

HOME RULE

CHARTER

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HOME RULE CHARTER^{*}

Sec. 1. Incorporation and corporate powers.

The inhabitants of the City of Sulphur Springs, within the boundaries as now established or as hereafter may be established, shall be a body politic and corporate by name the City of Sulphur Springs. Under that name it shall have perpetual succession. Except as restricted by this Charter, and in addition to the powers enumerated hereafter, it shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever which it would be competent for this Charter specifically to enumerate under the Home Rule Amendment of the Constitution of Texas and Chapter 147, Acts of the Regular Session of the 33rd Legislature of the State of Texas, 1913, as amended.

State law references—Powers of home-rule municipality, V.T.C.S. art. 1175; general powers of home-rule municipality, V.T.C.A., Local Government Code, sec. 51.071 et seq.; authority of local self-government, V.T.C.A., Local Government Code, sec. 51.072; perpetual succession, V.T.C.A., Local Government Code, sec. 51.074.

Sec. 2. City council generally.

Except as otherwise provided in this Charter, all powers of the city shall be vested in a council of seven (7) members, elected from the city at large, by place, in the manner hereafter provided, who shall serve without compensation. The terms of the members of the council, except as hereafter provided shall be for three (3) years and newly elected officials shall take office the first regular meeting in June.

Members of the council shall be resident qualified electors of the city and shall not hold any other public office except that a notary public. A member of the council ceasing to have any of these qualifications, or who shall be convicted of a felony while in office, shall forfeit immediately his office.

A candidate for city council [shall] be resident of Sulphur Springs for one year preceding the election and the candidate's city taxes must be paid current.

Any member of the council knowingly permitting any provision of this Charter to be violated without exercising his power as council member to prevent it shall be subject to removal from office and prosecuted in the manner provided by law.

If a vacancy occurs in the council the remaining members of the council, by a majority vote, shall appoint a qualified resident elector to serve until the next regular city election. At the next regular city election a council member shall be chosen by the vote of the people to serve out the remainder of the term left vacant.

^{*} **Editor's note**—Printed herein is the charter of the City of Sulphur Springs, Texas, which was adopted at an election held on February 18, 1947. Apart from minor nonsubstantive changes in style and formatting, the charter is reproduced as it appeared in the 1964 Code of Ordinances. Capitalization, punctuation and grammar have been retained. Obviously misspelled words have been corrected without notation. Material enclosed in brackets has been added for clarification. Amendments to the charter are indicated by a history note following the amended section. The absence of a history note indicates the section derives from the original charter.

State constitution reference—Charter to be consistent with constitution and general laws, art. XI, sec. 5.

Upon petition of thirty (30) per cent of the qualified voters, a recall election must be provided for to apply to any member of the council. A recall election shall not be had for any member of the council until that member shall have served at least six (6) months in office, nor until a year after a previous recall election in which the right of that member to retain his seat on the council shall have been determined.

(Ordinance 962 adopted 10/4/83, sec. 5, props. II-IV, approved at election of 11/8/83)

Editor's note—Provisions formerly set out as the second paragraph of this section, pertaining to the initial terms of office of city commissioners elected at the time of the adoption of this charter (Feb. 18, 1947), have been deleted, at the discretion of the editor. Provisions currently set out as the third paragraph of this section are derived from Ordinance 962, sec. 5, prop. IV.

State law reference—Age and residence requirements for home-rule city office, V.T.C.A., Election Code, sec. 141.003.

State constitution reference—Term of office exceeding two years but not to exceed four years, vacancies, Texas Constitution, art. XI, sec. 11.

Sec. 3. Meetings of council.

The council shall meet at the city hall on the first Tuesday in June following a regular city election. Newly elected members shall assume the duties of office at this time. Thereafter the council shall meet in a regular meeting at the city hall at seven o'clock p.m. the first Tuesday in each succeeding month, except that, City Council may fix the date and time of a regular meeting as it deems necessary by Resolution upon a finding that the regular time for a meeting creates a conflict that will prevent or impede the orderly conduct of the business of the City.

