

**TITLE III: ADMINISTRATION**

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## CHAPTER 30: CITY COUNCIL

### Section

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### **GENERAL PROVISIONS**

#### **§ 30.01 FORM OF GOVERNMENT.**

The municipal government of the city shall consist of a City Council composed of the Mayor and 5 Aldermen, who shall be elected at large by the qualified voters of the city for a 2-year term.  
(1980 Code, § 2.1)

#### **§ 30.02 DATE OF ELECTIONS.**

All elections for Aldermen shall be held on the first Saturday in May of each year. Such city elections shall be operated in compliance with state law.  
(1980 Code, § 2.2)

**§ 30.03 LOCATION OF ELECTIONS.**

The Mayor shall have the authority to select the place for the city election to be held.  
(1980 Code, § 2.3)

**§ 30.04 TENURE OF OFFICE.**

There shall be 2-year staggered terms of the offices of Mayor and the 5 Aldermen. The Mayor and 2 Aldermen shall be elected for 2-year terms on odd-numbered years. The remaining 3 Aldermen shall be elected for 2-year terms on even-numbered years.  
(1980 Code, § 2.4)

**§ 30.05 FILING FOR OFFICE.**

All candidates for the Office of City Council or Mayor shall file their names with the City Secretary/Administrator at least 30 days prior to election to be held in May, if he or she wished his or her name printed on the election ballot.  
(1980 Code, § 2.5)

**§ 30.06 COMPENSATION FOR CITY COUNCIL AND MAYOR.**

All Aldermen, including the Mayor, shall serve the city at compensation level to be decided by the City Council during budget preparation. There shall be an allowance to cover travel expenses necessary for the conducting of city business.  
(1980 Code, § 2.6)

***MEETINGS*****§ 30.15 REGULAR COUNCIL MEETINGS.**

The City Council shall meet at least once a month on the third Thursday of each month at 7:00 p.m.  
(1980 Code, § 2.7)

**§ 30.16 SPECIAL MEETINGS.**

Special meetings of the City Council may be called at any time by the Mayor, as he or she shall deem necessary.

(1980 Code, § 2.8)

**§ 30.17 EMERGENCY MEETINGS.**

Emergency meetings of the City Council may be called at any time by the Mayor, as he or she shall deem necessary.

(1980 Code, § 2.9)

**§ 30.18 QUORUM.**

A quorum of the City Council will consist either of the Mayor and 3 Aldermen, or 4 Aldermen.

(1980 Code, § 2.10)



## CHAPTER 31: CITY OFFICIALS

Section

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### *Public Safety*

#### *Police Chief*

- 31.30 Position Established
- 31.31 Selection and Appointment
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#### *Police Supervisor and Police Officers*

- 31.34 Appointment of Police Supervisor and Police Officers
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- 31.53 Compensation
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## ***GENERAL PROVISIONS***

### **§ 31.01 APPOINTMENT OF CITY OFFICIALS.**

(A) All offices of the city, except members of the governing body, shall hereafter be filled by appointment as hereinafter provided.

(B) At the expiration of the present terms of office of elected officers, except members of the governing body, the offices shall be filled by appointment by the Mayor, subject to confirmation by the City Council.

(1980 Code, § 12.10) (Ord. passed 2-14-1967)

### **§ 31.02 DUTIES OF OFFICE.**

Nothing in this subchapter shall be construed to prevent the governing body of the city from exercising its power to confer upon any officer additional duties or combine duties of offices as otherwise provided by law.

(1980 Code, § 12.11) (Ord. passed 2-14-1967)

### **§ 31.03 POWER OF EXAMINATION AND INSPECTION.**

The City Fire Marshal, Building Inspector, Electrical Inspector, city's police officers, and other persons designated by the city shall have power and it shall be their duty to examine and inspect from time to time all telephone, electric light or other poles, gas pipe lines, pipes and other fixtures in the public places within the city for the purpose of seeing that all of same are in a safe and suitable condition.

Whenever any such item is found to be unsafe or unsuitable for the purpose for which it is used, the person using, possessing or maintaining same shall be notified and required to place same in a safe and suitable condition.

(1980 Code, § 15.100) (Ord. passed 14-4-1948)

## ***CITY SECRETARY/ADMINISTRATOR***

### **§ 31.15 POSITION CREATED.**

The position and Office of City Secretary/Administrator is hereby created, and the criteria for appointment, removal, compensation, and the authorities, powers, duties and responsibility of the Office of City Secretary/Administrator shall be as hereinafter set forth.

(1980 Code, § 12.1) (Ord. 9-20-05-04, passed 9-15-2005; Am. Ord. 09-20-05-04, passed 2-2-2006;



Am. Ord. 9-20-05-04, passed 9-20-2007)

**§ 31.16 APPOINTMENT.**

The City Secretary/Administrator shall be appointed by a majority vote of the City Council for an indefinite term of office and shall serve at the will of a majority of the City Council. The City Council may designate some qualified person to act in the absence or disability of the City Secretary/Administrator.

(Ord. 9-20-05-04, passed 9-15-2005; Am. Ord. 09-20-05-04, passed 2-2-2006; Am. Ord. 9-20-05-04, passed 9-20-2007)

**§ 31.17 COMPENSATION.**

The City Secretary/Administrator shall receive compensation and benefits as may be established from time to time by the City Council.

