PART I
CHARTER[1]

ARTICLE I. INCORPORATION, FORM OF GOVERNMENT AND POWERS

Sec. 1.01. Incorporation.

The inhabitants of the City of Denton, in Denton County, Texas, within the corporate limits as now established or as hereafter established in the manner prescribed by this charter, shall be and continue to be municipal corporation and the inhabitants thereof shall be a body politic and corporate in perpetuity under the name of the "City of Denton," possessing all power, property and interests which it possessed immediately prior to the time this charter takes effect or may hereafter acquire, and having the duties, obligations and liabilities now incumbent upon or hereafter incurred by the city as a municipal corporation.

Sec. 1.02. Boundaries.

The boundaries and limits of the City of Denton until changed in the manner herein provided, shall be the same as have heretofore been established and as exist on the date of the adoption of this charter, which boundaries are more fully set out and described by metes and bounds in a book entitled "Official Corporate Limits of the City of Denton, Texas," which is now, and shall hereafter be, on file in the office of the city secretary of the City of Denton.

Sec. 1.03. Extension of city limits.

The city council, by a vote of not less than four-fifths (⅘) of its membership, shall have the power by ordinance to provide for the alteration and extension of said boundary limits, and the annexation of territory lying adjacent to the City, with or without the consent of the inhabitants of the territory annexed. Upon the introduction of any such ordinance to the City Council, such ordinance shall be published one time in the official newspaper of the City of Denton. Amendments may later be incorporated into the proposed ordinance by a vote of not less than four-fifths (⅘) of the membership of the City Council and publication one time in the official newspaper of the City of Denton. The proposed ordinance, or any amendment thereof shall not thereafter be finally acted upon until at least thirty (30) days after the publication thereof; and upon the final passage of any such ordinance, or any amendment thereto, the boundary limits of the City shall thereafter be as fixed thereby. When any additional territory has been so annexed, same shall be a part of the City of Denton, and the property situated therein shall be subject to and shall bear its pro rata part of the taxes levied by the city, and the inhabitants thereof shall be entitled to and shall possess all the rights and privileges of the citizens of the City of Denton, and shall be under obligations as such citizens.

[1]Editor's note(s)—Published herein is the city's Home Rule Charter which was adopted by the voters at an election held on February 24, 1959. The original arrangement and section numbers have been retained. Subsequent amendments to the Charter are denoted by a history note at the end of the affected section and/or by a note explaining the effect of the amendment. Obviously misspelled words have been corrected without notation. Words added for clarity are enclosed in brackets.

Sec. 1.04. Form of government.

The municipal government provided by this charter shall be known as the "council-manager government." Pursuant to its provisions and subject only to the limitations imposed by the state Constitution and by this charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the council," which shall enact local legislation, adopt budgets, determine policies and appoint the city manager, who shall execute the laws and administer the government of the city. All powers of the city shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance.

Sec. 1.05. Powers of the city.

The City of Denton shall have and may exercise all the powers granted to cities by the Constitution or laws of Texas including specifically those powers made available to cities of more than five thousand (5,000) inhabitants by what is known as the Home Rule Amendment to the Constitution of Texas (Article XI, Section 5 and the Home Rule Enabling Act (Vernon's Texas Codes Annotated, Texas Local Government Code Section 5.004, Chapter 9, Chapter 26, and Subchapter E of Chapter 51), as these laws now read or may hereafter be amended. The city may acquire property within or without its corporate limits for any municipal purpose; may cooperate with the government of Texas or any agency thereof, or with the federal government or any agency thereof, or with the government of any county, city, or political subdivision to accomplish any lawful purpose for the advancement of the health, morals, safety, convenience, or welfare of the city or its inhabitants; may sell, lease, mortgage, hold, manage, and control such property as its interest may require; provided the city shall not sell, convey, lease, mortgage, or otherwise alienate the entire assets of any public utility system or any portion thereof essential to continued effective utility service without the prior approval by a majority of the qualified voters of the city who vote at an election held for this purpose; and may exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or the Constitution or laws of Texas. The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the city shall have and may exercise all other powers which under the Constitution and general laws of this state it would be competent for this Charter to specifically enumerate.

(Ord. No. 99-057, Amend. No. 2, 2-16-99, ratified 5-1-99)

Sec. 1.06. Liabilities, exemptions and limitations.

(a) No property belonging to the city shall be subject to any execution of any kind or nature.

(b) No fund belonging to the city shall be subject to garnishment, attachment or sequestration, and the city shall never be required to answer in any garnishment proceedings.

(c) No assignment of wages or other compensation earned, or to be earned, by any employee of the city shall be valid and the city shall never be required to recognize any such assignment or to answer in any proceeding thereon.

(d) The City of Denton shall never be liable for death or personal injury of a person or for property damages of any kind unless within ninety (90) days after the occurrence causing the damage, death, injury, or destruction a notice in writing by or on behalf of the person injured or claiming damages, if living, or the person's representative, if dead, or the owners of the property injured or destroyed is delivered to the city manager stating specifically and accurately in complete detail when, where, and how the exact death, injury, destruction, or damages occurred, the full extent of the injury, the basis of the claim, and the amount of damages claimed or asserted. This notice shall also include the residence of the claimant by street number on the date the claim is presented, the residence of the claimant for six (6) months immediately preceding

the occurrence of the death, injury, or destruction, and the names and addresses of all witnesses that are known at the time upon who it is relied to establish the claim for damages; provided, however, nothing in this subsection shall be construed to affect or repeal the provision in subsection (e) of this section relating to the liability of the city for damages on account of injuries received on the public streets, highways, alleys, grounds, public works, and public places of the city.

(e) The City of Denton shall never be liable for personal injury or property damages resulting from any defect in any public street, highway, alley, grounds or public work of the city unless the specific defect causing the injury or damage shall have been known to the city manager from personal inspection or written notice thereof for a period of at least twenty-four (24) hours prior to the occurrence of the injury or damage and proper diligence shall not have been used to rectify the defect after such inspection or notice. Such notice shall be required whether the defect arose from any act or omission of the city itself through its agent or employee, or otherwise.

(f) No provision of this section shall ever be so construed to expand the liability of the city.