Special meetings shall be called by the city secretary upon the written request of the mayor, the city manager, or a majority of the members of the council. Notice of such special meeting shall be made in accordance with State law.

All meetings of the council and committees thereof shall be open to the public. Any inhabitants of the city shall have a reasonable opportunity to be heard at any meetings of the council on any matter. The council or a committee thereof by a majority vote may authorize an executive session following a reasonable time having been allowed for interested persons to be heard on the matter to be considered.

(Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. A (prop. A), approved at election of 5/4/19)

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.

Sec. 4. Mayor.

The council shall choose one of its members mayor at its first meeting in June. The mayor shall preside at meetings of the council. He shall have the powers and perform the duties conferred and imposed by this Charter, the ordinances of the city, and the laws of the State of Texas.

In the absence or inability of the mayor to perform his duties the remaining members of the council shall elect one of their members to act as mayor pro tempore.

(Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 5. City secretary.

The council shall choose a city secretary upon the recommendation of the city manager, who shall keep the records of the council and perform such other duties as may be required by the Charter or the council. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 6. Council rules.

The council shall be the judge of the election and qualification of its members. It shall determine its own rules and order of business and keep a bound record of its proceedings. The affirmative vote of a majority of the council shall be necessary to adopt any ordinance or resolution. A majority of the members shall constitute a quorum. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 7. Passage of ordinances and resolutions.

The city shall have all powers possible for a home-rule city under Texas law to adopt ordinances and resolutions subject to the following requirements:

1. All ordinances shall be confined to one subject, except ordinances making appropriations or enacting a code. The subject of all ordinances shall be expressed clearly in the title. Ordinances shall be introduced in the council only in written or printed form. The enacting clause of all ordinances shall read, "Be it ordained by the City of Sulphur Springs."
2. All ordinances and resolutions shall take effect at the time indicated thereon. All proposed ordinances shall be published upon the official internet website for the City of Sulphur Springs at least 14 days prior to their being considered for final passage by members of the city council.
3. The city council may approve resolutions and ordinances as published, or may amend same and approve amended resolutions and ordinances as it determines to be in the best interest of the City of Sulphur Springs.
4. An ordinance shall not be adopted until it has been considered and favorable [favorably] acted on by the city council at two separate city council meetings. However, ordinances relating to the following matters may be adopted by the city council after consideration at only one meeting:
 - a. The calling of an election or the canvassing of the returns and declaring the results of an election; and
 - b. When the city council makes a finding that an emergency exists because there is an immediate need to preserve and protect the peace, health, safety, or welfare of the community.
5. All ordinances passed upon first reading by the city council shall be continuously published upon the official internet website of the City of Sulphur Springs until it shall have been accepted or rejected by the city council at a subsequent meeting. The failure to comply with this section shall not affect the validity of the ordinance.

adopted. All ordinances passed upon second reading shall be published upon official website of the City of Sulphur Springs, and in accordance with law.

(Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. B (prop. B), approved at election of 5/4/19)

State law references—Ordinance, rule or regulation necessary to carry out other powers, V.T.C.A., Local Government Code, sec. 51.001; publication of ordinances, V.T.C.A., Local Government Code, sec. 52.013; code of ordinances, V.T.C.A., Local Government Code, ch. 53.

Sec. 8. Municipal election dates and procedures.

The council shall make all necessary arrangements and regulations for the conduct of elections in conformity with the election laws of the State of Texas.

City Council elections shall be held in May of each year on the date specified by state law. A candidate must be elected to office by majority vote. If no candidate for an office receives a majority vote, a run-off election shall be held as required by state law. All names of candidates shall be placed on the official ballot and shall be arranged as determined by an official drawing. The City Secretary shall promptly notify all persons elected to office. A candidate who is elected in a regular, special or run-off City election shall, after taking the oath of office, take office and enter upon City Council duties at the next City Council meeting.

