

MINUTES OF MARCH 11, 2024, REGULAR MEETING

On this, the 11th day of March 2024, beginning at 6:00 p.m., the City Council convened in regular session in the City Council Room. The meeting being open to the public and notice of said meeting having been given as prescribed by Chapter 51 of the Government Code with the following being present and in attendance to wit:

Mayor Joe Davis, Council Members Ed Bailey, Jill Cromwell, Ray Dickson, C.W. Ivey, Leslie Ivy, Melisa McIntosh, Mollie Moffitt and Woody Richardson. Employees present were City Secretary Cindy Woodard, Fireman Nick Narvaez, Police Chief Rex Plant, Animal Control Officer Brian Watson, Municipal Court Judge David Aleman, Librarian Jackie Owens and Water Clerk Marla Green. Others present were Kim Cloyd, Monte Rogers, David Tarrant, Llyod Roberts and Viki Woodard.

CALL TO ORDER AND INVOCATION

Mayor Davis called the regular meeting to order and noted a quorum present. He welcomed all in attendance and asked Alderman Richardson to voice the invocation. The following items were presented.

PUBLIC COMMENT

Kim Cloyd reported the Chamber would be having an Easter egg hunt at the city park on Saturday, March 30th at 10:00 a.m. and everyone was invited.

APPROVE CONSENT AGENDA ITEMS

The consent agenda items were presented for approval: the regular meeting minutes from February 12, 2024, accept collections and pay expenditures for February 2024. Alderman Bailey moved to approve the consent agenda items, seconded by Alderwoman Moffitt. The vote was unanimous in favor.

DEPARTMENT HEAD REPORTS ON MONTHLY ACTIVITIES

Public Works Director Junior Casas was absent so no report was given.

Librarian Jackie Owens reported Kay McCarty did a fantastic job of filling in while she was out taking care of her mom. The internet service was down for a few days due to the antenna being blown over. The first Monday book club is continuing to meet, and this month's book is about the women in Vietnam. The City of Turkey is trying to reopen their library that has been closed since 2017. She has some duplicate copies of books that she will be donating to them.

Fireman Nick Narvaez presented his written report to the council. He reported the department got the semi-truck purchased and they were looking for a trailer. They currently are borrowing one from Barney Barnett. Mayor Davis asked about the sirens and if they could be tested once a month as they had done in the past. Narvaez would bring this up at their next meeting.

CONTINUATION OF MINUTES MARCH 11, 2024

Judge David Aleman presented his written report to the council. He reported he is considering switching to Perdue & Brandon law firm to assist with collections of unpaid fines. The advantage to changing is people may pay more attention to a collection letter that comes from a law firm.

Police Chief Rex Plant presented his written report. He reported during the recent power outage he had driven around town with his lights on but not flashing for safety reasons. He has purchased more traps for animal control to use for skunks. Cassie has finished her training, and they are waiting for her to take the test. He is planning a citizen appreciation day at city hall on May 4th during the pet vaccination clinic. They will be serving hot dogs and having a bike clinic for the kids.

City Secretary Woodard reported the city received additional funding from LEOSE which provides training for law enforcement and fire personnel. The police department Tahoe was paid off this month. A save the date for the next TML quarterly meeting is on April 18th and will be hosted by the City of Spearman.

CLEAN-UP COMMITTEE REPORT

Alderman Ivy reported the committee met last week with Chief Plant and discussed the city's enforcement of the ordinance for cleanup and junk vehicles. The ordinance allows for citations and fines to be issued. Fines are set by Municipal Court Judge Aleman and he explained how the process worked. They also met with Public Works Director Casas and discussed possible solutions to the problem with fixing potholes in the city streets. Better materials and a different application was suggested. Alderman Cromwell reported there are two more city properties to be cleaned up but there is no commitment on a timeline to get the work done. Alderman Ivy reported there has been no progress on the fence around the dumpsters at the Housing Authority. Alderman McIntosh reported that Josh said he would deliver the materials to the site, but Junior says they are busy and do not have time to do it. Josh offered to have his guys put up the fence and send the city a bill.