(Ord. No. 99-057, Amend. No. 3, 2-16-99, ratified 5-1-99; Ord. No. 2006-232, Amend. No. 2, 8-28-06, ratified 11-7-06)

Sec. 1.07. Gender neutral.

Whenever used in this Charter, a word importing the masculine gender only shall extend and be applied to include females, and, where applicable, to firms, partnerships, and corporations, as well as males.

(Ord. No. 99-057, Amend. No. 4, 2-16-99, ratified 5-1-99)

ARTICLE II. THE COUNCIL

Sec. 2.01. Number, selection and term.

(a) The city council shall have seven (7) members, six (6) councilpersons and a mayor. The manner of their election is prescribed herein. Each councilperson shall be elected to and occupy a place on the council, such places being numbered one (1), two (2), three (3), four (4), five (5) and six (6). The mayor's position on the council shall be place seven (7).

(b) Four (4) members of the council whose positions shall be places one (1), two (2), three (3) and four (4), shall be residents of and elected by the qualified voters of single-member geographical districts of the city, known as districts one (1), two (2), three (3) and four (4), as such districts may from time to time be determined by the city council in accordance with Section 2.01(d), and created and described by ordinance. Two (2) members of the council and the mayor shall be elected by the qualified voters of the entire city, commonly known as at large. One (1) at large member, place five (5), shall be a resident of district one (1) or two (2), and one (1) at large member, place six (6), shall be a resident of district three (3) or four (4).

(c) (1) Each member of the council including the mayor shall hold a place on the city council, and shall be elected to such place for a two-year term. No member of the council or the mayor, who has been elected to three (3) consecutive full terms in a place, shall be eligible to file for election for that same place, whether elected before or after the effective date of this provision, without having first been off the council for at least one annual council election cycle. Nothing herein shall be deemed to prohibit the council members or the mayor from being elected to other places on the council or as mayor, so long as otherwise eligible, except that no council member or the mayor shall be elected to or serve for more than twelve (12) consecutive years.

(2) A person who has become ineligible to serve pursuant to Section 2.01(c)(1) shall not be eligible to be elected to a place on the council or as mayor without having first been off the council for at least one annual council election cycle, after which such person shall regain eligibility for office, if otherwise eligible under this Charter.

(d) The council shall from time to time create and describe by ordinance election districts known as districts one (1), two (2), three (3) and four (4). Such districts shall be created so that each will contain, as nearly as possible, a population equivalent to the others, according to the latest available census data.

(Ord. No. 76-12, Amend. No. 1, 4-5-76; Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 2009-199, Amend. No. 1, 9-1-09, ratified 11-3-09)

Sec. 2.02. Qualifications.

(a) Each member of the council, in addition to having the other qualifications prescribed by law:

(1) Shall be registered to vote in the city;

(2) Shall have domiciled for at least one year next preceding his or her election within the corporate limits of Denton and, if running within a single member geographic district, or at large place five (5) requiring a domicile in district one (1) or two (2), or at large place six (6) requiring a domicile in district three (3) or four (4), as set forth in Section 2.01, for at least one year preceding his or her election in the district in which elected; further, shall continuously be domiciled within the corporate limits of Denton and, if elected within a single member geographic district, or at large place five (5) requiring a domicile in district one (1) or two (2), or at large place six (6) requiring a domicile in district three (3) or four (4), in the district in which elected throughout his or her term of office.

(3) Shall not hold any other public office of emolument;

(4) Shall have and maintain the eligibility requirements for municipal officers set forth in Section 141.001 of the Texas Election Code, Vernon's Texas Civil Statutes Annotated hereinafter referred to as "Election Code" as it may now read or hereafter be amended.

(b) If a member of the council shall, after being elected, cease to possess any of these qualifications or eligibility requirements, or shall hold another office of emolument, or enter a plea of guilty to a felony, or be convicted of a felony he or she shall immediately forfeit his or her office.

(c) City Councilmember Stipend. Each member of the City Council shall receive compensation in the form of a monthly stipend as set forth in this section. The initial monthly stipend shall be seven hundred fifty dollars ($750.00) for each member of the City Council elected from a district or at large position, and one thousand dollars ($1,000.00) for the Mayor elected at large. These initial amounts shall become effective on ratification of this charter provision.

City Council may, by a separate ordinance, approve an adjustment in the stipend no more frequently than once per fiscal year, but no increase in such compensation shall take effect until commencement of the terms of the Mayor and/or Council Members elected at the next regular election. Any increase in the amount of the stipend shall not exceed three (3) percent of the then-current stipend amount unless approved by a two-thirds (⅔) vote of the Council. The stipend shall be reported in the annual city budget as a separate line item.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 99-057, Amend. No. 5, 2-16-99, ratified 5-1-99; Ord. No. 2009-199, Amend. No. 2, 9-1-09, ratified 11-3-09; Ord. No. 2017-237 , § 1(Amends. A, E), 8-15-17, ratified 11-7-17; Ord. No. 2017-373 , § 2(Props. A, E), 11-20-17)

Sec. 2.03. Presiding officer: Mayor and mayor pro tem.

The mayor shall preside at the meetings of the council and shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of martial law, but shall not interfere with the managerial duties and responsibilities of the city manager. The mayor shall have all the same powers and privileges as any other councilmember, including entitlement to vote upon all matters considered by the council, but shall have no veto power. The council shall, as soon as possible after the annual election, elect from its membership a mayor pro tem. The mayor pro tem shall act as mayor during the absence or disability of the mayor.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 2009-199, Amend. No. 3, 9-1-08, ratified 11-3-09)

Sec. 2.04. Vacancies in council.

Where a vacancy in any place on the council, including that of mayor, shall occur, the vacant place shall be filled by a special election, and, where necessary, by a runoff election, in the same manner as provided in this Charter for the regular election of the councilperson. Such special election shall be held on the first authorized uniform election date following the creation of the vacancy occurring on or after the thirtieth day after the date the election is ordered. The runoff election, where necessary, shall be held in accordance with the requirements of the Election Code and all other applicable laws; provided, however, that where a vacancy shall occur within one hundred and twenty (120) days of a regular election, no special election to fill the vacancy shall be called, unless more than one vacancy occurs.

