

DOUBLE OAK TOWN COUNCIL
PUBLIC NOTICE
320 WAKETON ROAD
December 2, 2019
7:00 P.M.

*OUT OF RESPECT FOR ALL THOSE IN ATTENDANCE, PLEASE REFRAIN FROM
TALKING TO OTHER MEMBERS OF THE AUDIENCE DURING THE MEETING*

- I. Opening:
- Call to Order
 - Roll Call
 - Invocation
 - Pledge of Allegiance – American Flag
 - Pledge of Allegiance – Texas Flag

“Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

II. Citizens comments

- III. Consent Agenda - All consent agenda items listed are considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- 1. Consideration and action on minutes of November 18, 2019

IV. Mayor, Council Members and Staff reports:

- 2. Mayor and Council
- 3. Public Works - Code Enforcement – Animal Control
- 4. Administration
- 5. Public Safety
- 6. Road and Drainage Committee

V. New business agenda (consideration and action):

- 7. Discussion, consideration and action on Double Oak contract renewal proposal with Republic Services

Presentation: Jeri Harwell, Republic Services

- 8. Discussion, consideration and action on casting three votes for the Denton Central Appraisal District Board of Directors

Presentation: Town Secretary Eileen Kennedy

9. Discussion, consideration and action on town council committee and liaison list.

Presentation: Town Secretary Eileen Kennedy

10. Discussion, consideration and action on Town Hall repairs and renovations.

Presentation: Council Member Anita Nelson
Deputy Mayor Pro-Tem Joe Dent

11. Discussion and consideration on a new proposed ordinance regarding portable storage containers.

Presentation: Mayor Donnelly

12. Discussion and consideration on proposed amendment to the Code of Ordinance regarding accessory buildings and home additions.

Presentation: Mayor Donnelly

13. Discussion, consideration and action on Waketon Road widening improvement project

Presentation: Mayor Donnelly

14. Citizens comments

15. Council – staff announcements and comments:

- Double Oak Christmas Tree lighting, Monday December 2nd J. B. Wright Park
- DOWC Children's Holiday event, Saturday December 7th 1:00-4:00 p.m. at Town Hall
- May 2, 2020 municipal election day

Terms expiring are: Council Members Anita Nelson, Joe Dent, Billie Garrett and Von Beougher

First day to file for a place on the ballot is January 15, 2020
Last day to file is February 14, 2020

16. Adjournment

As authorized by section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the town attorney on any agenda item listed herein.

Posted this the 26th day of November at 4:00 p.m.

Eileen Kennedy

Town Secretary

PUBLIC PARTICIPATION

If you wish to address the Council, please sign the "CITIZENS WHO WISH TO SPEAK TO THE TOWN COUNCIL" sheet before the meeting begins. Pursuant to Section 551.007 of the Texas Government Code, citizens wishing to address the Council for items listed as public hearings will be recognized when the public hearing is opened. For citizens wishing to speak on a non-public hearing item, they may either address the Council during the Citizen Comments portion of the meeting or when the item is considered by the Town Council.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Town Secretary's office at 972.539.9464, fax 972.539.9613 or email to ekennedy@double-oak.com for additional information.

1

**UNAPPROVED-NOT FOR
PUBLICATION**

STATE OF TEXAS
COUNTY OF DENTON
TOWN OF DOUBLE OAK

The Double Oak Town Council met in a regular session at 7:00 p.m. November 18, 2019 at the Double Oak Town Hall, located at 320 Waketon Road with the following members present to-wit:

Mike Donnelly	Mayor
Scott Whisenhunt	Mayor Pro-Tem
Joe Dent	Deputy Mayor Pro-Tem
Anita Nelson	Council Member
Billie Garrett	Council Member
Von Beougher	Council Member

Also, in attendance were Town Secretary Eileen Kennedy and Assistant Town Secretary Lynn Jones. Police Chief Derrick Watson was absent.

Mayor Donnelly called the meeting to order at 7:00 p.m.

Mayor Pro-Tem Whisenhunt gave the invocation and Council Member Nelson led the pledge of allegiance to the American and Texas flags.