(Ordinance 962 adopted 10/4/83, sec. 5, props. I, III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. C (prop. C), approved at election of 5/4/19)

State law references—Applicability of Election Code, V.T.C.A., Election Code, sec. 1.002; election dates, V.T.C.A., Election Code, ch. 41; runoff election, V.T.C.A., Election Code, sec. 2.021 et seq.

Sec. 9. City manager generally.

The council shall employ a city manager who shall be the chief executive officer of the city. He shall be employed solely on the basis of his fitness for the position. The City Manager shall be appointed for an indefinite term or the City Council may contract with the City Manager for a definite term, and may be removed at the discretion of the City Council by the affirmative vote of a majority of the full membership of the City Council.

The council may remove the city manager by resolution passed by a majority vote of the members of the council. The city manager shall be notified in writing, of the passage of such resolution of removal and he shall be suspended from further performing any duties in connection with the office from and after the date of the passage of such resolution. Final removal of the city manager may not become effective until thirty (30) days after the passage of such resolution and notification in writing to the city manager of the council's intention to remove him and until after a public hearing on the question of the manager's removal shall have been held, if such hearing is requested of the council in writing by the city manager. Such request for a hearing by the city manager shall be made not later than ten (10) days from the date of the passage of the resolution of removal and such hearing shall be held not later than twenty (20) days after the passage of the resolution of removal. Removal of the City Manager is subject to the terms of a contract with the City Manager, if any.

The city council shall set the annual compensation of the city manager at a figure agreed upon by a majority vote of the members of the council.

In absence or inability of the city manager to perform his duties, the council by a majority vote may designate a qualified administrative officer to perform the duties of the city manager during such absence or disability.

(Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. D (prop. D), approved at election of 5/4/19)

Sec. 10. Responsibility and general powers of city manager.

The city manager shall be responsible to the city council for the efficient and economical administration of the city government. He shall have the power to appoint for an indefinite term only and to remove all department heads, subject to the approval of the council. He shall have the power to appoint for an indefinite term only and to remove all other employees in the administrative service of the city. He may authorize the head of a department to appoint and remove subordinates in his respective department.

Except for the purpose of inquiry the council and its members shall deal with the administrative service solely through the city manager. They shall not in any manner take part in the appointment or removal of any person subordinate to the city manager, nor shall they give any instructions to any subordinate of the city manager, except through the city manager.

(Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 11. Duties of city manager.

The city manager shall supervise the administration of the affairs of the city, see that ordinances of the city are enforced, act as the chief conservator of the peace within the city, recommend to the council concerning the affairs of the city, attend all meetings of the council with the right to discuss but not to vote, inform the council on the city's finances, prepare the annual budget, and perform such other duties as the council may require which are consistent with this Charter. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 12. **Administrative departments.**

The council may create departments of the city government, define their functions, and prescribe the qualifications for heads of the respective departments, except as otherwise provided in this Charter. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 13. Bond and oath for city officers and employees.

The city manager and such other officers and employees as the council may require to do so, shall give a bond in such amount and surety as any be approved by the council. The premiums on such bonds may be paid by the city. Every officer and department head of the city shall take the oath of office now prescribed by the Constitution of Texas for county officials. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

State constitution reference—Oath of office, Texas Constitution, art. 16, sec. 1.

State law reference—Official bonds, V.T.C.A., Government Code, ch. 604.

Sec. 14. Finance department.

There is hereby established the finance department. The city manager shall appoint a director of the finance department with the approval of the City Council. The finance department shall collect taxes on all property assessed within the city for taxes and make all special assessments, have custody of all city funds and monies, certify to the correctness of all contracts and orders, verify all claims to the city council, pay claims that are approved by the city council by warrants drawn on the city which shall be signed by the city manager and the mayor, keep a set of accounts adequate to reflect the financial status of all departments and offices daily, prepare for the council a monthly statement showing the financial condition of each department and city agency in relation to the current budget, and perform such other duties as the council may require by ordinance. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. E (prop. E), approved at election of 5/4/19)

State law references—General financial provisions applicable to home-rule municipality, V.T.C.A., Local Government Code, sec. 101.021 et seq.