(Ord. No. 76-12, Amend. No. 2, 4-5-76; Ord. No. 99-057, Amend. No. 6, 2-16-99, ratified 5-1-99; Ord. No. 2009-199, Amend. No. 3, 9-1-09, ratified 11-3-09)

Sec. 2.05. Meetings of the council.

(a) As soon as practicable after each city council election and in accordance with state law, the council shall meet at the city hall and the newly-elected members shall qualify and assume the duties of office. Thereafter, the council shall meet regularly at city hall at such times as may be prescribed by its rules but not less frequently than once each calendar month. Special called meetings may be held from time to time at city hall or other locations accessible to the public.

(b) Special meetings shall be called by the city secretary upon request of the mayor, city manager, or a majority of the members of the council.

(c) The city manager shall attend all meetings of the council and may take part in the discussion of all matters coming before the council but shall have no vote.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 2006-232, Amend. No. 3, 8-28-06, ratified 11-7-06)

Sec. 2.06. Quorum, voting.

(a) A majority of the members of the council shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of the council shall be necessary to repeal any ordinance or take any official action in the name of the city, except as otherwise provided in this Charter or by the general laws of the State of Texas.

(b) The ayes and noes shall be taken upon the passage of all ordinances or resolutions and the vote of each member shall be recorded in the minutes.

(Ord. No. 76-12, Amend. No. 3, 4-5-76; Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

Sec. 2.07. Rules of procedure, minutes.

The council shall determine its own rules of procedure and order of business. Except as may otherwise be provided by state law, such as certain executive sessions under the Texas Open Meetings Act, being Chapter 551 of the Texas Government Code, minutes of all meetings of the council shall be taken and preserved as a permanent record open to the public for inspection.

(Ord. No. 2006-232, Amend. No. 4, 8-28-06, ratified 11-7-06)

Sec. 2.08. Powers of the council.

Except as otherwise provided by this charter all powers of the city and the determination of all matters of policy shall be vested in the council. Without limitation of the powers granted or delegated to the city by the Constitution, statutes, or this Charter, the council shall have power to:

(a) Appoint and remove the city manager.

(b) Appoint and remove the city attorney, the city auditor, and the municipal court judge.

(c) Approve members of all boards, commissions and committees serving the city.

(d) Adopt the budget of the city.

(e) Fix the salary of the city manager, city auditor, city attorney, and the municipal court judge.

(f) Authorize by ordinance the issuance of bonds, assignments of revenue or warrants.

(g) Approve plats.

(h) Adopt and modify the official map of the city.

(i) Adopt and modify the zoning plan, including any and all zoning and land use regulations to the fullest extent allowed by law.

(j) Provide for the establishment and designation of fire limits and prescribe the kind and character of buildings, structures, or improvements which may be erected therein, and provide for the condemnation of dangerous or dilapidated buildings or structures which increase the fire hazard and the manner of their removal or destruction.

(k) Adopt and modify the building code.

(l) After receiving a recommendation from the planning commission adopt, modify and carry out plans proposed by the planning commission for the clearance of slum districts and rehabilitation of blighted areas, and for the replanning, improvement and redevelopment of any area or district which may have been destroyed in whole or in part by disaster.

(m) Regulate, license and fix the charges or fares made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on the public streets or alleys of the city.

(n) Provide by ordinance for the exercise of the police powers of the city.

(o) Establish and maintain a free public library and to cooperate for such purposes with any person, firm, association or political subdivision in the manner prescribed by ordinance.

(p) Provide by ordinance for the exercise by this city of any and all powers of local self-government not made self-enacting by this charter or by statute.

(q) Inquire into the conduct of any office, department or agency of the city and make investigations of municipal affairs.

(r) Provide for an independent audit.

(s) Perform the districting and redistricting function.

(Ord. No. 76-12, Amend. No. 4, 4-5-76; Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 2006-232, Amend. No. 5, 8-28-06, ratified 11-7-06)

Sec. 2.09. Ordinances.

(a) In addition to such acts of the council as are required by statutes or by this charter to be by ordinance, every act of the council establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness, shall be by ordinance. The enacting clause of all ordinances shall be: "The Council of the City of Denton hereby ordains:"

(b) Every ordinance shall be introduced in written, printed, or electronic form and passed in compliance with section 2.06 of this Article, authenticated by the signatures of the mayor (or mayor pro tem) and the city secretary and systematically recorded in an ordinance book in a manner approved by the council. It shall be necessary to record only the caption or title of each ordinance in the minutes of the council.

(c) A full text of every penal ordinance, or in lieu thereof a descriptive caption or title stating in summary the purpose of the ordinance and the penalty for violation thereof, shall be published at least twice in the official newspaper of the City of Denton within ten (10) days after the passage of such ordinance; provided that any penal ordinance shall become effective not less than fourteen (14) days from the date of its passage. All other ordinances, except those specifically required by this charter to be published, are not required to be published in either the official newspaper of the city or in any other publication, and such ordinances shall become effective upon passage or on the date specified therein.

(d) The council shall have power to cause the ordinances of the city to be corrected, amended, revised, codified and printed in code form as often as the council deems necessary and advisable, and such printed code, when adopted by the council, shall be in full force and effect without the necessity of publishing the same or any part thereof in the official newspaper except that the ordinance adopting the same shall be published one time in the official newspaper of the city. Such printed code shall be admitted in evidence in all courts and places without further proof.

(Ord. No. 2006-232, Amend. No. 6, 8-28-06, ratified 11-7-06)

Sec. 2.10. Council not to interfere in appointments or removals.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his or her removal from, office by any officer appointed by the city council under Section 2.08 of this Charter or by any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the officers appointed by the city council and neither the council nor any member thereof shall give orders to any subordinates of the officers appointed by the city council, either publicly or privately.

(Ord. No. 2009-199, Amend. No. 4, 9-1-09, ratified 11-3-09)

Sec. 2.11. Employee bonds.

The council shall require bonds of all municipal officers and employees who receive or pay out any monies of the city. The amount of such bonds shall be determined by the council and the cost thereof shall be borne by the city.

Sec. 2.12. City secretary.

The city secretary shall be appointed by the city manager subject to the approval of the council. He shall serve as clerk of the council, give notice of its meetings, keep the journal of its proceedings, authenticate by his signature and record in full in a book kept for the purpose all ordinances and resolutions, and perform such other duties as this charter may provide or as the city manager may assign him.