CONSIDER LEASE AGREEMENT WITH ROLLING PLAINS SPORTSMAN CLUB

David Tarrant with the Rolling Plains Sportsman Club addressed the council as to why the club had to have the park property leased and why the signs were up. City Secretary Woodard reported that City Attorney Bryan Guymon has reviewed the current lease as requested by the council. Guymon has advised that public park property should not be leased. He has recommended terminating the current lease and offering a new lease. Woodard reported the Sportsman Club has obtained insurance coverage since the last meeting. Alderman McIntosh moved to terminate the current lease agreement with the Rolling Plains Sportsman Club, seconded by Alderman Ivey. The vote was unanimous in favor. Alderman Ivey moved to offer a new lease agreement with the Rolling Plains Sportsman Club for the gun range and require they have liability insurance on the range and on their hosted events in the city park, seconded by Alderman Dickson. The motion passed with seven in favor. Alderman Ivy abstained from the vote.

CONTINUATION OF MINUTES MARCH 11, 2024

CONSIDER CITY ATTORNEY OPINION ON ALLEY ISSUE IN ROYWOOD ADDITION ON LEE STREET

City Secretary Woodard presented City Attorney Guymon's legal opinion and according to official city maps, there is a designated alley between 306 S. Lee Street and 304 S. Lee Street. Alderwoman McIntosh moved to have the city contact Michael Steptoe who placed the fence up on city property and did not have any authorization to do so and he needs to remove the fence, seconded by Alderwoman Ivy. The vote was unanimous in favor.

CONSIDER UPDATES TO PERSONNEL POLICES & PROCEDURE MANUAL SECTIONS 1.03 AND 3.00

Sections 1.03 and 3.0 of the policy manual were discussed. No action was taken at this time.

CONSIDER CITY ATTORNEY OPINION FOR ZONING REQUIREMENTS ON DOWNTOWN SQUARE

City Secretary Woodard reported City Attorney Guymon stated they would need to have comprehensive zoning for the entire city and not just on the downtown square. Mayor Davis suggested looking into the downtown Main Street program. No action was taken.

CONSIDER RESOLUTION 3-11-24A APPROVING THE PROJECT OF THE MEMPHIS ECONOMIC DEVELOPMENT CORPORATION TO DAENA SANTOS FOR BLOOMS & BOLLS FLOWER SHOP

City Secretary Woodard presented the Resolution for the flower shop project. Alderwoman Ivy moved to approve Resolution 3-11-24A approving the project of the Memphis Economic Development Corporation to Daena Santos to purchase Blooms & Bolls Flower Shop, seconded by Alderwoman Moffitt. The vote was unanimous in favor. A copy of the Resolution follows these minutes.

CONSIDER RESOLUTION 3-11-24B SUSPENDING THE APRIL 4, 2024 EFFECTIVE DATE OF AEP TEXAS INC.'S REQUESTED RATE CHANGE

City Secretary Woodard reported this Resolution is to suspend AEP's requested rate change. Alderman Bailey moved to approve Resolution 3-11-24B suspending the April 4, 2024 effective date of AEP Texas Inc.'s requested rate change, seconded by Alderwoman Moffitt. The vote was unanimous in favor. A copy of the Resolution follows these minutes.

CONTINUATION OF MINUTES MARCH 11, 2024

CONSIDER BIDS RECEIVED ON 1995 FORD TRASH TRUCK

One bid was received from the City of Follett in the amount of \$15,575.00. Alderwoman Moffitt moved accept the bid of \$15,575.00 from the City of Follett for the 1995 Ford Trash Truck, seconded by Alderman Richardson. The vote was unanimous in favor.

CONSIDER ALLOCATION OF REMAINING ARP FUNDS FOR WATER METER PURCHASE

City Secretary Woodard reported there is \$18,112 remaining in the American Rescue Plan funds. Public Works Director Cass is requesting to use the funds to assist in purchasing the remaining water meters that the grant did not cover. Alderwoman Moffitt moved allocate the remaining ARP funds for the water meter purchase, seconded by Alderman Dickson. The vote was unanimous in favor.