Sec. 15. City budget.

The city manager shall submit a regular meeting of the council in September a tentative budget for the ensuing fiscal year, which shall set forth in detail for the city and its several agencies all proposed expenditures and all anticipated income, all estimated expenditures and income for the current fiscal year, and all actual expenditures and income for the fiscal year immediately preceding; the debt of the city in detail; and the condition of sinking funds and operating funds in detail. (Ordinance 438 adopted 10/8/63, sec. 4, approved at election of 11/19/63; Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. F (prop. F), approved at election of 5/4/19)

State law reference—Municipal budget, V.T.C.A., Local Government Code, ch. 102.

The fiscal year of the city government shall be from October 1st to September 30th. (Ordinance 438 adopted 10/8/63, sec. 4, approved at election of 11/19/63)

Editor's note—The fiscal year formerly ran from April 1st to March 31st.

State law references—Power to establish fiscal year, V.T.C.A., Local Government Code, sec. 101.022; city fiscal year, V.T.C.A., Tax Code, sec. 1.05.

Sec. 17. Expenditures in accordance with budgeted appropriations.

All expenditures of the city shall be made strictly in accordance with budgeted appropriations, except that upon recommendation of the city manager the council may transfer any part of any unencumbered appropriation balance within a department or agency of the city government, or from one department or agency to another.

At the close of each fiscal year any unencumbered balance of any appropriation shall revert to the fund from which appropriated and shall be subject to reappropriation; but appropriations [may be] made by the council, to be paid out of income of the current year, in furtherance of improvements

which will not be completed within such year, and such appropriation shall continue in force until the purpose for which it was made shall have been accomplished or abandoned.

(Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 18. Reserved

Editor's note—Section 18, “Emergency appropriations,” which derived from the original charter, was deleted by Ordinance 2739 adopted 2/5/19, exh. G (prop. G), approved at election of 5/4/19.

Sec. 19. Purchasing procedure.

All expenditures for supplies, materials, equipment, improvements, or contractual services shall be made [consistent with the General Laws of the State of Texas]. (Ordinance 962 adopted 10/4/83, sec. 5, prop. I, approved at election of 11/8/83;)

Editor's note—Ordinance 962, sec. 5, prop. I, amended section 19 “...to be consistent with the General Laws of the State of Texas...”. Accordingly, the editor has rendered section 19, which formerly stated in full: “All expenditures for supplies, materials, equipment, improvements, or contractual services involving more than \$100.00 shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such notice has been given as to provide for competitive bids,” to read as herein set out.

State law references—Purchasing and contracting authority of municipality, V.T.C.A., Local Government Code, chs. 252, 271.

Sec. 20. Depository.

All monies received by any department or agency of this city shall be deposited promptly with the city depository. The city manager shall designate the depository banking institution, with the approval of the council, and in accordance with such regulations as to security for deposits as may be established by ordinance. All deposits of the city shall be secured in compliance with the Public Funds Investment Act, as amended. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. H (prop. H), approved at election of 5/4/19)

State law reference—Depositories for municipal funds, V.T.C.A., Local Government Code, ch. 105.

Sec. 21. Taxation generally.

The council shall have the power within the city annually to levy and collect taxes not exceeding amounts established by State law of all real estate and personal property not exempt from taxation by the Constitution and laws of Texas. A modern plat system of all property within the city shall be maintained, together with such other data as the council may deem necessary in making assessments.

The council shall have power annually to levy and collect a franchise tax against any public service corporation operating within the city. The council shall have power annually to assess and collect such occupation taxes, licenses, and franchise taxes as may be authorized by the laws of the State of Texas.