(Ord. 9-20-05-04, passed 9-15-2005; Am. Ord. 09-20-05-04, passed 2-2-2006; Am. Ord. 9-20-05-04, passed 9-20-2007)

**§ 31.18 AUTHORITY, DUTIES AND RESPONSIBILITIES.**

The City Secretary/Administrator shall be responsible to the City Council for the proper administration of all affairs of the city. To that end, the City Secretary/Administrator shall have the following authority, duties and responsibilities:

(A) Perform the duties of the City Secretary/Administrator, to include the following:

- (1) Maintain files of official city documents and records;
- (2) Prepare and maintain City Council minutes, ordinances and resolutions. Signs/seals as approved;
- (3) Conduct city elections in accordance with national, state and local laws and regulations;
- (4) Administer oaths of office; and
- (5) Prepare for meetings in accordance with the Open Meetings Act.

(B) Prepare job descriptions and evaluation procedures for approval by the City Council and maintain and ensure proper compliance with the Personnel Policies and Procedures Manual;

(C) Serve as the Parks Director;

**Quitman - Administration**

(D) Perform administrative and management functions, including but not limited to the following:

- (1) Ensure that all applicable laws and ordinances are enforced;
- (2) Maintain and distribute code of ordinances;
- (3) Certify applications and issues permits and licenses as prescribed by city ordinance;
- (4) Provide assistance to staff and citizens regarding city ordinances, regulations and the like;
- (5) Countersign checks, official documents and licenses;
- (6) Supervise and inspect the conduct of all administrative office staff;
- (7) Cause all negligence, carelessness and violations of duty by the employees and officers to be given appropriate consideration; and

(8) Communicate and make recommendations to the City Council for the administration and management of the city.

(E) Attend all meetings of the City Council for which he or she is not excused, with the right to participate in the discussion but have no vote;

(F) In consultation with the Mayor as Chief Budget Officer of the city, prepare, review and submit to the City Council prior to the beginning of each fiscal year a budget for proposed expenditures for the ensuing year together with a message describing the important features of the budget. The City Secretary/Administrator shall further, as directed by the City Council, assist the City Council with respect to its consideration of the budget. The City Secretary/Administrator shall further assure the proper administration of the budget after its adoption by the City Council;

(G) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year;

(H) Keep the City Council advised of the financial condition and future needs of the city and provide such information and service as may be deemed reasonably necessary. The City Secretary/Administrator shall further advise and assist the City Council to assure the accomplishment of the annual audit of the city;

(I) Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget; purchase budgeted materials and supplies necessary for operation or maintenance of the city services.

(1) All expenditures of \$50,000 or more shall be approved by City Council after compliance with the competitive bidding procedures of state law.

(2) No purchase shall be made, contract let, or obligation incurred for any item or service which exceeds the current departmental budget appropriation without a supplemental appropriation approved by the Council.

(3) No contract shall be let except by City Council. The City Secretary/Administrator shall advise the City Council on the advantages or disadvantages of contract and bid proposals.

(4) The City Secretary/Administrator may issue written rules governing procedures for purchasing consistent with this section and with applicable state law.

(J) The City Secretary/Administrator shall have such further authority, duties and responsibilities as may be reasonably implied from the terms of this subchapter and as heretofore or hereafter provided by the City Council; and

(K) The City Secretary/Administrator shall be bonded in an amount determined from time to time by the City Council, which bond shall be conditioned upon the good and faithful performance of the duties, responsibilities and performances of the office and position of City Secretary/Administrator. The premium of the bond shall be paid by the city.

(Ord. 9-20-05-04, passed 9-15-2005; Am. Ord. 09-20-05-04, passed 2-2-2006; Am. Ord. 9-20-05-04, passed 9-20-2007)

**§ 31.19 CONFLICT OF DUTIES.**

(A) The limited administrative and personnel duties and responsibilities of the Mayor, with respect to the day-to-day operation of the city, which are by statute to be performed solely by the Mayor, may be delegated by the Mayor to the City Secretary/Administrator. The duties and responsibilities of the City Secretary/Administrator shall be in addition to, and not in lieu of, the day-to-day administrative and personnel duties of the Mayor.

(B) To the fullest extent not in conflict with state law, this subchapter, or the express actions and directions by a majority vote of the City Council, the City Administrator shall have responsibility, and the authority incident thereto, for the day-to-day supervision and management of the city's department heads.

(Ord. 9-20-05-04, passed 9-15-2005; Am. Ord. 09-20-05-04, passed 2-2-2006; Am. Ord. 9-20-05-04, passed 9-20-2007)

**PUBLIC SAFETY****POLICE CHIEF****§ 31.30 POSITION ESTABLISHED**

The position of Police Chief is hereby established.

**§ 31.31 SELECTION AND APPOINTMENT**

(A) The selection of a candidate or candidates for the Police Chief position shall be the responsibility of the City Secretary-Administrator.

(B) The City Council shall appoint the Police Chief from candidates selected by the City Secretary-Administrator and such appointment shall include appointment as City Marshall in accordance with Local Government Code Section 22.072 and subsequent sections related to the City Marshall.

**§ 31.32 DUTIES**

Under the supervision and direction of the City Secretary-Administrator, the Police Chief shall be responsible to oversee and manage all police functions of the City, including: law enforcement, code enforcement, traffic enforcement, criminal investigations, training / certification, other responsibilities as specified by the Local Government Code, and other duties as assigned by the City Secretary-Administrator.