CONSIDER ACCEPTING BIDS ON SURPLUS CITY EQUIPMENT

A list of surplus equipment was presented. Alderwoman McIntosh moved to advertise to accept bids on surplus property, seconded by Alderman Ivey The vote was unanimous in favor.

CONSIDER PROCEDURE FOR ORDINANCE ENFORCEMENT OF JUNK VEHICLES, JUNK AND DEBRIS

Police Chief Plant reported letters for junk vehicles, junk and debris and dilapidated house have been sent out. The enforcement procedure was discussed. Alderman Ivey moved to follow the Ordinance and leave fines for the Chief of Police to determine, seconded by Alderwoman Moffitt. The vote was seven in favor and one opposed. Alderman Bailey was opposed.

CONSIDER DATE FOR PUBLIC HEARING OF SUBSTANDARD BUILDING COMMISSION

City Secretary Woodard explained the substandard building commission consists of the city council and the ordinance says a hearing must be held to address the dilapidated houses to determine if they are a nuisance. Alderman Ivey moved to set the date for a public hearing of the substandard building commission for May 13, 2024, during the regular city council meeting, seconded by Alderwoman Moffitt. The vote was unanimous in favor.

CONSIDER REQUESTING BIDS FOR MOWING LOTS FOR ORDINANCE 432 VIOLATIONS

City Secretary Woodard explained that having one person do the mowing for the entire season would simplify the process and save time and money. Currently they bid out each yard every time there is a violation. Alderwoman Moffitt moved to approve requesting bids for mowing lots for Ordinance 432 violations, seconded by Alderwoman Ivy. The vote was unanimous in favor.

CONTINUATION OF MINUTES MARCH 11, 2024

CONSIDER UPDATES TO CITY PARK CODE ARTICLE 10.02 DIVISION 3 PARK HOURS

Police Chief Plant presented changes to the wording for the park hours. It was suggested to add rules for the RV park. Alderman Ivey moved to table this item to the next meeting, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

CANCELLATION OF MAY 4, 2024 SPECIAL CITY OFFICERS ELECTION

City Secretary Woodard presented the certification of unopposed candidates for the special election. Alderman Bailey moved to order the cancellation the May 4, 2024, special city officers election, seconded by Alderman Richardson. The vote was unanimous in favor. A copy of the order follows these minutes.

CONSIDER ELECTION SERVICES AGREEMENT WITH HALL COUNTY FOR CITY OFFICERS GENERAL ELECTION MAY 4TH, 2024

City Secretary Woodard reported Hall County Clerk Kaci Mills would be the Early Voting Clerk for the regular general election. All voting this year would take place at the Courthouse Annex in the Commissioner's Courtroom. Alderman Bailey moved to approve the Election Services agreement with Hall County for City Officers General Election May 4th, 2024, seconded by Alderwoman McIntosh. The vote was unanimous in favor.

CONSIDER APPOINTMENT OF ELECTION JUDGE AND ELECTION CLERKS FOR MAY 4TH, 2024

City Secretary Woodard reported Nancy Chastain has agreed to be the Election Judge and Randy Phillips and Sarah Casas agreed to serve as clerks. Alderman Bailey moved to approve the appointment of Election Judge and Election Clerks as presented for May 4, 2024, seconded by Alderman Richardson. The vote was unanimous in favor.

CONSIDER ORDINANCE 692 – ANIMAL CONTROL CODE UPDATES

Mayor Davis presented Ordinance 692. Alderman Bailey moved to adopt Ordinance 692 approving the animal control code updates, seconded by Alderwoman Moffitt. The vote was unanimous. A copy of the ordinance follows these minutes.

CONSIDER ORDINANCE 693 – FIRE MARSHAL AND FIRE CODE UPDATES

Mayor Davis presented Ordinance 693. Alderman Bailey moved to adopt Ordinance 693 approving updates to the Fire Marshal and Fire Code, seconded by Alderwoman Moffitt. The vote was unanimous. A copy of the ordinance follows these minutes.