II. Citizens comments

None

III. Consent Agenda

1. Consideration and action on minutes of November 4, 2019

Motion Whisenhunt, Beougher second to approve the consent agenda as presented.

AYE: Garrett, Dent, Nelson, Beougher, Whisenhunt
ABSTAIN: None
NAY: None

MOTION PASSED

IV. Mayor, Council Members and Staff reports:

2. Mayor and Council

Council Member Beougher announced the Taylor Oaks HOA was working on replacing the damaged fence.

3. Public Works - Code Enforcement – Animal Control

None

4. Administration

Town Secretary Eileen Kennedy reported the mandated Cybersecurity training for all employees and elected officials with access to Town computers. Date to be announced later.

Assistant Town Secretary Lynn Jones reported Mike McDaniel has submitted plans for an additional storage building at Preferred Self Storage on Justin Road.

Mayor Donnelly commented on suggestions from Town Auditor Carl Deaton to look in participating in Tex Pools for investments. Mr. Deaton also suggested moving the contracted reserve officers to regular part-time on payroll.

5. Public Safety

DOVFD-Chief Scott Whisenhunt reported the DOVFD assisted Argyle in a large structure fire in Bartonville. Chief Whisenhunt also announced Santa will be making his rounds in Double Oak on December 8.

6. Road and Drainage Committee

None

V. New business agenda (consideration and action):

7. Discussion, consideration and action on town council committee and liaison list.

No action was taken.

8. Discussion, consideration and action on appointments to fill vacant seats on the Board of Adjustment and Planning and Zoning Commission.

Town Secretary Kennedy handed out two applications* to fill vacancies on the Planning and Zoning Commission and Board of Adjustment.

Mayor Donnelly recommended Bonnie Morrow move from Board of Adjustment to Planning and Zoning and Jeff Graves be appointed to the Board of Adjustment. With this recommendation, the Planning and Zoning Commission seats are filled while the Board of Adjustment has three vacant seats.

*copy attached and made a part of these minutes

Motion Nelson, second Whisenhunt to appoint Bonnie Morrow to the Planning and Zoning Commission from Board of Adjustment.

AYE: Beougher, Garrett, Dent, Whisenhunt, Nelson
ABSTAIN: None
NAY: None

MOTION PASSED

Motion Beougher, second Nelson to appoint Jeff Graves to the Board of Adjustment.

AYE: Dent, Whisenhunt, Nelson, Garrett, Beougher
ABSTAIN: None
NAY: None

MOTION PASSED

9. Discussion, consideration and action on Town Hall repairs and renovations.

Council Member Nelson reported the partitions in the restrooms have been installed and will replace the faucets. Ms. Nelson also reported she was looking at new lobby furniture.

Deputy Mayor Pro-Tem Dent reported replaced two fire extinguishers at Town Hall.

No action was taken.

10. Discussion and consideration on a new proposed ordinance regarding portable storage containers.

Council had discussion on the proposed ordinance but will wait until after the first of the year to take any action. This item will remain on the agenda for more discussion.

11. Discussion and consideration on proposed amendment to the Code of Ordinance regarding accessory buildings and home additions.

Mayor Donnelly said he would like to have citizen feedback on the ordinance regarding accessory buildings and home additions. Mayor Pro-Tem Dent said it should go before the Planning and Zoning Commission for clarification. Mayor Pro-Tem Whisenhunt said he felt a change was unnecessary but would like to hear from citizens. This item will remain on the agenda for more discussion.

No action was taken.

12. Citizens comments

None

13. Council – staff announcements and comments:

- Town of Double Oak wishes everyone a Happy Thanksgiving
- Thanksgiving week trash pick-up will be Saturday, November 30, 2019
- Christmas Tree lighting is Monday December 2 at 6:00 pm
- Mayor Donnelly said progress is being made on the Waketon Road Reconstruction project. He also reported that Downey Middle School is undergoing renovations to the school and their parking lot the town frequently uses will be closed.
- The DOWC will have a Winter Holiday event for the kids of Double Oak on December 7th from 12:00 p.m. to 4:00 p.m.
- Republic Services will pick up trash on Saturday, November 30th due to the Thanksgiving holiday.

14. Adjournment

With no further business to come before Council, motion Garrett, second Beougher, the meeting adjourned at 7:37 p.m.