Sec. 2.13. Independent annual audit.

(a) Prior to the end of each fiscal year, the council shall designate a certified public accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit his report to the council and to the city manager. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. He shall not maintain any accounts or records of the city business, but within specifications approved by the council, shall post-audit the books and documents kept by the department of finance and any separate or subordinate accounts kept by any other office, department or agency of the city government.

(b) A copy of such audit shall be kept in the office of the city secretary subject to inspection by any citizen during regular office hours.

ARTICLE III. NOMINATIONS AND ELECTIONS

Sec. 3.01. Municipal elections.

(a) The regular election for the choice of members of the City Council as provided in Article II shall be held each year on the uniform election day for municipal elections in May established by the Election Code. The Council may by resolution or ordinance order special elections which shall be held as nearly as practicable according to the provisions for a regular election. The hours and places for holding all City elections shall be determined by the City Council. All elections shall be conducted in accordance with the Election Code and all other applicable laws as they now read or may hereafter be amended.

(b) On the first Saturday in April immediately following adoption of Section 2.01, and the drawing of election district boundaries by the council, the voters shall elect:

(1) The mayor, place seven (7), for a term of two (2) years.

(2) Two (2) councilmembers, places five (5) and six (6), for terms of two (2) years each.

(3) One (1) councilmember for an interim term of one (1) year. This position shall be denominated for such interim term as place four (4) and such councilmember shall be elected from the city at large and may be a resident of any district.

At the next following regular annual municipal election after the one referred to above in this section, the district and at large system provided in Section 2.01 shall take full effect.

(c) Councilmembers holding office at the time the charter amendments to Section 2.01 are adopted (places one (1), two (2) and three (3)) shall serve the remainder of their unexpired terms as at large members of the council.

(d) If any councilmember whose term would not otherwise expire at the time of the canvass of the results of the election specified in Section 3.01(b) shall enter said election, such councilmember's term shall be deemed to have been vacated at the time of the canvass of said election results, whether the candidacy of said councilmember is successful or not.

(e) Neither the mayor nor any member of the council shall become a candidate for election to any position on the council, other than for reelection to the same seat, unless such candidate shall first submit to the city secretary his written resignation from the council to be effective at the time of the canvass of the results of the next regularly scheduled election. If such candidate's unexpired term would otherwise extend beyond the date of such canvass, the city secretary shall notify the council and an election shall be held on the date of the next regularly scheduled election to fill the unexpired term of said resigning councilmember.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 99-057, Amend. No. 7, 2-16-99, ratified 5-1-99; Ord. No. 2006-232, Amend. No. 7, 8-28-06, ratified 11-7-06)

Sec. 3.02. Nominations.

(a) Any qualified person may have his or her name placed on the ballot as a candidate for councilmember by filing with the city secretary not more than ninety (90) days nor less than thirty (30) days prior to the date of election an application in substantially the following form:

I, _____, do hereby declare that I am a candidate for the Council of the City of Denton and request that my name be printed upon the official Ballot for that office in the next city election. I am aware of the nepotism law, chapter 573 of the Government Code. I am qualified to serve on the council with respect to the qualifications set forth in the Charter. I reside at _____, Denton, Texas.

	Signed

The foregoing petition was filed with the City Secretary on the _____ day of _____, 19___.

	City Secretary

(b) As an alternative method, any qualified person may be nominated for councilmember by a written petition signed by the greater twenty five (25) qualified voters of the city or one-half of one percent of the total votes received by all candidates for mayor in the most recent mayoral general election, provided the candidate signs the petition certifying his or her acceptance. One such petition shall be circulated and signed for each nominee or candidate. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify it. Nominating petitions shall be filed with the city secretary not more than ninety (90) days nor less than thirty (30) days before the election day, and shall be in substantially the following form:

We, the undersigned electors of the City of Denton, hereby nominate _____ whose residence address is _____ as a candidate for councilmember of the City of Denton, to be voted for at the election to be held on the _____ day of _____, 19___; and we individually certify that we are qualified to vote for a candidate for the council.

Name	Address	Date of Signing

(Spaces for the greater twenty five (25) or one-half of one percent of the total votes received for candidates for Mayor signatures and required data)

Acceptance of Nomination

I am qualified to serve on the council of the City of Denton with respect to the qualifications set forth in this Charter. I hereby accept the nomination for councilmember and agree to serve if elected.

	Signature of Candidate

Statement of Circulator

The undersigned is the circulator of the foregoing petition containing signatures. Each signature was appended thereto in my presence and is the genuine signature of the person whose name it purports to be.

	Signature of Circulator
	Address of Circulator

The foregoing petition was filed with the City Secretary on the _____ day of _____, 19___.

	City Secretary

(Ord. No. 99-057, Amend. No. 8, 2-16-99, ratified 5-1-99)

Sec. 3.03. Official ballot.

The city secretary shall make up the official ballot from the names presented to him. The order in which the names of the candidates for each place shall appear on the ballot shall be determined by lot in a drawing held under the supervision of the city secretary, at which drawing each candidate or his designated representative shall have a right to be present. All official ballots shall be printed at least twenty (20) days prior to the date of any general or special election, and absentee voting shall be governed by the general laws of the State of Texas.

Sec. 3.04. Canvass: Election returns, results.

(a) Immediately after counting the votes, the presiding judge shall deliver the official returns of the election to the city secretary. Not earlier than the third day or later than the sixth day after the election or as otherwise required by the Election Code and all other applicable laws, the city council shall canvass the returns and declare the results. The returns of every municipal election shall be recorded in the minutes of the council.

(b) The candidates receiving the majority of the votes cast for each place shall be declared elected. If no candidate receives a majority, or if there is a tie for any one place, the council shall order a runoff election which shall be held not earlier than the twentieth or later than the thirtieth day after the date the final canvass of the regular election is completed or as otherwise required by the Election Code and all other applicable laws. Only the names of the candidates who tie for the highest number of votes cast for that

place, or the two (2) candidates who receive the highest number of votes with neither having a majority of votes cast for that place, shall be printed on the ballot for each election. In the event of a tie vote at the runoff election, the candidates who tie shall cast lots in the presence of the City Secretary to determine which one shall be declared elected, and said lots shall be cast within five (5) days of the runoff election in accordance with Section 2.028 of the Election Code and all other applicable laws.