**§ 31.33 SUSPENSION AND REMOVAL**

(A) For failure to properly perform the duties contained in Section 30.32, the City Secretary-Administrator shall have the authority to suspend the Police Chief from performance of those duties by written notification. Such notification shall include: explanation or reason for suspension, notice of a time and date of a City Council meeting at which such suspension shall be considered, and designation of an acting Police Chief. A suspension shall remain in effect until the City Council shall take action to rescind the suspension or remove the Police Chief from that position.

(B) The City Council shall consider removal of the Police Chief under suspension at the earliest possible time a quorum of the Council can be gathered at a properly posted meeting. The City Council may consider removal of the Police Chief, without current suspension, at anytime upon request of the City Secretary-Administrator.



## **POLICE SUPERVISOR AND POLICE OFFICERS**

### **§ 31.34 APPOINTMENT OF POLICE SUPERVISOR AND POLICE OFFICERS**

The Police Chief with approval of the City Secretary-Administrator may appoint a Police Supervisor and delegate authority to accomplish duties, under Section 30.32 of this Code, which are directly related to supervision of police operations or law enforcement. With approval of the City Secretary-Administrator and by delegated authority of the Police Chief, the Police Supervisor may appoint Police Officers and delegate authority to accomplish duties, under Section 30.32 of this Code, which are directly related to law enforcement.

### **§ 31.35 REMOVAL OF POLICE SUPERVISOR AND POLICE OFFICERS**

Removal from office of a Police Supervisor or a Police Officer shall be in accordance with current City personnel policies and by approval of the City Secretary-Administrator.

## **FIRE CHIEF AND FIRE OFFICERS**

### **§ 31.36 OFFICE ESTABLISHED, SELECTION, APPOINTMENT, SUSPENSION, AND REMOVAL**

(A) The position of Fire Chief is hereby established. The Fire Chief shall be responsible for fire prevention, fire suppression, fire education, and personnel certification / training.

(B) The Quitman Volunteer Fire Department, in accordance with its constitution and bylaws, shall select a candidate for appointment to the position of Fire Chief. The City Council shall appoint the Fire Chief from candidates selected by the Quitman Volunteer Fire Department

(C) The City Secretary-Administrator shall be responsible for the direct supervision and management of the Fire Chief. The City Secretary-Administrator may suspend the Fire Chief for failure to properly perform any duties outlined in this Code. Such notification shall be in writing and include: explanation or reason for suspension, notice of a time and date of a City Council meeting at which such suspension shall be considered, and designation of an acting Fire Chief. A suspension shall remain in effect until the City Council shall take action to rescind the suspension or remove the Fire Chief from that position.

(D) The City Council shall consider removal of the Fire Chief under suspension at the earliest possible time a quorum of the Council can be gathered at a properly posted meeting. The City Council may consider removal of the Fire Chief without current suspension, at anytime upon request of the City Secretary-Administrator.

### **§ 31.37 ASSISTANT FIRE CHIEFS AND OTHER FIRE OFFICERS**

With the approval of the City Secretary-Administrator and in accordance with Quitman Volunteer Fire Department rules, the Fire Chief may appoint Assistant Fire Chiefs or other officers and grant authority

to accomplish duties granted him under the authority of this Code or the authority of the City Secretary-Administrator. Removal of such officers shall be in accordance with the Quitman Volunteer Fire Department rules.

{Ordinance 090208-01, passed 09/02/08 [Sections 31.30-31.37]}

### **§ 31.38 RACIAL PROFILING POLICY.**

The racial profiling policy of the City Police Department is hereby adopted by reference as if set out in full herein.

{Ord. 011220, passed 12/20/01, [Section 31.38 only]}

## *JUDGE OF MUNICIPAL COURT*

### **§ 31.50 APPOINTMENT.**

A Judge of the Municipal Court in the city shall be appointed by the City Council. An Associate Judge shall be appointed by the City Council when the Judge is unable to serve. (1980 Code, § 2.20)

### **§ 31.51 TERM OF OFFICE.**

The Judge shall be appointed for a term of 2 years, which term shall run concurrently with that of the Mayor, and that term shall be subject to good behavior and the will and pleasure of the City Council. (1980 Code, § 2.21)

### **§ 31.52 QUALIFICATIONS.**

The Judge or Associate Judge shall be a person of good moral character, familiar with the law, of judicial temperament, and the Judge or Associate Judge, before entering unto the duties of the office, shall make bond in a sum as required by the City Council. (1980 Code, § 2.22)

### **§ 31.53 COMPENSATION.**

The Judge shall be compensated on a monthly basis at a salary determined by the City Council. (1980 Code, § 2.23)

### **§ 31.54 OATH OF OFFICE.**

The Judge shall be administered a constitutional oath of office before performance of the duties of his or her office. (1980 Code, § 2.24)

### **§ 31.55 DUTIES OF OFFICE.**

The Judge of the Municipal Court shall perform the duties as prescribed by the laws of the State of Texas. (1980 Code, § 2.25)

## CHAPTER 32: EMERGENCY MANAGEMENT

### Section

#### *National Incident Management System*

32.01 Adoption

#### *Emergency Management*

32.15 Organization

32.16 Emergency Management Director; powers and duties

32.17 Emergency Management plan

32.18 Interjurisdictional program

32.19 Override

32.20 Liability

32.21 Commitment of funds

32.22 Offenses

32.23 Limitations

32.99 Penalty

#### ***NATIONAL INCIDENT MANAGEMENT SYSTEM***

#### **§ 32.01 ADOPTION.**

The City of Quitman hereby adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents.  
(Ord. 09-15-05-03, passed 9-15-2005)



***EMERGENCY MANAGEMENT***

**§ 32.15 ORGANIZATION.**

There exists the Office of Emergency Management Director of the City of Quitman, which shall be held by the Mayor in accordance with state law.