Town Secretary

Mayor



DATE: 11-16-19

TOWN OF DOUBLE OAK
320 WAKETON ROAD
DOUBLE OAK, TEXAS 75077
(972) 539-9464

APPLICATION FOR BOARDS/COMMISSIONS

As an applicant for a Board, Commission or Committee, your name, address and telephone number will be available to the press and the public if you elect to disclose this information. All other information will remain confidential.

NAME: Bonnie Morrow

ADDRESS: 105 N. Forest Lane

CONTACT PHONE: EMAIL: bonniecas@verizon.net

OCCUPATION: (If retired, please indicate former occupation or profession)

Sales

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: Dowc-community service

Co-Chair - Past Treasurer - Board of adjustments

LIST QUALIFICATIONS YOU FEEL MAKE YOU A GOOD CANDIDATE FOR THIS POSITION AND INCLUDE PREVIOUS VOLUNTEER POSITIONS:

~~started as a rep~~ I own a Rep. company selling into the electronic industry - sell for 6 different companies
I negot. - contracts - immediate go. for customer & manufacturing - Rep customer happy as well as mfg

REFERENCES: Jim McNeal-214-564-6599 - Brady Hurst-682-472-

tony Fullerton-214-683-2472 - Tim McMillan 214-317-3884

BOARDS/COMMISSIONS/COMMITTEES OF INTEREST: Check Interest

() Board of Adjustments

☒ Planning and Zoning

MAIL COMPLETED FORM TO:

TOWN OF DOUBLE OAK
TOWN SECRETARY
320 WAKETON ROAD
DOUBLE OAK, TEXAS 75077

OR FAX / E-MAIL TO:

FAX (972) 539-9613
EMAIL: ekennedy@double-oak.com or
ljones@double-oak.com

DATE: 11.5.19

TOWN OF DOUBLE OAK
320 WAKETON ROAD
DOUBLE OAK, TEXAS 75077
(972) 539-9464

APPLICATION FOR BOARDS/COMMISSIONS

As an applicant for a Board, Commission or Committee, your name, address and telephone number will be available to the press and the public if you elect to disclose this information.

All other information will remain confidential.

NAME: JEFF GRAVESADDRESS: 250 Simmons Rd D.O. TX 75001CONTACT PHONE: EMAIL: JGRAVES13@aol

OCCUPATION: (If retired, please indicate former occupation or profession)

PRES/CEO FIRST FINANCIAL EQUITY CORPPROFESSIONAL AND/OR COMMUNITY ACTIVITIES: ASU SONDEVIL CLUBBOND DEALERS OF AMERICA AFFILIATE MEMBER DIVISIONW.T.F.

LIST QUALIFICATIONS YOU FEEL MAKE YOU A GOOD CANDIDATE FOR THIS POSITION AND INCLUDE PREVIOUS VOLUNTEER POSITIONS:

ORGANIZED, THOUGHTFUL WITH BUSINESS EXPERIENCE, LIVED IN DO BLMS18 YRS, ORDINANCE COMMITTEE, W.T.F. BOARD MEMBER, PRESIDENT ALUMNI ASSOCIATIONREFERENCES: D. WATSON, M. DONOVAN, RANDY SITZMAN480-778-2053

BOARDS/COMMISSIONS/COMMITTEES OF INTEREST:

(1) P.E. 2(2) Board of Adjustment

MAIL COMPLETED FORM TO:

TOWN OF DOUBLE OAK
TOWN SECRETARY
320 WAKETON ROAD
DOUBLE OAK, TEXAS 75077

OR FAX / E-MAIL TO:

FAX (972) 539-9613
EMAIL: ekennedy@double-oak.com or
liones@double-oak.com

RECEIVED NOV 0 5 2019

Double Oak – Contract Renewal Proposal

Residential Service Proposed

- Service day for trash and recycle – Friday
- All new Republic Services carts for both trash and recycle
- Once per week trash service – 95-gallon cart with up to 15 bags of yard waste material
- One time per month bulk collection up to 3 cubic yards or 30 bags of yard waste material. (3rd Friday)
- Once per week recycle service – 95-gallon cart – cart content only.