All taxes for the current fiscal year shall be set by the council in accordance with State law. All taxes shall be due October 1st, and shall be delinquent February 1st, next. All delinquent taxes

shall bear interest and penalty as established by the council and shall be in accordance with the State laws of Texas.

(Ordinance 438 adopted 10/8/63, sec. 4, approved at election of 11/19/63; Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. I (prop. I), approved at election of 5/4/19)

State law references—Texas Property Tax Code supersedes municipal charter, V.T.C.A., Tax Code, sec. 1.02; property taxes authorized, V.T.C.A., Tax Code, sec. 302.001; tax collection powers, V.T.C.A., Tax Code, sec. 302.102.

Sec. 22. Reserved.

Editor's note—Ordinance 962, sec. 5, prop. I, amended charter sections 22–25 and 37 "...to be consistent with the General Laws of the State of Texas...". No attempt has been made by the editor to insert the provisions of the applicable state laws into the amended sections and said sections remain as previously set out, except as otherwise amended by said Ordinance 962; said sections presumably remain valid to the extent that they are not in conflict with state law.

The city has advised that, because of a change in 1980 by the State of Texas, the appraisal of property is now taken care of by county tax appraisal districts and not by the taxing entities. Hence, the board of equalization has been eliminated.

Sec. 23. Special assessments.

The council shall have power to levy and collect special assessments upon property within the city specially benefited from the acquisition of land or property, or for the construction of any municipal facility or improvement, including a public utility, to pay the cost in part of such acquisition or construction, the method and procedure for determining the amount to be governed by general ordinance and as provided by the general laws of the State of Texas. (Ordinance 962 adopted 10/4/83, sec. 5, props. I, III, approved at election of 11/8/83)

Note—See the editor's note at section 22 of this charter.

Sec. 24. Issuance of bonds.

The city may issue bonds to pay for any property or public improvement which it may legally acquire or construct, to pay for any improvement, the cost of which is to be assessed in part against property specially benefiting, or to refund any outstanding indebtedness. No bonds shall ever be issued to pay current expenses.

The proposition for the issuance of bonds of the city, except refunding bonds, shall be submitted in a special election called for such purpose by the city council. The proposition for the issuance of such bonds shall be set forth in the notice of election and shall clearly state the purpose, the principal amount of such bonds, the maximum interest rate and the maximum maturity date of the bonds. In issuing the bonds, the city council shall conform strictly with the provisions of the proposition or propositions submitted.

All bonds shall be issued as serial bonds, the first serial maturity shall not be later than two (2) years from the date of issue and the final serial maturity shall not be later than thirty-five (35) years from the date of issue.

The city after the adoption of this Charter shall not increase the combined total bonded indebtedness of the city and its several agencies, payable from taxation, until such combined total indebtedness, less cash and securities to the credit of the respective sinking funds shall have been reduced to fifteen per cent (15%) of the city's current assessed valuations. Thereafter, such combined total bonded indebtedness of the city and several agencies, less cash and marketable securities to the credit of the respective sinking fund, shall not exceed an amount equal to ten per cent (10%) of the city's current assessed valuations.

No bonds shall be sold for less than par and accrued interest.

The city shall have no power to issue warrants or any other form of indebtedness except bonds, as specified herein, certificates of obligation and notes as provided hereafter in section 26, or as provided by the general laws of the State of Texas.

(Ordinance 324 adopted 2/6/51, approved at election of 3/20/51; Ordinance 962 adopted 10/4/83, sec. 5, props. I, III, approved at election of 11/8/83)

Note—See the editor's note at section 22 of this charter.

State law references—Public Security Procedures Act, V.T.C.A., Government Code, ch. 1201; refunding bonds, V.T.C.A., Government Code, ch. 1207; bond elections generally, V.T.C.A., Government Code, ch. 1251; municipal bonds, V.T.C.A., Government Code, ch. 1331; authority of municipality to issue bonds for public improvements, V.T.C.A., Government Code, sec. 1331.052.