CONTINUATION OF MINUTES MARCH 11, 2024

MAYOR AND COUNCIL ITEMS OF COMMUNITY INTEREST

Alderwoman Cromwell had no comments. Alderwoman Ivy states she is glad to be here and thanked everyone for participating. She also thanked Jackie for all she does at the library. Alderman Bailey commented he appreciates everyone. He thanked Jackie and said they are behind her in what she has been doing. Alderman Richardson thanked the city for providing the building for the services of his brother-in-law. He appreciates what everyone does. Alderwoman Moffitt said she appreciates everyone, appreciates Cindy for hanging in with them and Jackie for all she does. Alderman Dickson stated he appreciates everybody and everything that they do. Alderwoman McIntosh stated she appreciates everybody, and everyone's input. Alderman Ivey thanked everyone for attending and all that they do. Mayor Davis reported he was going to look into this zoning to see what we can do about the downtown square. He would also look into the materials we are using for the potholes. He thanked everyone on the city council for serving the public.


ADJOURN

Alderman Bailey moved to adjourn the meeting, seconded by Alderman Dickson. The vote was unanimous in favor. The meeting was adjourned at 8:45 p.m.

Approved:


Joe Davis, Mayor

Attest:


Cindy Woodard, City Secretary

RESOLUTION NO. 3-11-24A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS: APPROVING A PROJECT OF THE MEMPHIS ECONOMIC DEVELOPMENT CORPORATION; SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

WHEREAS, the City Council finds that it is in the best interest of promoting economic development of the City of Memphis to approve the project described below for the establishment of a new business; and

WHEREAS, the project is in the City's municipal boundary and the City Council specifically finds that this project will result in increased sales and other economic activity within the city;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS:


SECTION 1. That the Memphis Economic Development Corporation's recommended project to loan the sum of Seventy-Five Thousand and no/100 Dollars (\$75,000.00) to Maria Daena Santos to purchase the building at 113 S 6th Street, Memphis, Texas, and for equipment and improvements to the building, that is located within the city, upon the terms and conditions provided for in that certain economic development agreement, promissory note, security agreement, deed of trust, and personal guaranty is hereby approved by the majority vote of the Memphis City Council.

SECTION 2. That should any part of this resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this resolution.

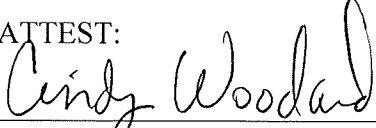
SECTION 3. That should any word, phrase, or part of this resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

SECTION 4. That this resolution shall be effective on and after its date of adoption.

PASSED AND APPROVED by the City Council of the City of Memphis, Texas, this 11th day of March, 2024.



Joe Davis, Mayor

ATTEST:


Cindy Woodard, City Secretary

RESOLUTION NO. 3-11-24B

RESOLUTION OF THE CITY OF MEMPHIS SUSPENDING THE APRIL 4 2024 EFFECTIVE DATE OF AEP TEXAS INC.'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE CITIES SERVED BY AEP TEXAS AND AUTHORIZING INTERVENTION IN AEP TEXAS INC.'S REQUESTED RATE CHANGE PROCEEDINGS BEFORE THE COMMISSION; HIRING LLOYD GOSSELINK ATTORNEYS AND CONSULTING SERVICES TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

WHEREAS, on or about February 29, 2024, AEP Texas Inc. ("AEP Texas" or "Company"), pursuant to Public Utility Regulatory Act ("PURA") §§ 33.001 and 36.001 filed with the City of Memphis ("City") a Statement of Intent to change electric delivery rates in all municipalities exercising original jurisdiction within its service area, effective April 4, 2024 and

WHEREAS, the City is an electric utility customer of AEP Texas and a regulatory authority with an interest in the rates and charges of AEP Texas; and

WHEREAS, the City is a member of the Cities Served by AEP Texas ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP Texas' service area; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, the City retains its rights as a city with original jurisdiction including the right to suspend the application; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility; and

WHEREAS, the City's consultants and attorneys recommend that the City suspend the application for further review.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS:

SECTION 1. That the April 4, 2024, effective date of the rate request submitted by AEP Texas on or about February 29, 2024, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. That the City joins other Cities Served by AEP Texas in this proceeding and, subject to the right to terminate employment at any time, hereby authorizes the hiring of Thomas Brocato of Lloyd Gosselink Rochelle and Townsend, P.C, and consultants to review the Company's filing, negotiate with the Company, make recommendations regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of city action.