(c) Immediately after the election results have been declared the mayor shall deliver certificates of election to the successful candidates. Each councilman shall take the oath of office as soon thereafter as practicable at which time his term of office shall begin.

(Ord. No. 76-12, Amend. No. 1, 4-5-76; Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 99-057, Amend. No. 9, 2-16-99, ratified 5-1-99)

Sec. 3.05. Regulation of elections.

Except as otherwise provided by this charter, all city elections shall be governed by the applicable provisions of the Election Code of the State of Texas, as now or hereafter amended. The council shall have the power to make such additional regulations as may be necessary.

State law reference(s)—Elections, V.T.C.A., Election Code § 1.005 et seq.

ARTICLE IV. INITIATIVE, REFERENDUM AND RECALL

Sec. 4.01. Power of initiative.

The electors shall have power to propose any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the proposed ordinance at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the council by a petition signed by qualified voters of the city equal in number to at least twenty-five percent of the number of votes cast at the last regular municipal election.

Sec. 4.02. Power of referendum.

The electors shall have power to approve or reject at the polls any ordinance passed by the council or submitted by the council to a vote of the electors, except an ordinance appropriating money, issuing bonds or authorizing the levying of taxes, such power being known as the referendum. Within twenty (20) days after the enactment by the council of any ordinance which is subject to a referendum, a petition signed by qualified voters of the city equal in number to at least twenty-five percent (25%) of the number of votes cast at the last preceding regular municipal election may be filed with the city secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Sec. 4.03. Form of petition, committee of petitioners.

Initiative petition papers shall contain the full text of the proposed ordinance. Referendum petition papers shall contain the full text of the ordinance which they propose to repeal. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer shall sign his name in ink or indelible pencil and shall give after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of the same five (5) electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition.

Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures were appended thereto in his presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Sec. 4.04. Filing, examination and certification of petitions.

All papers comprising an initiative or referendum petition shall be assembled and filed with the city secretary as one instrument. Within twenty (20) days after a petition is filed, the city secretary shall determine whether each paper of the petition bears the required affidavit of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the city secretary shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

Sec. 4.05. Amendment of petitions.

An initiative or referendum petition may be amended at any time within ten (10) days after the notification of insufficiency has been sent by the city secretary, by filing a supplementary petition upon additional papers signed and filed as provided in the case of an original petition. The city secretary shall within five (5) days after such an amendment is filed, examine the amended petition and, if the petition is still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The findings of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Sec. 4.06. Effect of certification of referendum petition.

When a referendum petition, or amended petition as defined in section 4.05 of this article, has been certified as sufficient by the city secretary, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the electors as hereinafter provided.

Sec. 4.07. Consideration by council.

Whenever the council receives a certified initiative or referendum petition from the city secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The council shall take final action on the ordinance within sixty (60) days after the date on which such ordinance was certified to the council by the city secretary. A referred ordinance shall be reconsidered by the council and its final vote upon such reconsideration shall be upon the question, "Shall the ordinance specified in the referendum petition be repealed?"

Sec. 4.08. Submission of electors.

If the council shall fail to pass an ordinance proposed by initiative petition, or shall pass it in a form different from that set forth in the petition therefor, or if the council shall fail to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors not less than thirty (30) days nor more than sixty (60) days from the date the council takes its final vote thereon. If no regular election is to be held within such period the council shall provide for a special election.

Sec. 4.09. Form of ballot for initiated and referred ordinances.

Ordinances submitted to a vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. If a paper ballot is used it shall have below the ballot title the following propositions, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title shall have below it the same two (2) propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for or against the ordinance.

Sec. 4.10. Results of election, publication.

(a) If a majority of the electors voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the electors voting thereon shall thereupon be deemed repealed.

(b) Initiative ordinances adopted and referendum ordinances approved by the electors shall be published, and may be amended or repealed by the council in the same manner as other ordinances.

Sec. 4.11. Recall of councilmen.

Any member of the city council may be removed from office by a recall election.

Sec. 4.12. Recall petition, committee of petitioners.

Recall petition papers shall contain the name of the councilman (or names of the councilmen) whose removal is sought, and a clear and concise statement of the grounds for his (or their) removal. There shall appear at the head of each petition the names and addresses of five electors, who, as a committee of the petitioners shall be regarded as responsible for the circulation and filing of the petition. Each signer of any petition paper shall sign his name in ink or indelible pencil and give after his name his place of residence by street and number, or other description sufficient to identify the place, and the date his signature was affixed. No signature to such petition shall remain effective or be counted which was placed thereon more than forty-five (45) days prior to the filing of such petition with the city secretary. The signatures to a recall petition need not all be appended to one paper, but to each separate petition there shall be attached an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures were appended thereto in his presence and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Sec. 4.13. Filing and certification of petitions, recall election.

(a) All papers comprising a recall petition shall be assembled and filed with the city secretary as one instrument. Within seven (7) days after a petition is filed, the city secretary shall determine whether each paper bears the names of five (5) electors who constitute a committee of the petitioners, and the required affidavit of the circulator thereof, and whether the petition is signed by qualified voters of the constituency of the councilmember whose removal is sought equal in number to at least twenty-five (25) percent of the number of the votes cast for that councilmember and all of his opponents in the last preceding general municipal election in which he was a candidate. As used herein "constituency" shall mean the qualified voters eligible

to vote for the councilmember whose removal is sought, either by geographical district or at large, as the case may be.

(b) If the city secretary finds the petition insufficient he shall return it to the committee of the petitioners, without prejudice, however, to the filing of a new petition based upon new and different grounds, but not upon the same grounds. If the city secretary finds the petition sufficient and in compliance with the provisions of this Article of the Charter he shall submit the petition and his certificate of its sufficiency to the council at its next regular meeting and immediately notify the councilman whose removal is sought of such action.

(c) If the councilman whose removal is sought does not resign within seven (7) days after such notice the city council shall thereupon order and fix a date for holding a recall election not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the council. If no general election is to be held within this time the council shall provide for a special election.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

Sec. 4.14. Recall election ballots.