Annotation—For a case upholding the validity of a bond issue under a former charter provision, see *Texas Power & Light Co. v. City of Sulphur Springs*, (Tex. Civ. A.), 103 S.W. 2d 859 (1937).

Sec. 25. Sinking funds.

A sinking fund for each issue of bonds shall be provided out of which to pay the principal and interest when it matures. The cash and securities to the credit of any sinking fund shall be kept in the city depository and shall be accounted separately from the cash and securities of any other city fund. Any officer or employee of the city who shall divert or use the cash and securities of any sinking fund for any purpose other than the purpose for which the sinking fund was created shall be deemed guilty of a felony and subject to prosecution under the laws of the State of Texas. When an issue of bonds has been retired in full its respective sinking fund shall be abolished and any remaining balance shall be divided pro rata among any remaining sinking funds.

If the council shall invest any cash of any sinking fund of the city it shall be invested as accorded by the general laws of the State of Texas.

(Ordinance 962 adopted 10/4/83, sec. 5, props. I, III, approved at election of 11/8/83)

Note—See the editor's note at section 22 of this charter.

Sec. 26. Temporary borrowing.

The council by resolution may authorize the city manager for not longer than the end of the current fiscal year to borrow money on the notes of the city from month to month in amounts not greater than necessary to supplement the revenues of the city in paying current expenses. All notes shall become due not later than September 30th of the fiscal year in which authorized. The council shall have no power to authorize the city manager to borrow money on the notes of the

city so long as any of the city's notes authorized in a preceding fiscal year remain unpaid. (Ordinance 962 adopted 10/4/83, sec. 5, props. I, III, approved at election of 11/8/83)

Editor's note—Ordinance 962, sec. 5, prop. I, provided that section 26 "...be amended to coincide with the current fiscal year of the City." Accordingly, the editor has deleted the date, "March 31," and substituted therefor the date "September 30th." See also the editor's note following section 16 of this Charter.

Sec. 27. Annual audit.

The council shall cause to be prepared an independent audit annually covering all of the city's financial affairs as soon after the close of the fiscal year as practicable. The annual city audit shall be published by the city council on the official website of the city. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. J (prop. J), approved at election of 5/4/19)

State law reference—Audit of municipal finances, V.T.C.A., Local Government Code, ch. 103.

Sec. 28. Power of condemnation.

The city shall have power to acquire property by condemnation within or without its corporate limits for any municipal purpose.

Sec. 29. Franchises.

Franchises heretofore granted by the city shall not be affected by adoption of this Charter. The council by ordinances may grant permission to any person to construct and operate a public utility within the city limits for a period not to exceed twenty (20) years. No public utility franchise shall be transferable directly, or through the acquisition of the capital stock of the grantee by another person, except by the approval of the council expressed by ordinance. Every franchise shall provide that the city may take over the plant and property of the grantee upon the payment therefor of its fair value. Every franchise shall require the grantee to furnish a certified annual statement which shall reflect accurately the investments and the earnings of the grantee's properties within the city. Every franchise shall require the right to review and revise the grantee's rates every five (5) years. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83; Ordinance 2739 adopted 2/5/19, exh. K (prop. K), approved at election of 5/4/19)

State law references—Franchise to use streets in municipality, V.T.C.A., Transportation Code, sec. 311.071 et seq.; authority to grant franchise to use or occupy public grounds, V.T.C.A., Local Government Code, sec. 282.003; municipal home-rule powers to regulate public utilities and franchises using streets, etc., V.A.C.S., art. 1175.

Sec. 30. Right of regulation of public utilities.

All grants, renewals, extensions, or amendments shall be subject to the right of the city to repeal the same for misuse or non-use, or otherwise to comply with the terms prescribed. The city may impose such regulations as shall safeguard all property rights of other resident persons and may be conducive to the safety, welfare and accommodation of the public. The city shall have power to regulate charges made by public utilities for services to the residents of the city. The city shall have power to impose such regulations upon all transportation agencies operating within the city as it may find to be in the interest of public safety and convenience.