(A) An Emergency Management Coordinator may be appointed by and serve at the pleasure of the Director.

(B) The Director shall be responsible for a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in this subchapter. He or she may delegate authority for execution of these duties to the Coordinator, but ultimate responsibility for the execution shall remain with the Director.

(C) The operational Emergency Management organization of the City of Quitman shall consist of the officers and employees of the city so designated by the Director in the emergency management plan, as well as organized volunteer groups. The functions and duties of this organization shall be distributed among those officers and employees in accordance with the terms of the emergency management plan. (Ord. 960718, passed 7-18-1996)

**§ 32.16 EMERGENCY MANAGEMENT DIRECTOR; POWERS AND DUTIES.**

The duties and responsibilities of the Emergency Management Director shall include the following:

(A) Conduct an ongoing survey of actual or potential hazards which threaten life and property within the city and an ongoing program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur;

(B) Supervision of the development and approval of an emergency management plan for the city and shall recommend for adoption by the City Council all mutual aid arrangements deemed necessary for the implementation of such plan;

(C) Authority to declare a local state of disaster. The declaration may not be continued or renewed for a period in excess of 7 days except by or with the consent of the City Council. Any order or proclamation declaring, continuing or terminating a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary/Administrator;

(D) Issuance of necessary proclamations, regulations or directives which are necessary for carrying out the purposes of this subchapter. Such proclamations, regulations or directives shall be disseminated promptly by means calculated to bring their contents to the attention of the general public and, unless circumstances attendant on the disaster prevent or impede, promptly filed with the City Secretary/Administrator;

(E) Direction and control of the operations of the Quitman Emergency Management organization as well as the training of Emergency Management personnel;

(F) Determination of all questions of authority and responsibility that may arise within the Emergency Management organization of the city;

(G) Maintenance of liaison with other municipal, county, district, state, regional or federal Emergency Management organizations;

(H) Marshaling of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan;

(I) Supervision of the drafting and execution of mutual aid agreements, in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county in which the city is located and with other municipalities within the county, for the county-wide coordination of Emergency Management efforts;

(J) Supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions which may be offered for the purpose of improving emergency management within the city;

(K) Authorizing of agreements, after approval by the City Attorney, for use of private property for public shelter and other purposes;

(L) Survey of the availability of existing personnel, equipment, supplies and services which could be used during a disaster, as provided for herein; and

(M) Other requirements as specified in the Texas Disaster Act of 1975, Tex. Gov't Code, Chapter 418.

(Ord. 960718, passed 7-18-1996)

### **§ 32.17 EMERGENCY MANAGEMENT PLAN.**

(A) A comprehensive emergency management plan shall be developed and maintained in a current state. The plan shall set forth the form of the organization; establish and designate divisions and functions; assign responsibilities, tasks, duties and powers; and designate officers and employees to carry

out the provisions of this subchapter. As provided by state law, the plan shall follow the standards and criteria established by the State Division of Emergency Management of the State of Texas. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the State Division of Emergency Management.

(B) When approved, it shall be the duty of all departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The emergency management plan shall be considered supplementary to this subchapter and have the effect of law during the time of a disaster.

(Ord. 960718, passed 7-18-1996)

**§ 32.18 INTERJURISDICTIONAL PROGRAM.**

The Mayor is hereby authorized to join with the County Judge of the County of Wood, and the mayors of the other cities in this county in the formation of an interjurisdictional emergency management program for the County of Wood, and shall have the authority to cooperate in the preparation of an interjurisdictional emergency management plan and in the appointment of a joint Emergency Management Coordinator, as well as all powers necessary to participate in a county-wide program of emergency management insofar as the program may affect the City of Quitman.

(Ord. 960718, passed 7-18-1996)

**§ 32.19 OVERRIDE.**

At all times when the orders, rules and regulations made and promulgated pursuant to this subchapter shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Ord. 960718, passed 7-18-1996)

**§ 32.20 LIABILITY.**

This subchapter is an exercise by the city of its governmental functions for the protection of the public peace, health and safety, and neither the city, the agents and representatives of the city, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this subchapter shall be liable for any damage sustained to persons as the result of the activity. Any person owning or controlling real estate or other premises, who voluntarily and without compensation grants to the city man a license of privilege, or otherwise permits the city to inspect, designate and use the whole or any part or parts of the real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack or natural or manmade disaster shall, together with his or her successors in interest, if any, not be civilly liable for the death of or injury to any person on or about the real estate or premises under the license, privilege or other permission, or for loss of or damage to the property of that person.

(Ord. 960718, passed 7-18-1996)

### **§ 32.21 COMMITMENT OF FUNDS.**

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this subchapter without prior approval by the City Council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval of the City Council unless during a declared disaster. During a declared disaster, the Mayor may expend and/or commit public funds of the city when deemed prudent and necessary for the protection of health, life or property.

(Ord. 960718, passed 7-18-1996)

### **§ 32.22 OFFENSES.**

(A) It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the Emergency Management organization in the enforcement of any rule or regulation issued pursuant to this subchapter.

(B) It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the Emergency Management organization of the city, unless authority to do so has been granted to that person by the proper officials.

