IFC, current edition).

16. Liquid or Gas Fueled Vehicles in Group A Occupancies: \$100.00

An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

17. Magnesium: \$200.00

An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

18. Open Flames and Torches: \$100.00

An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a hazardous fire area.

19. Open Flames and Candles: \$50.00

An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.

20. Organic Coating: \$200.00

An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

21. Motor Fuel Dispensing Facilities: \$150.00

An operational permit is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

22. Spraying or Dipping: \$200.00

An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 24 of the IFC (current edition).

## **Miscellaneous Fees**

1. System Retesting Fee: \$75.00

This fee is for witnessing a retest of any fire protection system or portion of a fire protection system, which becomes necessary due to previous system test failure.

2. Rescheduling Fee: \$30.00

If a fire system acceptance inspection is canceled within four hours of the scheduled time and date, or upon arrival by the Inspector the system to be tested is not ready and as inspection has not been performed, a rescheduling fee shall apply.

3. Working Without a Permit Fee: \$ Double Permit Fee

This fee is to be assessed when it is discovered by a City of Alpine Code Official that work is being performed without the proper permit(s).

4. Reinspection Fee: \$ 30.00

This fee will be assessed for each reinspection required to bring a fire hazard related problem into compliance. The Fire Inspector shall follow the departments established Standard Operating Procedures regarding issuance of this fee.

5. After Hours Fee: \$50.00 per hour, 2-hour minimum

If circumstances warrant, and with prior approval, the Fire Chief may have the Fire Inspector review a plan, conduct an inspection, or witness a test after normal working hours of 8AM-5PM (Monday through Friday) when a written request is made by the contractor or the owner's representative. The cost of this service is \$50.00 per hour or fraction of an hour, with a minimum 2-hour charge. The fee for this service shall be paid immediately after the conclusion of the special service in addition to any other required fees.

6. False Alarm Fee: 1-5 activations within 365 day period, No Charge  
Each activation more than five in 365 day period, \$50.00

This fee shall be assessed at the discretion of the Fire Marshall and after an attempt has been made to notify the occupant regarding false alarm activations. False alarms occur when an alarm system is activated for some reason other than to intentionally summon the fire department in an emergency.

Fire alarm activations that are due to the malicious activities of others will not be assessed.

**STATE OF TEXAS  
CITY OF ALPINE**

**COUNTY OF BREWSTER**

**ORDINANCE 2020-07-02**

**AN ORDINANCE OF THE CITY OF ALPINE, TEXAS, AMENDING THE ALPINE CODE OF ORDINANCES CHAPTER 46 FIRE PREVENTION AND PRESERVATION; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$ 500.00); RROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Alpine, Texas makes certain services, documents, publications, and facilities available to the public; and

**WHEREAS**, the City of Alpine wishes to establish fire permit and inspection fees; and

**WHEREAS**, the primary purpose of this ordinance is for regulation in support of the City of Alpine's fire permit and inspection program; and

**WHEREAS**, these fees established herein are no more than reasonably necessary to cover the City of Alpine's cost of regulation through its fire permit and inspection program; and

**WHEREAS**, ALL CONSTITUTIONAL, STATUTORY AND LEGAL PREREQUISITES FOR THE PASSAGE OF THIS ORDINANCE HAVE BEEN MET, INCLUDING BUT NOT LIMITED TO THE Open Meetings Act; and

**WHEREAS**, the City Council has determined that it is in the best interest of the health, safety and welfare of the public to adopt this ordinance

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS THAT;**

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

Section 2. That Chapter 46, Fire Prevention and Protection Article II, Fire Prevention Code, section 46-43 is hereby amended to read as follows;

**Section 46-43 VIOLATIONS.**

(a) Any person who shall violate any of the provisions of the codes adopted by this article, or fail to comply with the provisions of the codes, or who shall violate or fail to comply with any order made by the provisions of the codes, or who shall build in violation of any detailed statement of specifications or plans submitted and approved by the provisions of the codes, or any certificate or permit issued by the provisions of the codes, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the council or by a court of competent jurisdiction, within the time fixed in this article, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor.

(b) The application of the penalty in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed each day during or on which a violation occurs or continues. A culpable mental state is not required for a violation of this chapter, and need not be proved.

Section 3. That Chapter 46, Fire Prevention and Protection Article II, Fire Prevention Code, 46-44 Fire Permits and Inspection Fees required, is hereby added to read as follows;

“Section 46-44 Schedule of permit fees. For any work requiring a permit under the International Fire Code, a fee for each permit shall be paid as required, in accordance with Table 1-A, Fire Permit Fees, attached hereto as Exhibit “A”. All fees will cover new construction, alterations or work requiring a permit, a fee for each permit shall be paid as required, in accordance with Table 1-A, Permit fees for work covered by other adopted codes and ordinances are described elsewhere in this chapter and City of Alpine ordinances”.

“ Sections 46-45-75. – Reserved.

Section 4. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 5. This ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

**PASSED AND ADOPTED THIS (\_\_\_\_)DAY OF(\_\_\_\_)2020 BY THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS.**

**INTRODUCTION AND FIRST READING  
AUGUST 18, 2020**

**SECOND AND FINAL READING  
SEPTEMBER 1, 2020**

\_\_\_\_\_  
**Andres “Andy” Ramos, Mayor  
City of Alpine**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Cynthia Salas, City Secretary  
City of Alpine**

\_\_\_\_\_  
**Rod Ponton, City Attorney  
City of Alpine**