State law references—Authority to grant franchise to use or occupy public grounds, V.T.C.A., Local Government Code, sec. 282.003; municipal home-rule powers to regulate public utilities and franchises using streets, etc., V.A.C.S., art. 1175.

Sec. 31. Municipal utilities.

The city shall have power to own and operate whatever public utilities the council may deem wise, provided that before any public utility shall be acquired or constructed to be owned or operated by the city the resident qualified electors shall at an election give a favoring majority vote of those voting in such an election. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

State law reference—Municipal utilities, V.T.C.A., Local Government Code, ch. 552.

Sec. 32. Streets, parks and cemeteries.

The council shall provide by ordinance for the control and improvement of streets, alleys, sidewalks, parks, cemeteries, and public buildings and shall cause the same to be kept in repair and free from nuisance. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

State law references—Authority of municipality over and under public highways, streets and alleys, V.T.C.A., Transportation Code, sec. 311.001; authority to acquire and maintain parks, museums and historic sites, V.T.C.A., Local Government Code, ch. 331.

Sec. 33. Public safety.

The city shall have power to define all nuisances and hazards to life and property and prescribe controls for the same within the city limits and outside the city limits for a distance within one mile.

Sec. 34. Public health.

The council shall have power to make all regulations and inspections necessary to safeguard the public health of persons resident within the city. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 35. Licenses.

The council shall have power to license such occupations as are susceptible to the police power. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 36. Building codes.

The council shall have power by ordinance to prescribe and enforce compliance with codes governing materials and construction methods in all public and private buildings within the city limits. (Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Sec. 37. Extension of city limits.

The council shall have power by ordinance to annex any additional area lying adjacent to the city. Such an area annexed shall become a part of the City of Sulphur Springs. City services should be provided to the annexed area as accorded by the general laws of the State of Texas. (Ordinance 962 adopted 10/4/83, sec. 5, props. I, III, approved at election of 11/8/83)

Note—See the editor's note at section 22 of this Charter.

State law references—Municipal annexation, V.T.C.A., Local Government Code, ch. 43; authority of home-rule municipality to annex area, V.T.C.A., Local Government Code, sec. 43.021.

Annotation—For a case concerning the validity of an annexation pursuant to section 37 above, see *State v. City of Sulphur Springs*, (Tex. Civ. A.) 214 S.W. 2d 663 (1948).

Sec. 38. Zoning.

All powers granted by Chapter 283 of the General and Special Laws of the 40th Legislature of Texas, as amended, relating to zoning in cities, are hereby adopted and made a part of this Chapter.

State law reference—Municipal zoning authority, V.T.C.A., Local Government Code, ch. 211.

Sec. 39. Corporation [municipal] court.

There is hereby established a corporation [municipal] court, which shall have the jurisdiction and powers as are allowed under the laws of the State of Texas and as may be conferred upon it by the council.

The city council shall appoint a corporation [municipal] court judge and prescribe the time of his appointment.

(Ordinance 438 adopted 10/8/63, sec. 4, approved at election of 11/19/63; Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

Editor's note—The designation “corporation court” was changed to “municipal court” by 1969 Act appearing at art. 1194A, Vernon's Ann. Civ. St.

State law references—Municipal courts generally, V.T.C.A., Government Code, ch. 29; jurisdiction of municipal courts, V.T.C.A., Government Code, sec. 29.003; municipal court judges, V.T.C.A., Government Code, sec. 29.004 et seq.

Sec. 40. Codification of ordinances.

The city council shall cause a new code of city ordinances to be prepared as early as practicable and enacted to give effect to this Charter and to repeal or revise such ordinances as may be obsolete or in conflict with this Charter. All ordinances and resolutions in force in the City of Sulphur Springs at the time this Charter takes effect, not inconsistent with the provisions of this Charter, shall continue in full force and effect until otherwise provided by ordinance.