Proposed rates – Includes Franchise Fee

Monthly per resident trash	\$14.13
Monthly per resident recycle	<u>\$ 5.00</u>
Total Rate per month	\$19.13

Additional Service Offerings – Included in rates

- Up to 15 free hauls per year of roll-off containers for community events
- Free Service at Town Facilities
- Up to 20 event boxes per year for community events
- Annual Event to Include:
 - Household Hazardous Waste Collection
 - Electronics Recycling
 - Tire Disposal (up to 4 tires per address)
 - Document Shredding
- Landfill access to residents up to 12 times per year
- New carts delivered to each residential customer for both trash and recycle, blue trash and green recycle Republic Services branded carts

Education Opportunities Proposed

- Initial newsletter delivered with new carts outlining all services with calendar of upcoming holidays or events
- Website that includes service offerings
- Service information booth at any applicable community events
- Quarterly reports to Town Staff
- Annual presentation to Council

Other Offerings

- Commercial and Industrial Service – tailored to individual customers' needs
- Branded Republic Services containers

Contract Highlights

- Contract term 5 years with automatic renewal of 5 years unless 120-day notification of non-renewal by either party
- Annual price increase – Water/Sewer/Trash not to exceed 5% and not less than 3% or Fixed 4%
- Residents do not need to call 24 hours in advance for bulk/brush collection
- Holidays observed Thanksgiving, Christmas and New Year's Day
- Five (5) percent Franchise Fee
- Republic Services to provide billing
- Insurance and Performance Bond same as current agreement

Proposal Highlights

- Residents receive new carts at time of approval
- Increase effective 1/1/20, next increase would be 10/1/21, Town has not had an increase in 2 years
- New contract signed for effective date of 10/1/20, current agreement expires 9/30/20



8

DENTON CENTRAL APPRAISAL DISTRICT
3911 MORSE STREET, P O BOX 2816
DENTON, TEXAS 76202-2816

MEMO

RECEIVED
OCT 31 2019

TO: All Taxing Jurisdictions

FROM: Kathy Williams, Deputy Chief - Administration

DATE: October 29, 2019

SUBJECT: Candidates to Board of Directors of Denton Central Appraisal District

Candidates to the Denton Central Appraisal District Board of Directors are listed below. The list is in alphabetical order by last name.

Each voting unit must cast its vote by written resolution and submit it to the Chief Appraiser before December 15th. The unit may cast all its votes for one candidate or may distribute the votes among any number of candidates. When a voting unit casts its votes, it must cast the votes for a person that was nominated and is named on the ballot. There is no provision for write-in candidates. The Tax Code does not permit the Chief Appraiser to count votes cast for someone not listed on the official ballot. The five nominees receiving the most votes will become the Board of Directors.

The candidates nominated by the taxing jurisdictions are: (Please note Asterisk below)

<u>Candidate</u>	<u>Nominating Jurisdiction</u>
1. Roy Atwood	City of Lewisville, Lewisville ISD, City of The Colony
2. Michelle French*	City of Lewisville
3. Sharon Gentry	Town of Flower Mound
4. Katy Grote	Town of Flower Mound
5. Carla Hardeman	Town of Northlake
6. David Johnson	Lewisville ISD
7. Danny Mayer	Town of Trophy Club
8. Joel McGregor	Town of Northlake
9. Laura McGregor	Town of Northlake
10. Ashleigh Miller	CFB ISD
11. Brian Montini	Town of Northlake
12. George Pryor	City of Lewisville, Denton County, City of The Colony
13. Michael Savoie	Town of Northlake
14. Kelly Sayre	Denton County, CFB ISD
15. Charles Stafford	City of Lewisville, Denton ISD, City of The Colony
16. Mike Stallings	Town of Flower Mound
17. David Terre	Frisco ISD, Northwest ISD, Little Elm ISD, City of Frisco, Lewisville ISD, Denton County, Town of Flower Mound, City of The Colony
18. Tom Washington	Lewisville ISD, Denton County
19. Bryan Webb	City of Lewisville, Argyle ISD, Lewisville ISD, Town of Flower Mound
20. Rick Woolfolk	City of Denton

* Michelle French was nominated by the City of Lewisville as a candidate. Ms. French would like to remain on the Board of Directors as an ExOfficio member.
(This would be automatic and would require no votes from the entities.)