(C) Any unauthorized person who shall operate a siren or other device so as to simulate a warning signal, or the termination of a warning, shall be deemed guilty of a violation of this subchapter and shall be subject to the penalties imposed by this subchapter.

(Ord. 960718, passed 7-18-1996) Penalty, see § 32.99

### **§ 32.23 LIMITATIONS.**

This subchapter shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation.

(Ord. 960718, passed 7-18-1996)

### **§ 32.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) Convictions for violations of the provisions of §§ 32.15 through 32.23 shall be punishable by

fine not to exceed \$1,000.  
(Ord. 960718, passed 7-18-1996)

## CHAPTER 33: FINANCES

### Section

#### *Fees*

33.01 Building permit fees

#### *Funds*

33.15 Municipal Court Building Security Fund

33.16 Municipal Court Technology Fund

#### *Penalty*

33.99 Penalty

#### *FEES*

### § 33.01 BUILDING PERMIT FEES.

(A) *Fees.* There is hereby set forth and there shall be collected for the use and support of the municipal government of the City of Quitman, Texas, the following building permit fees:

(1) *Standard permit fee.* \$50.00 (0 to 500 square feet).

(2) *Over 500 square feet.* Standard permit fee plus \$.05 per square foot on square footage in excess of 500 square feet.

(3) *Demolition permit.* \$50.00 fee.

(B) *Miscellaneous requirements.*

(1) *Permit required.* No building, residential or commercial, shall be erected, converted, enlarged, reconstructed, demolished or structurally altered until an application for a building permit is submitted to the City of Quitman and the permit is issued.

(2) *Building permits; duration.* Building permits shall be valid for 1 year from date of issuance.

(3) *Demolition permits.* Building permits issued for the purpose of demolition shall be valid for 60 days.

(4) *Penalties and requirements.* Where work for which a permit is required by this subchapter is started prior to obtaining a building permit from the city, the fees herein specified shall be doubled if the permit application is not received at City Hall within 1 day (24 hours) of notification of violation. When notification of violation has been issued, all work is to cease until a valid building permit has been issued.

**(Ord. 09-21-06-01, passed 9-21-2006 [Section 33.01 (A), (B)(1)-(B)(4)])**

(5) *Certificate of Occupancy (CO).* It is a violation of this Code to occupy or otherwise use any building or property for any purpose unless a Certificate of Occupancy (CO) has been issued by the City Secretary / Administrator, upon recommendation by the Building Official and Fire Marshall. Issuance of a Certificate of Occupancy (CO) may be denied due to failure to comply with any portion of this Code, other Codes adopted by reference, or the Zoning Ordinance. A Certificate of Occupancy shall continue in force until such time as the use or occupant of the building or property shall change and may otherwise be revoked by the City Secretary / Administrator at anytime after issuance for failure to comply with any portion of this Code, other Codes adopted by reference, or the Zoning Ordinance.

Residential use of a residential building in area zoned for such use shall be exempt from this requirement.

The fee for a Certificate of Occupancy (CO) shall be fifty dollars (\$50.00) and shall be payable prior to issuance of the Certificate of Occupancy (CO). The fee shall be waived for uses and occupants continuously occurring prior to the effectiveness of this amendment to the Code of Ordinances.

**{ORDINANCE 071708-01; 07/17/08 [Section 33.01 B(5)]}**

## ***FUNDS***

### **§ 33.15 MUNICIPAL COURT BUILDING SECURITY FUND.**

(A) A defendant convicted of a misdemeanor offense in a municipal court shall pay a \$3 security fee as a cost of court.

(B) The Court Clerk shall collect the costs and pay them to the City Secretary/Administrator, who shall deposit the funds in a Municipal Court Building Security Fund account.

(C) Funds so designated may be used only to in finance items used for the purpose of providing security services for the Municipal Court.

(Ord. 970918-B, passed 9-18-1997)

**§ 33.16 MUNICIPAL COURT TECHNOLOGY FUND.**

The Municipal Court may require a defendant convicted of a misdemeanor offense in a Municipal Court or municipal court of record to pay a technology fee, not to exceed the maximum allowable by state law as a cost of court.

(Ord. 990819, passed 8-19-1999; Am. Ord. 051020, passed 10-20-2005)

**§33.99 PENALTY.**

Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of §10.99 (General Penalty).

{ORDINANCE 071708-01; 07/17/08 [Section 33.99]}



## CHAPTER 34: TAXATION

### Section

#### *Tax Abatement*

34.01 Reinvestment zone

#### *Property Tax*

34.15 Tax levy

34.16 Duties of Tax Assessor-Collector

#### *Sales and Use Taxes*

34.25 Retaining sales tax

#### *Hotel Occupancy Tax*

34.35 Definitions

34.36 Tax levied

34.37 Extraterritorial jurisdiction

34.38 Tax collection

34.39 Authorized uses

34.40 Reimbursement for tax collection expenses

34.41 Use of tax revenue

34.42 Collection by owner, and the like

34.43 Report required

34.44 Power of City Secretary to promulgate rules; right of access to books and records

34.99 Penalty

***TAX ABATEMENT*****§ 34.01 REINVESTMENT ZONE.**

(A) All areas currently zoned business or commercial shall be designated as part of the reinvestment zone for tax abatement.

(B) Any property annexed or reclassified in the future will become a part of the reinvestment zone for tax abatement.