Ballots used at recall elections shall conform to the following requirements:

(a) With respect to each person whose removal is sought the question shall be submitted: "SHALL (name of person) BE REMOVED FROM THE CITY COUNCIL BY RECALL?"

(b) Immediately below each such question shall be printed the two following propositions, one above the other, in the order indicated:

"YES"

"NO"

Sec. 4.15. Results of recall election.

If a majority of the votes cast at a recall election shall be against the recall of the councilman named on the ballot, he shall continue in office. If a majority of the votes cast at a recall election be for the recall of the councilman named on the ballot, he shall be deemed removed from office and the vacancy shall be filled in the manner prescribed in Article II, section 2.04 of this charter.

Sec. 4.16. Limitations on recalls.

No petition shall be filed against a councilmember within six (6) months after he takes office nor against a councilmember who has been subjected to a recall election and not removed thereby until at least six (6) months after such election. Should a regular election occur during the time when a recall petition is current and should the person(s) being recalled be reelected, the recall petition shall be null and void.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

Sec. 4.17. District judge may order election.

Should the city council fail or refuse to order any recall election when all of the requirements for such election have been complied with by the petitioning electors in conformity with this Article of the charter, then it shall be the duty of the District Judge of Denton County, upon proper application therefor, to order such election and effectuate the provisions of this Article of the charter.

ARTICLE V. THE CITY MANAGER

Sec. 5.01. The city manager: Qualifications.

The city manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office, as hereinafter set forth, provided that any person who is appointed city manager must have had at least two (2) years of experience as a city manager or assistant city manager, or the equivalent thereof. At the time of his appointment he need not be a resident of the city or state but during his tenure of office he shall reside within the city.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

Sec. 5.02. The city manager: Term and salary.

(a) The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The city manager may reply in writing and may request a hearing at a public meeting of the council, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. Pending such hearing the council may suspend the city manager from duty but may not suspend or reduce his salary. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal.

(b) The city manager's salary shall be fixed by the council.

Sec. 5.03. The city manager: Powers and duties.

The city manager shall be the chief executive officer and the head of the administrative branch of the city government. He shall be responsible to the council for the proper administration of all affairs of the city placed under his control by this Charter or by ordinance or resolution of the council, and to that end he shall:

(a) Appoint and remove any employee of the city, except as otherwise provided by this Charter and except as he, or she may authorize the head of a department to appoint and remove subordinates in such department.

(b) Prepare the annual budget and submit it to the council and be responsible for its administration after adoption.

(c) Prepare and submit to the council at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.

(d) Attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(e) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem to him desirable.

(f) Appoint, subject to the approval of the council, the city secretary.

(g) Perform such other duties as may be prescribed by this Charter or required of him by the council not inconsistent with this Charter.

(Ord. No. 2006-232, Amend. No. 8, 8-28-06, ratified 11-7-06)

Sec. 5.04. Absence of city manager.

To perform his duties during his temporary absence or disability, the [city] manager shall designate by letter filed with the city secretary a qualified administrative officer of the city. The administrative officer thus designated shall perform the duties of the [city] manager until he shall return or his disability shall cease or until the council by resolution designates another officer of the city to perform such duties.

Sec. 5.05. Administrative departments.

The city manager is hereby authorized to organize the employees of the city into various departments and divisions with the concurrence of the city council.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

Secs. 5.06, 5.07. Reserved.

Editor's note(s)—Ord. No. 79-86, § 2, adopted Dec. 11, 1979, and ratified Jan. 19, 1980, deleted former sections 5.06 and 5.07 which pertained to directors of departments and departmental divisions and were derived unamended from the Charter adopted Feb. 24, 1959.

ARTICLE VI. CITY ATTORNEY, MUNICIPAL COURT AND CITY AUDITOR

Sec. 6.01. City attorney: appointment.

The city attorney, who shall be head of the legal department, shall be a qualified attorney-at-law licensed to practice in the State of Texas. He, or she shall be appointed by the council, and serve at the pleasure of the city council. He, or she shall receive such compensation as may be fixed by the council.

(Ord. No. 2006-232, Amend. No. 9, 8-28-06, ratified 11-7-06)

Sec. 6.02. City attorney: powers and duties.

(a) The city attorney shall represent the city in all litigation and controversies and shall prosecute all cases brought before the municipal court. He, or she shall draft, approve or file his, or her written opinion on the legality of every proposed ordinance before it is acted upon by the council, and shall pass upon all documents, contracts and other legal instruments in which the city may have an interest.

(b) He, or she shall be the legal advisor of the city manager, city council, and of all boards, commissions, agencies, officers and employees with respect to any legal question involving their official powers or duties. He, or she shall perform such other duties as may be required by statute, by this Charter or by ordinance.

(c) The council may authorize the appointment of such assistant city attorneys as may be needed to perform the duties of this department. The city attorney may designate an assistant city attorney to act as city attorney in case of his or her temporary absence of not more than three weeks. The council may authorize the appointment of a temporary city attorney to act for the city attorney in the case of a longer temporary absence or disability.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 2006-232, Amend. No. 9, 8-28-06, ratified 11-7-06)

Sec. 6.03. Municipal court.

(a) There is hereby established a court which shall be known as the "Municipal Court No. 1 of the City of Denton." Municipal Court No. 1 shall have the jurisdiction and be conducted as a municipal court of record in accordance with Vernon's Texas Codes Annotated Texas Government Code subchapter FF, chapter 30, §§ 30.1211 through 30.01233 inclusive and applicable state law as these laws may now read or hereafter be amended. All costs and fines imposed by the municipal court shall be paid into the city treasury for the use and benefit of the city. The city council may, by ordinance, create additional municipal courts or municipal courts of record if so authorized under the provisions of applicable law.

(b) The municipal judge shall preside over the municipal court. The municipal judge shall be a qualified attorney-at-law licensed to practice in the State of Texas in good standing and shall have such other qualifications as required by subchapter FF of chapter 30 of the Texas Government Code and other applicable laws as these laws may now read or hereafter be amended. He or she shall be appointed by, and shall serve at the pleasure of the council. The municipal judge shall receive such compensation as may be fixed by the council. The municipal judge shall have all the powers and duties assigned to a municipal judge by the Charter, other city ordinances, subchapter FF of chapter 30 of the Texas Government Code, or other applicable state laws.