Since some of you may not be familiar with the process of selecting the Board, please do not hesitate to contact Kathy Williams at (940) 349-3974 for clarification and/or information.

DENTON CENTRAL APPRAISAL DISTRICT 2019 DISTRIBUTION OF VOTES				
JURISDICTIONS		2018 LEVY	%OF TOTAL LEVIES	NUMBER OF VOTES
SCHOOL DISTRICTS:				
S01	ARGYLE ISD	33,186,851.69	1.6261%	81
S02	AUBREY ISD	16,454,142.56	0.8062%	40
S03	CARROLLTON-FB ISD	58,371,523.21	2.8601%	143
S04	CELINA ISD	427,771.79	0.0210%	1
S05	DENTON ISD	274,005,237.83	13.4258%	671
S15	ERA ISD	2,758.30	0.0001%	1
S06	FRISCO ISD	162,397,340.74	7.9572%	397
S07	KRUM ISD	12,853,716.09	0.6298%	31
S08	LAKE DALLAS ISD	31,974,528.89	1.5667%	78
S09	LEWISVILLE ISD	544,364,670.37	26.6730%	1328
S10	LITTLE ELM ISD	73,613,044.88	3.6069%	180
S11	NORTHWEST ISD	124,570,724.15	6.1038%	305
S12	PILOT POINT ISD	8,539,103.29	0.4184%	21
S13	PONDER ISD	10,708,445.18	0.5247%	26
S17	PROSPER ISD	15,533,196.24	0.7611%	38
S14	SANGER ISD	15,181,709.78	0.7439%	37
S16	SLIDELL ISD	561,351.63	0.0275%	1
SCHOOL DISTRICTS TOTALS		\$1,382,746,116.62	67.752%	3382
G01	DENTON COUNTY	\$223,871,430.98	10.97%	548
CITIES:				
C26	TOWN OF ARGYLE	2,687,077.63	0.1317%	7
C01	CITY OF AUBREY	1,412,289.57	0.0692%	3
C31	TOWN OF BARTONVILLE	756,676.91	0.0371%	2
C02	CITY OF CARROLLTON	47,204,556.69	2.3129%	116
C49	CITY OF CELINA	303,038.29	0.0148%	1
C03	CITY OF THE COLONY	30,055,137.17	1.4727%	74
C21	TOWN OF COPPELL	957,483.56	0.0469%	2
C27	TOWN OF COPPER CANYON	753,307.60	0.0369%	2
C04	CITY OF CORINTH	11,500,863.98	0.5635%	28
C20	CITY OF DALLAS	12,488,352.67	0.6119%	31
C05	CITY OF DENTON	71,132,828.80	3.4854%	174
C42	CITY OF DISH	147,732.08	0.0072%	1
C30	TOWN OF DOUBLE OAK	1,103,865.85	0.0541%	3
C47	TOWN OF DRAPER	8,444.96	0.0004%	1
C07	TOWN OF FLOWER MOUND	48,435,715.09	2.3733%	119
C36	CITY OF FORT WORTH	17,141,977.62	0.8399%	42
C32	CITY OF FRISCO	49,660,004.69	2.4333%	122
C39	CITY OF GRAPEVINE	188.15	0.0000%	1
C22	TOWN OF HACKBERRY	150,122.31	0.0074%	1
C38	CITY OF HASLET	5,062.50	0.0002%	1
C19	TOWN OF HICKORY CREEK	1,977,570.79	0.0969%	5
C08	CITY OF HIGHLAND VILLAGE	12,742,563.45	0.6244%	31
C09	CITY OF JUSTIN	2,205,402.21	0.1081%	5
C18	CITY OF KRUGERVILLE	658,781.59	0.0323%	2
C10	CITY OF KRUM	2,285,738.11	0.1120%	6
C11	CITY OF LAKE DALLAS	3,136,074.59	0.1537%	8
C25	CITY OF LAKEWOOD VILLAGE	303,401.51	0.0149%	1
C12	CITY OF LEWISVILLE	47,733,684.70	2.3389%	117
C13	TOWN OF LITTLE ELM	24,921,132.48	1.2211%	61
C33	TOWN OF NORTHLAKE	1,929,896.31	0.0946%	5
C24	CITY OF OAK POINT	2,374,646.59	0.1164%	6
C14	CITY OF PILOT POINT	1,690,503.84	0.0828%	4
C29	CITY OF PLANO	6,012,331.76	0.2946%	15
C15	TOWN OF PONDER	1,101,558.57	0.0540%	3
C48	CITY OF PROSPER	3,076,708.73	0.1508%	8
C51	TOWN OF PROVIDENCE VILL	4,232,566.93	0.2074%	10
C17	CITY OF ROANOKE	7,511,005.83	0.3680%	18
C16	CITY OF SANGER	4,367,008.60	0.2140%	11
C34	TOWN OF SHADY SHORES	970,405.61	0.0475%	2
C37	CITY OF SOUTHLAKE	646,633.20	0.0317%	2
C28	CITY OF TROPHY CLUB	8,477,582.93	0.4154%	21
C44	CITY OF WESTLAKE	6,686.84	0.0003%	1
CITY TOTAL		\$434,266,611.29	21.28%	1069
TOTAL ALL JURISDICTIONS		\$2,040,884,158.89	100.00%	5000