SECTION 3. That the City shall work with Cities Served by AEP Texas in the review and evaluation of whether the proposed rates are appropriate, fair, just, and reasonable; and, intervene as a necessary party in the Public Utility Commission of Texas' consideration of AEP Texas' rate filing in Docket No. 56165 as it affects the customers in the unincorporated areas of AEP Texas' service territory.

SECTION 4. That the City's reasonable rate case expenses shall be reimbursed by AEP Texas.

SECTION 5. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

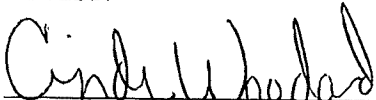
SECTION 6. A copy of this Resolution shall be sent to AEP Texas, care of Jennifer Frederick, American Electric Power Company, 400 West 15th Street, Suite 1520, Austin, Texas 78701 (aepaustintx@aep.com), and to Thomas Brocato at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 (tbrocato@lglawfirm.com).

PASSED AND APPROVED this 11TH day of March, 2024.




JOE DAVIS, MAYOR

ATTEST:



Cindy Woodard, City Secretary

APPROVED AS TO FORM:



City Attorney

ORDER OF CANCELLATION
ORDEN DE CANCELACIÓN

The City of MEMPHIS hereby cancels the ^{SPECIAL} election scheduled to be held on
(official name of governing body)
MAY 4, 2024 in accordance with Section 2.053(a) of the Texas
(date on which election was scheduled to be held)
Election Code. The following candidates have been certified as unopposed and are hereby
elected as follows:

El Ciudad de Memphis por la presente cancela la ^{especial} elección que, de lo contrario,
(nombre oficial de la entidad gobernante)
se hubiera celebrado el 4 de mayo de 2024 de conformidad, con
(fecha en que se hubiera celebrado la elección)
la Sección 2.053(a) del Código de Elecciones de Texas. Los siguientes candidatos han sido
certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado
a continuación:

Candidate (Candidato)	Office Sought (Cargo al que presenta candidatura)
C.W. IVEY	ALDERMAN WARD 1, 1-YEAR TERM

A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Joe Sawto
President (Presidente)
Cindy Woodard
Secretary (Secretario)

(seal) (sello)

MARCH 11, 2024
Date of adoption (Fecha de adopción)

ORDINANCE NO. 692

AN ORDINANCE AMENDING THE MEMPHIS CITY CODE CHAPTER 3, ARTICLE 3.05 NUISANCES, SECTION 3.05.002 PROCEDURE AND COURT AUTHORITY FOR ABATEMENT; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on February 13, 2023, the City Council of the City of Memphis, Texas(City Council) adopted the Animal Control Code for nuisances, which is codified as Chapter 3 Animal Control Article 3.05 Nuisances; and

WHEREAS, the City Council for the City of Memphis, Texas voted at the February 12, 2024 council meeting to amend Article 3.05 Nuisances, Section 3.05.002 Procedure and court authority for abatement; and

WHEREAS, the City Council of the City of Memphis finds that it is in the best interest of the health, safety and welfare of its citizens to amend this Article accordingly; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS THAT:

SECTION 1. Memphis Animal Control Code Article 3.05, Section 3.05.002 is amended to read as follows (for reference purposes, new additions to the Code of Ordinances are underlined with deleted or omitted provisions indicated by strike out type):

Section 3.05.002. Procedure and court authority for abatement.

(a) Authority of court relative to hearing and various dispositions of dogs, cats, and other animals. Upon written complaint wherein any dog, cat or other animal is alleged to be a nuisance as defined in section 3.01.001, the municipal court of the city shall have the authority to order and hold a hearing upon giving notice to the owner of such dog, cat or other animal, and if the court shall determine at such hearing that such dog, cat or other animal meets the definition of nuisance in section 3.01.001, the court may order that such dog, cat or other animal be kept muzzled, or be kept within a sufficient enclosure, or be delivered to the animal control officer and be destroyed by him/her, or assess a fine against the owner, or any combination of the foregoing.