A copy of the City Charter and all city ordinances shall be printed and kept in a volume which shall be kept up to date by supplement as any changes or additions occur.

(Ordinance 962 adopted 10/4/83, sec. 5, prop. III, approved at election of 11/8/83)

State law reference—Code of ordinances, V.T.C.A., Local Government Code, ch. 53.

Sec. 41. Amendments to Charter.

Amendments may be submitted to the resident qualified electors of the city by a petition of twenty percent (20%) of the resident qualified electors or by ordinance. If a proposed amendment be approved by a majority of the electors voting thereon it shall become a part of the Charter at the time fixed herein.

State law reference—Charter amendments, V.T.C.A., Local Government Code, sec. 9.004 et seq.

Sec. 42. Construction of Charter; savings clause.

This Charter shall be construed as a whole and shall receive a liberal construction to carry out the intents and purposes herein set forth. If any part of this Charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the Charter.

Sec. 43. Submission of Charter to electors.

This Charter shall be submitted to the qualified voters of the City of Sulphur Springs at an election to be held for that purpose, and if a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter it shall become the Charter of the City of Sulphur Springs. After its adoption the city secretary shall file an official copy of the Charter with the records of the city, [and] a copy certified by the mayor's signature and the seal of the city shall be forwarded to the Secretary of State of Texas and shall show the approval of such Charter by majority vote of the qualified voters voting at such election.

Editor's note—The charter was approved at an election held February 18, 1947.

State law reference—Vote on charter, V.T.C.A., Local Government Code, sec. 9.003.

Sec. 44. Nonsubstantive revisions.

(1) The City Council may, without approval of the voters, adopt an ordinance that makes the following types of revisions to the Charter:

- (A) Renumbering, revising titles, and rearranging parts thereof;
- (B) Correcting errors in spelling, grammar, cross-references, and punctuation; and
- (C) Revising language to reflect modern usage and style and updating statutory amendments, changes or references.

(2) A revision under this section is not intended to and shall not be interpreted as making any substantive change in any Charter provision.

(Ordinance 2739 adopted 2/5/19, exh. L (prop. L), approved at election of 5/4/19)

Sec. 45. Charter review.

The City Council shall appoint at its first regular meeting of 2028 and not later than every tenth year thereafter, a Charter Commission of twelve (12) citizens of the City of Sulphur Springs. The Charter Commission shall include the City Manager, the Mayor and no more than 2 other councilmembers.

A. Duties of the Commission:

1. Review the operation of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the commission shall have the power to compel the attendance of any officer or employee of the City and require the submission of any of the City records which it may deem necessary to the conduct of such hearing;
2. Propose any recommendations it may deem desirable to ensure compliance with the provisions of the Charter by the several departments of the City government;
3. Propose, if it deems desirable, amendments to this Charter to improve the effective application of the Charter to current conditions; and
4. Report its findings and present its proposed amendments, if any, to the Council. Prior to submitting proposed amendments to the Council, however, the Charter Commission shall have such proposed amendments reviewed by the City Attorney to ensure compliance with State law.

B. Term of Office: The term of office of such Charter Review commission shall be six (6) months, or sooner if a report is presented to the City Council prior to said term of office. If during such six (6) month term no report is presented to the City Council, then the records of the proceedings of such Commission shall be filed with the person performing the duties of the City Secretary and shall become a public record.

C. Action by the Council: The Council shall receive any report presented by the Charter Review Commission. The Council shall consider any recommended Charter amendments made and may accept, amend, or decline to accept the recommendations. If the Council accepts or amends the recommendations of the Charter Review Commission, the Council shall order the recommended Charter amendments, as accepted or amended, to be submitted to the voters of the City in the manner provided by state law.

(Ordinance 2739 adopted 2/5/19, exh. M (prop. M), approved at election of 5/4/19)