Resolution No. 19-04

A RESOLUTION CASTING VOTES FOR MEMBERSHIP TO THE BOARD OF DIRECTORS OF THE DENTON CENTRAL APPRAISAL DISTRICT, AND DECLARING AN EFFECTIVE DATE

THE TOWN COUNCIL OF THE TOWN OF DOUBLE OAK HEREBY RESOLVES:

SECTION 1. The Town of Double Oak hereby casts 2 votes for and 1 vote for for membership to the Board of Directors of the Denton Central District for the County of Denton, Texas.

SECTION 2. This Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 2nd day of December 2019.

Mike Donnelly, Mayor
Town of Double Oak

ATTEST:

APPROVED AS TO FORM:

Eileen Kennedy, Town Secretary

/S/
Town Attorney

COUNCIL LIAISON APPOINTMENTS

Liaison is defined as to perform as neither an advocate nor an opponent but rather to act as a conduit for organizations, staff, boards, commissions, committees, etc. to facilitate communication between Council and entity without prejudice.

BOARD/COMMISSION/DEPARTMENT/ORGANIZATION

LIAISON

Double Oak Volunteer Fire Department	Nelson/Garrett
Double Oak Police Department	Dent/Nelson
Planning & Zoning Commission	Garrett/
Board of Adjustment	Beougher/
Upper Trinity Regional Water District	Donnelly
Cross Timbers Water Supply Corporation	Donnelly
School Districts/Denton County/Neighboring Towns	Donnelly/Beougher
Double Oak Women's Club	Garrett

STANDING COMMITTEES

COMMITTEE

COUNCIL LIAISON

MEMBERS

Investment Committee	Dent/ Garrett	Dick Cook Eileen Kennedy Ted Gruenloh Gary Garrett
Master Plan Committee	Dent/	Gary Garrett
Ordinance Review Committee	Dent/ Garrett	
Information Technology Committee	Dent/	Derrick Watson Dick Cook
Town Hall Renovation Committee Town Beautification Committee Conservation/Tree Committee		
Roads/Drainage Committee	Nelson/ Beougher	Dick Cook Jeff Crannell Gary Garrett Brian Haynes Gary Goodman Nan Bowen Mark Rose Andrew Wills

THE MAYOR IS AN AUTOMATIC LIAISON TO ALL DEPARTMENTS/ BOARDS/COMMITTEES

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DOUBLE OAK, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF DOUBLE OAK, TEXAS, BY AMENDING SECTION 6.302 OF ARTICLE 6.300 ("OFFENSIVE CONDITIONS ON REAL PROPERTY") OF CHAPTER 6 ("HEALTH AND SANITATION") BY ADDING A PROHIBITION ON THE PLACEMENT OF PORTABLE STORAGE CONTAINERS ON PUBLIC STREETS AND RIGHTS-OF-WAY AND TO PROHIBIT THE PLACEMENT OF PORTABLE STORAGE CONTAINERS ON REAL PROPERTY FOR PERIODS IN EXCESS OF FORTY-FIVE (45) DAYS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Double Oak, Texas, finds and determines that the placement of portable storage containers such as PODs, Mobile Mini, Smart Box and mini storage units has proliferated in the Town and that a number of residents are using such portable storage containers on a permanent or semi-permanent basis in lieu of accessory buildings for outdoor storage; and