(Ord. 920213, passed 2-13-1992)

***PROPERTY TAX*****§ 34.15 TAX LEVY.**

The City Council shall annually levy an ad valorem tax on all real, personal and mixed property at a rate the Council deems necessary for maintenance and support of the general government.

(1980 Code, § 13.1)

**§ 34.16 DUTIES OF TAX ASSESSOR-COLLECTOR.**

All monies collected under this subchapter for the specific items therein named shall be, and the same are hereby appropriated and set apart for the specific purpose indicated in each item. The Assessor-Collector of Taxes, the City Treasurer, and the City Secretary/Administrator shall keep these accounts so as to readily and distinctly show the amount on hand at any time belonging to such funds, and it is hereby made the duty of the Tax Assessor-Collector and every person collecting money for the city, to deliver to the City Treasurer and the City Secretary/Administrator at the time of depositing any monies a statement showing to what fund the deposit should be made and from what source received. All receipts for the city not specifically apportioned by this subchapter are hereby made payable to the General Fund of the city.

(1980 Code, § 13.2) (Ord. passed 9-27-1979)

***SALES AND USE TAXES*****§ 34.25 RETAINING SALES TAX.**

The city, by majority vote of its governing body, hereby votes to retain the taxes authorized by the Local Sales and Use Tax Act (Tex. Tax Code Ch. 321) on the receipts from the sale, production, distribution, lease or rental of, and the use, storage or other consumption of gas and electricity for residential use, as authorized by Section 6 of House Bill No. 1, Acts 1978, 65th Legislature, Second Called Session.

(1980 Code, § 13.10) (Ord. passed 3-13-1979)

***HOTEL OCCUPANCY TAX*****§ 34.35 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CONSIDERATION.*** The cost of the room in any hotel only if the room is one ordinarily used for sleeping and shall not include the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy.

***HOTEL or MOTEL.*** Any building or buildings, trailer or other facility in which the public may, for a consideration, obtain sleeping accommodations. The terms includes hotels, motels, tourist homes, hours or court, lodging houses, inns, bed and breakfasts, rooming houses, trailer houses or other buildings where rooms are furnished for a consideration, but shall not be defined as so to include hospitals, sanitariums or nursing homes.

***OCCUPANCY.*** The use or possession, or the right to use or possession, of any room in a hotel if the room is one ordinarily used for sleeping and if the occupant's use, possession or right to use or possession extends for a period of less than 30 days.

***OCCUPANT.*** Anyone who, for a consideration, uses, possesses or has a right to use or possess any room in a hotel if the room is one ordinarily used for sleeping.

***PERSON.*** Any individual, association or corporation owning, operating, managing or controlling any hotel.

***QUARTERLY PERIOD.*** The regular calendar quarters of the year, the first quarter being composed of the months of January, February and March; the second quarter being composed of the months of April, May and June; the third quarter being composed of the months of July, August and September; and the fourth quarter being composed of the months of October, November and December. (Ord. 12-21-06-01, passed 12-21-2006)

#### **§ 34.36 TAX LEVIED.**

There is hereby imposed and levied a tax upon the occupant of any room or space furnished by any hotel, where the cost of occupancy is at the rate of \$2 or more per day, such tax to be equal to 7% of the consideration paid by any such room or space to any hotel, exclusive of other occupancy taxes imposed by other units of government. (Ord. 12-21-06-01, passed 12-21-2006)

#### **§ 34.37 EXTRATERRITORIAL JURISDICTION.**

The levy includes all hotels in the city's extraterritorial jurisdiction. (Ord. 12-21-06-01, passed 12-21-2006)

#### **§ 34.38 TAX COLLECTION.**

(A) The City Attorney or other attorney acting for the city may bring suit against a person who is required to collect the tax imposed by this subchapter and pay the collections over to the municipality and who has failed to file a tax report or pay the tax when due to collect the tax not paid or to enjoin the person from operating a hotel in the municipality until the tax is paid or the report filed, as applicable, as provided by the court's order. In addition to the amount of any tax owed under this subchapter, the person is liable to the municipality for the municipality's reasonable attorney's fees and a penalty equal to 15% of the total amount of the tax owed.

(B) Tex. Civil Practice and Remedies Code, § 16.061 applies to the collection of a tax under this subchapter. A limitation period relating to the time allowed to assess taxes and bring a suit to collect taxes does not apply to a tax imposed under this subchapter or to a suit brought under this section. (Ord. 12-21-06-01, passed 12-21-2006) Penalty, see § 34.99

#### **§ 34.39 AUTHORIZED USES.**

The revenue derived from the occupancy tax imposed and levied in § 34.36 may only be used for the purposes as follows:

(A) The acquisition of sites for and construction, improvement, enlarging, equipping, repairing, operation and maintenance of convention center facilities, including, but not limited to, civic center convention buildings, auditoriums, coliseums and parking areas or facilities for the parking or storage of motor vehicles or other conveyances located at or in the immediate vicinity of the convention center facilities.

(B) The furnishing of facilities, personnel and materials for the registering of convention delegates or registrants.

(C) For advertising for general promotional and tourist advertising of the city and its vicinity and conducting a solicitation and operating program to attract conventions and visitors either by the city or through contracts with persons or organizations selected by the city.

(D) The encouragement, promotion, improvement and application of the arts, including music (instrumental and vocal), dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution, and exhibition of the major art forms.