(c) There shall be one regularly scheduled session of the court each week and as many other sessions as, in the discretion of the municipal judge, may be necessary for the timely transaction of the business of the court.

(d) The council may appoint such assistant municipal judges or additional municipal judges as may be necessary to perform the duties of the municipal court or a temporary municipal judge to act for the municipal judge in the case of his or her temporary absence or disability, and such assistant, additional, or temporary municipal judge shall receive such compensation as may be set by the council. All such assistant, additional, or temporary municipal judges, when appointed, shall have all of the other powers and duties assigned to the municipal judge herein.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 99-057, Amend. No. 10, 2-16-99, ratified 5-1-99)

Sec. 6.04. City Internal Auditor.

The City Internal Auditor shall be appointed by the City Council, shall serve at the pleasure of the City Council, and shall perform such auditing duties herein described or as may be assigned by the Council. The position of the City Internal Auditor is to be held on a continuous, fulltime basis. On an interim basis, the City Council may engage external independent auditing resources to accomplish the Internal Audit function.

The City Internal Auditor is responsible for providing (a) an independent appraisal of City operations to ensure policies and procedures are in place and complied with, inclusive of purchasing and contracting; (b) information that is accurate and reliable; (c) that assets are properly recorded and safeguarded; (d) that risks are identified and minimized; and (e) that resources are used economically and efficiently, and that the City's objectives are being achieved.

The City Internal Auditor is responsible for directing all internal audit functions for the City of Denton to eliminate waste, fraud, and abuse.

(Ord. No. 2006-232, Amend. No. 9, 8-28-06, ratified 11-7-06; Ord. No. 2017-237 , § 1(Amend. C), 8-15-17, ratified 11-7-17; Ord. No. 2017-373 , § 2(Prop. C), 11-20-17)

ARTICLE VII. REVENUE AND TAXATION[2]

Sec. 7.01. Property subject to tax.

The city council is authorized to levy and collect taxes, to seize and sell property for delinquent taxes, to create tax liens, and to exercise all other powers and authority pursuant to the Tax Code, Vernon's Texas Codes Annotated and all other applicable laws as they now read or may hereafter be amended.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 99-057, Amend. No. 11, 2-16-99, ratified 5-1-99)

Sec. 7.02. Reserved.

Editor's note(s)—Ord. No. 99-057, Amend. No. 1, adopted February 16, 1999, ratified May 1, 1999, repealed § 7.02, which pertained to payment, delinquencies, and penalties, and derived from Ord. No. 79-86, § 2, adopted Dec. 11, 1979, ratified Jan. 19, 1980.

Sec. 7.03. Reserved.

Editor's note(s)—Ord. No. 99-057, Amend. No. 11, adopted February 16, 1999, ratified May 1, 1999, repealed § 7.02, which pertained to seizure and sale of property for delinquent taxes, and derived from Ord. No. 79-86, § 2, adopted Dec. 11, 1979, ratified Jan. 19, 1980.

Sec. 7.04. Reserved.

Editor's note(s)—Ord. No. 99-057, Amend. No. 11, adopted February 16, 1999, ratified May 1, 1999, repealed § 7.02, which pertained to tax liens, and derived from Ord. No. 79-86, § 2, adopted Dec. 11, 1979, ratified Jan. 19, 1980.

Sec. 7.05. Ratification.

All taxes heretofore assessed by the City of Denton are ratified and all ordinances relating to taxes now in force shall continue until amendment or repeal by the council.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

[2]Editor's note(s)—Ord. No. 79-86, § 2, adopted Dec. 11, 1979, and ratified Jan. 19, 1980, deleted former sections 7.01—7.15 and 7.17—7.23 which pertained to the director of finance; procedures relative to accounting, payment of claims, purchasing, disbursement of funds, payment of claims and audits; the treasurer; the tax assessor-collector; the board of equalization and procedures relative to taxation and were derived from the Charter adopted Feb. 24, 1959, as amended by Ord. No. 76-12, Amend. No. 5, adopted April 5, 1976. Section 2 of Ord. No. 79-86 also renumbered former sections 7.16 and 7.24—7.29 as sections 7.01—7.07.

Sec. 7.06. General powers.

In addition to the powers herein conferred with reference to the assessment and collection of taxes, the City of Denton shall have and may exercise all powers and authority now conferred or that may hereafter be conferred upon cities having a population of more than five thousand (5,000) inhabitants by the general laws of the State of Texas.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

Sec. 7.07. Borrowing in anticipation of property taxes.

In any budget year, in anticipation of the collection of the property tax for such year, whether levied or to be levied in such year, the council may by resolution authorize the borrowing of money by the issuance of negotiable notes of the city, each of which shall be designated "Tax Anticipation Note for the Year 19___" (stating the budget year). Such notes shall not be renewable but shall mature and be paid not later than the end of the fiscal year in which the original notes have been issued.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

ARTICLE VIII. BUDGET

Sec. 8.01. Fiscal year.

The fiscal year of the city government which began on June 1, 1958, shall end on May 31, 1959. The next succeeding fiscal year shall begin on June 1, 1959, and end on September 30, 1959, and shall constitute an interim fiscal period. After September 30, 1959, the fiscal year of the city shall begin on the first day of October and end on the last day of September of each calendar year. The fiscal year established by this charter shall also constitute the budget and accounting year.

Sec. 8.02. Interim budget.

The city manager shall submit to the council an interim budget which shall be prepared, as nearly as practicable in accordance with the requirements for the budget document herein prescribed, for the interim fiscal period hereinabove established. Following the approval of such interim budget, the council shall enact such appropriation or other ordinances as may be necessary for the effectuation of the interim budget.

Sec. 8.03. Preparation and submission of budget.

Within the time period required by law, the city manager shall submit to the council a proposed budget for the ensuing fiscal year. The budget shall provide a complete financial plan for the fiscal year, and the budget shall be prepared on the basis of policy priorities defined by the council for the city manager at least one hundred twenty (120) days before the end of the fiscal year.

(Ord. No. 76-12, Amend. No. 6, 4-5-76; Ord. No. 2006-232, Amend. No. 10, 8-28-06, ratified 11-7-06)

Sec. 8.04. Public hearing on budget.