WHEREAS, the Town Council finds and determines that the placement of portable storage containers on public streets and rights-of-way causes visual obstructions to motor vehicles, which creates traffic hazards; that long-term use of portable storage containers is unsightly and negatively affects the value of real property; that offenses under this prohibition should be strict liability; and that prohibitions on placement of portable storage containers is in the best interest of the public health, safety and welfare. Now Therefore

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DOUBLE OAK, TEXAS:

SECTION 1. That the Code of Ordinances, Town of Double Oak, be and is hereby amended by amending Section 6.302 of Article 6.300, "Offensive Conditions on Real Property," of Chapter 6, "Health and Sanitation," by renumbering the existing provisions as subsection (a) without amendment to existing language, and adding a new subsection (b), such that Section 6.302 shall henceforth read in its entirety as follows [underlined language indicates additions, strike-through language indicates deletions]:

**"CHAPTER 6
HEALTH AND SANITATION**

...

ARTICLE 6.300 OFFENSIVE CONDITIONS ON REAL PROPERTY

...

Sec. 6.302 Unlawful Conditions on Real Property

(a) The owner or occupant of any property within the corporate limits of the town, whether the same be occupied or unoccupied, shall keep such property and adjacent parkway free of any of the following conditions which hereby constitute nuisances and offensive conditions:

- (1) stagnant water;
- (2) accumulations of trash, garbage, or debris including solid waste consisting of dirt, concrete, rocks, bricks, or other similar construction or building waste materials;
- (3) filth, carrion, or other impure or unwholesome matter;
- (4) grass, weeds and vegetation growing to a height of more than ten (10) inches, excepting regularly cultivated crops not growing within a public right-of-way;
- (5) rubbish, brush, graffiti and other objectionable, unsightly, or unsanitary matter; or
- (6) any other condition found by the town's building inspector, code enforcement officer, health officer, the county health officer, state health officer, or other authorized person to be unsanitary or unwholesome or a condition that may produce disease.

(b) It shall be unlawful for any person, occupant, or owner to place on any public street or right-of-way a portable storage container or unit, including but not limited to PODs, Mobile Mini, Smart Box, and Mini Storage units. Furthermore, no such portable storage container or unit shall be caused to remain on any property for a period in excess of forty-five (45) consecutive days. In the prosecution of an offense under this section, no proof or pleading of intentional or knowing conduct shall be required, and the offense shall be deemed strict liability.

..."

SECTION 2. That any provisions of the ordinances of the Town of Double Oak in conflict with the provisions of this ordinance be and same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Double Oak, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY ADOPTED by the Town Council of the Town of Double Oak, Texas on the _____ day of _____, 2019.

APPROVED:

MAYOR

ATTEST:

TOWN SECRETARY

APPROVED AS TO FORM:

TOWN ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DOUBLE OAK, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF DOUBLE OAK, TEXAS, BY AMENDING SECTION 6.302 OF ARTICLE 6.300 ("OFFENSIVE CONDITIONS ON REAL PROPERTY") OF CHAPTER 6 ("HEALTH AND SANITATION") BY ADDING A PROHIBITION ON THE PLACEMENT OF PORTABLE STORAGE CONTAINERS ON PUBLIC STREETS AND RIGHTS-OF-WAY AND TO PROHIBIT THE PLACEMENT OF PORTABLE STORAGE CONTAINERS ON REAL PROPERTY FOR PERIODS IN EXCESS OF FORTY-FIVE (45) DAYS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING AN EFFECTIVE DATE.

DULY PASSED by the Town Council of the Town of Double Oak, Texas, on the ____ day
of _____, 2019.