(E) Historical preservation and restoration projects or activities at or in the immediate vicinity of convention center facilities or historical preservation and restoration projects or activities located elsewhere in the city that would be frequented by tourists and visitors to the city.  
(Ord. 12-21-06-01, passed 12-21-2006)

#### **§ 34.40 REIMBURSEMENT FOR TAX COLLECTION EXPENSES.**

(A) A municipality may permit a person who is required to collect and pay over to the municipality the tax authorized by this subchapter not more than 1% of the amount collected and required to be reported as reimbursement to the person for the costs in collecting the tax.

(B) The municipality may provide that the reimbursement provided by this section be forfeited because of a failure to pay the tax or to file a report as required by the municipality.  
(Ord. 12-21-06-01, passed 12-21-2006)

#### **§ 34.41 USE OF TAX REVENUE.**

(A) The purpose of this subchapter is to raise money to promote visitors, tourism and conventions for the city.

(B) The city will enter will into a contract with the Great Quitman Area Chamber of Commerce to administer the funds made available under this subchapter and carry out the purpose of this subchapter. The city shall retain 1% of the funds for administrative purposes.

(C) The City Council, in writing, shall approve in advance the annual budget of the chamber concerning the use of these funds and the Chamber shall make reports to the Council at least quarterly listing the expenditures made. The Chamber must maintain revenue provided from the tax authorized by this subchapter in a separate account established for that purpose and may not commingle that revenue with any other money.

(D) The Chamber shall maintain complete and accurate financial records of each expenditure of hotel occupancy tax revenue made, and, on request of the governing body of the municipality or other person, shall make records available for inspection and review to the governing body or other person. (Ord. 12-21-06-01, passed 12-21-2006)

#### **§ 34.42 COLLECTION BY OWNER, AND THE LIKE.**

Every person owning, operating, managing or controlling any hotel shall collect the taxes imposed and levied herein for the city. (Ord. 12-21-06-01, passed 12-21-2006)

#### **§ 34.43 REPORT REQUIRED.**

On or before the end of each quarterly period, every person required to collect the taxes imposed and levied herein shall file a report in writing with the City Secretary/Administrator showing the consideration paid for all room or space occupancies during the preceding quarterly period, the amount of the tax collected on such occupancies, any other information as the City Secretary/Administrator may reasonably require. Every person shall pay the amount of the taxes collected from occupants during the period covered by any such report at the time of filing the same. (Ord. 12-21-06-01, passed 12-21-2006)

#### **§ 34.44 POWER OF CITY SECRETARY/ADMINISTRATOR TO PROMULGATE RULES; RIGHT OF ACCESS TO BOOKS AND RECORDS.**

(A) The City Secretary/Administrator shall have the power and authority to make and promulgate such rules and regulations as shall be necessary to effectively collect the taxes imposed and levied herein, and shall upon reasonable notice have access to all books and records necessary to enable such officer to determine the correctness of any report filed as required herein and the amount of taxes due under the provisions hereof.

(B) This subchapter is adopted pursuant to the authority provided by Tex. Loc. Gov't Code, Chapter 214, as amended. Tex. Loc. Gov't Code, Chapter 214, as amended, is adopted as if set out word for word. In the event of conflict or inconsistency in the wording of state and local law, state law shall prevail unless city ordinances state a more stringent law or procedure authorized in accordance with city

home rule authority and relevant law.  
(Ord. 12-21-06-01, passed 12-21-2006)

**§ 34.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) (1) If any person fails to collect the tax imposed in §§ 34.35 through 34.44, or shall fail to file a report as required therein, or shall fail to pay to the City Secretary/Administrator the tax, as imposed herein, when the report or payment is due, or shall file a false report, then that person shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$200.

(2) Any failure to remit any tax imposed or levied by §§ 34.35 through 34.44 within the time required shall require a forfeiture of 5% of the amount due as a penalty, and after the first 30 days shall requires a forfeiture of an additional 5% of such tax; provided, however, that the penalty shall never be less than \$1. Delinquent taxes shall draw interest at the rate of 6% per annum beginning 60 days from the date due on the tax imposed and levied by §§ 34.35 through 34.44.

(Ord. 12-21-06-01, passed 12-21-2006)

## CHAPTER 35: CITY POLICIES

### Section

#### *General Provisions*

35.01 City liability; notice requirements; limitations

#### *Public Information*

35.15 Adoption of state law

#### *Employee Benefits*

35.45 Health benefits for retirees

35.46 Old Age and Survivors insurance

### **GENERAL PROVISIONS**

#### **§ 35.01 CITY LIABILITY; NOTICE REQUIREMENTS; LIMITATIONS.**

(A) The City of Quitman, Texas shall never be liable for any claim for property damage or for personal injury, whether the personal injury results in death or not, unless the person damaged or injured, or someone in his or her behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death injury, shall within 60 days from the date the damage or injury was received give notice in writing to the Mayor and City Council of the following facts:

- (1) The date and time when the injury or damage occurred and the place where the injured person or property was at the time when the injury was received;
- (2) The nature of the damage or injury sustained;
- (3) The apparent extent of the damage or injury sustained;
- (4) A specific and detailed statement of how and under what circumstances the damage or



injury occurred;

(5) The amount for which each claimant will settle;

(6) The actual place of residence of each claimant by street, number, city and state on the date the claim is presented;

(7) In the case of personal injury or death, the name and addresses of all persons who, according to the knowledge or information of the claimant witnessed the happening of the injury or any part thereof and the names of the doctors, if any, to whose care the injured person is committed; and

(8) In the case of property damage, the location of the damaged property at the time the claim was submitted along with the names and addresses of all persons who witnessed the happening of the damage or any part thereof.