(b) Order of removal; notification. If the court shall determine that any dog or cat disturbs the peace and quiet of the neighborhood or occupant of any adjacent premises by loud, unusual or prolonged barking or howling, the court may order that such dog or cat be removed permanently beyond the city limits or delivered to the animal control officer and destroyed by him/her, and failure or refusal to do so within 24 hours after receiving such order shall be deemed an offense. A substantial copy of such order for hearing detailing the time, date, place and purpose thereof, personally delivered or enclosed in a correctly

SECTION 3. Severability. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in full force and effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

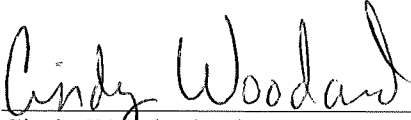
SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as may be required by governing law.

READ, PASSED, AND ADOPTED THIS 11TH DAY OF MARCH, 2024, BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS.



Joe Davis, Mayor

ATTEST:



Cindy Woodard, City Secretary

ORDINANCE NO. 693

AN ORDINANCE AMENDING THE MEMPHIS CITY CODE CHAPTER 6, ARTICLE 6.02 FIRE MARSHAL AND 6.03 FIRE CODE; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on February 13, 2023, the City Council of the City of Memphis, Texas(City Council) adopted a Fire Prevention and Protection code, which is codified as Chapter 6, Article 6.02 Fire Marshal and 6.03 Fire Code; and

WHEREAS, the City Council for the City of Memphis, Texas voted at the February 12, 2024 council meeting to amend Article 6.02 Fire Marshal Office created and update 6.03 Fire Code adopted; and

WHEREAS, the City Council of the City of Memphis finds that it is in the best interest of the health, safety and welfare of its citizens to amend these Articles accordingly; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS THAT:

SECTION 1. Memphis City Code Chapter 6, Fire Prevention and Protection, Sections 6.02 and 6.03 are amended to read as follows:

Section 6.02.001. Fire Marshall. Office created; appointment; compensation.

The office of fire marshal is hereby created. The fire marshal reports directly to the mayor and city council. Such office shall be filled by appointment by the mayor, by and with the consent of the city council, within ten days after this article shall take effect. The fire marshal shall be properly qualified for the duties of his office, which include the power to make arrests and shall be removed only for cause. He shall serve on a voluntary basis without compensation.

Sec. 6.03.001. Fire Code. Adopted

There is hereby adopted by the city council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the NFPA 1, Fire Code, most current edition on file, published by the National Fire Protection Association, copies of which shall be maintained by the fire marshal and fire department and from the date on which this code shall take effect, the provisions thereof shall be controlling within the limits of the city.

SECTION 2. Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

addressed envelope to such owner, postage prepaid, and deposited in the United States mail within not less than ten (10) days prior to the date of such hearing, shall be deemed sufficient and proper notice.

(c) Defense. If it appears upon trial that any person attacked or bitten was trespassing upon the property of the owner or person having control of such dog or cat, or if any person attacked or bitten was provoking or teasing such dog or cat, or if such loud, unusual or prolonged barking or howling was provoked as the result of teasing or harassment by persons other than the owner, such conduct shall be a complete defense to any complaint brought under this section.


(d) Failure to release deemed offense. A person commits an offense if he knowingly possesses and fails to release to the animal control officer, or any peace officer under his direction, a dog or cat that has been charged by sworn complaint as provided in this section.

SECTION 2. Repealer. All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

SECTION 3. Severability. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in full force and effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

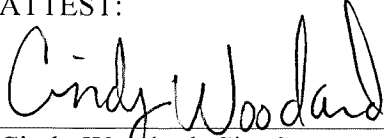
SECTION 4. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as may be required by governing law.

READ, PASSED, AND ADOPTED THIS 11TH DAY OF MARCH, 2024, BY THE CITY COUNCIL OF THE CITY OF MEMPHIS, TEXAS.



Joe Davis, Mayor

ATTEST:



Cindy Woodard, City Secretary