APPROVED:

MAYOR

ATTEST:

TOWN SECRETARY

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DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DOUBLE OAK, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF DOUBLE OAK, TEXAS, BY AMENDING THE COMPREHENSIVE ZONING ORDINANCE, EXHIBIT A OF ARTICLE 14.100 ("ZONING ORDINANCE ADOPTED") OF CHAPTER 14 ("ZONING"), TO AMEND SECTION 26-1 ("DEFINITIONS") REVISING THE DEFINITION OF "ACCESSORY BUILDING OR ACCESSORY STRUCTURE," PROVIDING A DEFINITION OF "ADDITION;" PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Double Oak finds and determines that a proliferation of accessory structures has occurred throughout the Town in violation of the Town's Accessory Building regulations; that many property owners have avoided the Town's zoning limitations on accessory buildings by simply connecting an accessory building to the main structure by a breezeway or common roof, and that clarity in the difference between an addition to a building and an accessory structure is needed; and,

WHEREAS, the Planning and Zoning Commission of the Town of Double Oak and the governing body of the Town of Double Oak, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the Town of Double Oak is of the opinion that said zoning ordinance should be amended as provided herein.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DOUBLE OAK, TEXAS:

SECTION 1. That the Code of Ordinances, Town of Double Oak, be and is hereby amended by amending Section 26-1, "Definitions," of the Comprehensive Zoning Ordinance, Exhibit "A" of Article 14.100 ("Zoning Ordinance Adopted") of Chapter 14 ("Zoning"), to revise regulations relating to accessory buildings by amending the definition of "Accessory Building or Accessory Structure," and adding a new definition of "Addition" after the definition of "Accessory Use" and before the definition of "Airport," without amendment, repeal or change to other parts of Section 26-1, such that the definitions of "Accessory Building or Accessory

Structure” and “Addition” shall henceforth read as follows [underlined language indicates additions, strike-through language indicates deletions]:

**“CHAPTER 14
ZONING**

ARTICLE 14.100 ZONING ORDINANCE ADOPTED

EXHIBIT A

**COMPREHENSIVE ZONING ORDINANCE
TOWN OF DOUBLE OAK, TEXAS**

...

**SECTION 26
DEFINITIONS**

26-1 The following words, when used in this ordinance, shall have the meanings respectively ascribed to them in this section, unless such construction would be inconsistent with the manifest intent of the terms of this ordinance or where the context of this ordinance clearly indicates otherwise.

Accessory Building or Accessory Structure - shall mean a subordinate building or structure, attached to or detached from the main building, and customarily incidental to the principal building. Distinct from an “addition,” an accessory building or structure is a detached building, or a building or structure connected to the main structure by a breezeway, common roof line, common floor, or common walls. The connection of a structure by a breezeway, floor area or wall or any combination thereof shall not be deemed an addition unless fully enclosed and attached to the main structure by a common roof, floor and walls as an integral part of the main structure.

...

Addition – shall mean an extension or increase in floor area or height of a building or structure. An addition shall be compatible in appearance with the primary structure through similar or identical exterior walls and roofing.

...”

SECTION 2. That any provisions of the ordinances of the Town of Double Oak in conflict with the provisions of this ordinance be and same are hereby repealed and any provisions not so in conflict shall remain in force and effect.

SECTION 3. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 4. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Double Oak, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two-thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY ADOPTED by the Town Council of the Town of Double Oak, Texas on the _____ day of _____, 2019.

APPROVED:

MAYOR

ATTEST:

TOWN SECRETARY

APPROVED AS TO FORM:

TOWN ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DOUBLE OAK, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF DOUBLE OAK, TEXAS, BY AMENDING THE COMPREHENSIVE ZONING ORDINANCE, EXHIBIT A OF ARTICLE 14.100 ("ZONING ORDINANCE ADOPTED") OF CHAPTER 14 ("ZONING"), TO AMEND SECTION 26-1 ("DEFINITIONS") REVISING THE DEFINITION OF "ACCESSORY BUILDING OR ACCESSORY STRUCTURE," PROVIDING A DEFINITION OF "ADDITION;" PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); AND PROVIDING AN EFFECTIVE DATE.

DULY PASSED by the Town Council of the Town of Double Oak, Texas, on the ____ day
of _____, 2019.

APPROVED:

MAYOR

ATTEST:

TOWN SECRETARY