(B) No suit of any nature whatsoever shall be instituted or maintained against the City of Quitman, Texas unless the plaintiff therein shall aver and prove that previous to the filing of the original petition the plaintiff applied to the City Council for redress, satisfaction, compensation or relief, as the case may be, and that the same was by vote of the City Council refused.

(C) All notices required by this subchapter shall be effectuated by serving upon the City Secretary/Administrator at the following location: 401 E. Goode Street, Quitman, Texas 75783, and all such notices shall be effective only when actually received in the office of the person named above.

(D) Neither the Mayor, an Alderman, nor any other officer or employee of the city shall have the authority to waive any of the provisions of this subchapter.

(E) The written notice required under this subchapter shall be sworn to by the person claiming the damage or injuries or by someone authorized by him or her to do so on his or her behalf. Failure to swear to the notice as required herein shall not render the notice fatally defective, but failure to so verify the notice may be considered by the City Council as a factor relating to the truth of the allegations and to the weight to be given to the allegations contained therein.

(Ord. passed 8-14-1984)

### ***PUBLIC INFORMATION***

#### **§ 35.15 ADOPTION OF STATE LAW.**

(A) The city hereby adopts the Tex. Gov't Code, Chapter 552 as its system of preparing information, records, documents and the like for requests for information filed with any city department under the Open Records Act.

(B) The city hereby adopts the Tex. Administrative Code, Title I, Part 3, Chapter 70, Subchapter "C", § 111.63 as its system for recovering costs generated in preparing information, records, documents, and the like for requests for information filed with any city department under the Open Records Act.

(Ord. 06-29-06-02, passed 6-29-2006)

***EMPLOYEE BENEFITS***

**§ 35.45 HEALTH BENEFITS FOR RETIREES.**

(A) The following recitals are incorporated into this section as findings of fact.

(1) The city desires to provide health benefits coverage to its retirees;

(2) Texas Municipal League Group Benefits Risk Pool is a health risk pool established pursuant to Tex. Loc. Gov't Code Chapter 172, Tex. Gov't Code Chapter 791, and the Texas Trust Code to provide health benefits coverage for employees and retirees and dependents of employees and retirees, of Texas political subdivision under an interlocal agreement;

(3) The city is currently offering health benefits coverage through the Texas Municipal League Group Benefits Risk Pool pursuant to interlocal agreement and the Tex. Local Gov't Code Chapter 172, both of which would allow the extension of benefits to retirees of the city;

(4) The city desires to provide health benefits coverage to its retirees through the Texas Municipal League Group Benefits Risk Pool and that the cost for the coverage be paid by the individual retiree of the city;

(5) The city desires to select a plan of benefits for its retirees to be provided by the Texas Municipal League Group Benefits Risk Pool; and

(6) Providing retiree coverage under the Texas Municipal League Group Benefits Risk Pool Interlocal Agreement is in the best interest of the city, its retirees and the public generally.

(B) The city hereby elects to provide health benefits coverage to its retirees though Texas Municipal League Group Benefits Risk Pool under the Pool's Interlocal Agreement.

(C) The city hereby adopts the following definition of "retiree" for purposes of this subchapter.

(D) The city hereby adopts the following benefit plans to be provided to its retirees through the Texas Municipal League Group Benefits Risk Pool: The same medical plan offered to active employees.

(E) The Interlocal Agreement in effect between the City of Quitman and the Texas Municipal League Group Benefits Risk Pool provides that the Board of Trustees may adopt rules and regulations. The rules and regulations of the Texas Municipal League Benefits Risk Pool allow the participating member entity to provide retiree medical coverage at the same contribution as charged to active employees or to select a contribution level which is 150% of the active employee contribution. The city elects to have the retiree medical contribution be the same as the active employee for as long as the TML-GBRP offers this rate structure for retiree medical coverage. Other coverages will be as established annually by the Texas Municipal League Group Benefits Risk Pool Board of Trustees.

(F) This section will only apply to individuals retiring after its effective date or to employees who retired under a previous ordinance. For individuals retiring after the effective date of this subchapter to qualify they must enroll for this coverage within 30 days of their retirement.

(G) This subchapter may be repealed or modified at any time, but will remain in effect for any employee retiring while it is in effect.

(Ord. 980918, passed 9-17-1998)

#### **§ 35.46 OLD AGE AND SURVIVORS INSURANCE.**

(A) *Agreements with Department of Public Welfare.* The City Council acting for and on behalf of the city, shall enter into all necessary agreements with the State Department of Public Welfare for the purpose of carrying out the provisions of the federal Social Security Act, being 42 USC 401 *et seq.* (1980 Code, § 12.50)

(B) *Execution of agreements by Mayor.* The Mayor is hereby appointed agent of the City Council and of the city to execute all necessary agreements and instruments for and in behalf of the City Council and city. (1980 Code, § 12.51)

(C) *Responsibility of City Secretary/Administrator.* The City Secretary/Administrator is hereby directed to be the person responsible for making assessments, collections, payments and reports, as required by the State Department of Public Welfare. (1980 Code, § 12.52)

(D) *Allocation of funds.* A sufficient sum of money shall be allocated and set aside from available funds for the purpose of carrying out the provisions of the above-mentioned acts, such money so allocated and set aside to be known as the City Social Security Fund, which fund shall be set aside and maintained in the regular city depository. (1980 Code, § 12.53) (Ord. passed 12-13-1954)