The council shall hold a public hearing on the proposed budget.. Any taxpayer of the municipality may attend and may participate in the hearing, which shall be set for a date after the fifteenth day after the date the proposed budget is filed with the city secretary but before the date the city council makes its tax levy. The council shall provide for public notice of the date, time, and location of the hearing. In addition to this notice, the city council shall publish notice before the public hearing related to the budget in at least one newspaper of general circulation in Denton County. This notice shall be published not earlier than the thirtieth or later than the tenth day before the date of the public hearing. The city council shall provide such other notice as may be required by state and all other applicable law. The city council may make such changes in the budget that it considers warranted by the law or by the best interests of the municipal taxpayers and may increase or decrease the items of the budget provided the total proposed expenditures shall not exceed the total anticipated revenue.

(Ord. No. 99-057, Amend. No. 12, 2-16-99, ratified 5-1-99)

Sec. 8.05. Adoption of budget.

The budget shall be finally adopted by the favorable votes of at least a majority of all members of the council after the conclusion of the public hearing. Should the council take no final action at the conclusion of the public hearing and before the end of the fiscal year, the budget as submitted by the city manager shall be deemed to have been finally adopted by the council.

(Ord. No. 99-057, Amend. No. 13, 2-16-99, ratified 5-1-99)

Sec. 8.06. Budget establishes appropriations and tax levy.

Upon final adoption, the budget shall be in effect for the budget year. Final adoption of the budget by the council shall constitute the official appropriation of the several amounts stated therein as proposed expenditures for the budget year. A copy of the budget as finally adopted shall be filed with the city secretary, the county clerk of Denton County and the state comptroller of public accounts in Austin. All appropriations that have not been expended or lawfully encumbered shall lapse at the end of the budget year.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

Sec. 8.07. Transfer of appropriations.

At any time during the fiscal year, the city manager may transfer any part of the unencumbered appropriation balance or the entire balance thereof between programs or general classifications of expenditures within an office, department, agency, or organizational unit. At any time during the fiscal year, at the request of the city manager the council may by resolution transfer any part of the unencumbered appropriation balance or the entire balance thereof from one office, department, agency, or organizational unit to another.

(Ord. No. 99-057, Amend. No. 14, 2-16-99, ratified 5-1-99)

Sec. 8.08. Amending the budget.

The budget may be amended for municipal purposes by the affirmative vote of at least five (5) members of the council, in accordance with applicable law.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 2006-232, Amend. No. 11, 8-28-06, ratified 11-7-06)

Sec. 8.09. Budget a public record.

The budget, budget message and all supporting schedules shall be a public record in the office of the city secretary open to public inspection. The city manager shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons.

ARTICLE IX. BORROWING FOR PERMANENT IMPROVEMENTS

Sec. 9.01. Power to issue bonds.

(a) The City of Denton shall have the right and power to issue general obligation bonds to finance any capital project which it may lawfully construct or acquire or for any other legitimate public purpose. The general obligation bonded debt of the city shall only be increased by the consent of the majority of the qualified voters of the city voting at an election held for that purpose. A bond election shall be ordered and notice given by ordinance, consistent with the requirements for holding elections set forth in Article III of this Charter and in accordance with the applicable laws of the State of Texas as they now read or may hereafter be amended.

(b) The city shall have the power to issue revenue bonds against the anticipated revenues of any municipally-owned utility or other self-liquidating municipal function to pay the debt incurred on account of such utility or function. In no event shall revenue bonds be considered an indebtedness of the city nor be repaid from bonds secured by taxation.

(c) No bonds or warrants shall be issued to fund any overdraft or indebtedness incurred for current expenses of the city government.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 99-057, Amend. No. 15, 2-16-99, ratified 5-1-99)

Sec. 9.02. Bond ordinance and election.

(a) After approval by a majority of the qualified voters voting at a general obligation bond election called for the purpose of authorizing the issuance of general obligation bonded debt, the city shall authorize the issuance of such bonds by a bond ordinance passed by an affirmative vote of a majority of all members of the council. The city council may approve the issuance of revenue bonds without an election by authorizing the issuance of such bonds by bond ordinance passed by an affirmative vote of the majority of all members of the council.

(b) Before any bond ordinance is passed by the council an attorney or attorneys specializing in municipal bonds shall be retained by the city to advise with the council in all matters pertaining to the proposed bond ordinance, and no action shall be taken until a written instrument has been prepared by the bond attorneys certifying the legality of the proposal. The bond attorneys shall assist the city attorney and the council in preparing all ordinances and other legal instruments required in the execution and sale of any bonds issued.

(c) The election ordinance on a bond proposal shall provide for proper notice, the calling of the election and the propositions to be submitted. It shall distinctly specify:

    (1) The purpose for which the bonds are to be issued, and where possible, the probable period of usefulness of the improvements for which the bond funds are to be expended.

    (2) The amount thereof.

    (3) The rate of interest, if known.

    (4) The levy of taxes sufficient to pay interest and sinking fund.

(5) That the bonds to be issued shall mature serially within a given number of years.

(6) A determination of the net debt of the city after issuance of the bonds thereby authorized, together with a declaration that the bonds thereby authorized will be within all debt and other limitations prescribed by the Constitution and laws of the State of Texas.

(Ord. No. 99-057, Amend. No. 16, 2-16-99, ratified 5-1-99; Ord. No. 2006-232, Amend. No. 12, 8-28-06, ratified 11-7-06)

Sec. 9.03. Execution of bonds.

All bonds shall be signed by the mayor, countersigned by the city secretary, and imprinted with the seal of the city, and shall be payable at such time as may be fixed, not more than forty (40) years from their date.

Sec. 9.04. Sale of bonds.

All bonds shall be sold in accordance with applicable law.

(Ord. No. 2006-232, Amend. No. 13, 8-28-06, ratified 11-7-06)

Sec. 9.05. Sinking fund for general obligation bonds.

It shall be the duty of the council each year to levy a tax sufficient to pay the interest and provide the necessary sinking fund required by law on all general obligation bonds outstanding, and if a deficiency appears at any time in such fund the council shall, for the next succeeding year, levy an additional tax sufficient to discharge such deficiency.

Sec. 9.06. Bond register.

The director of finance shall prepare, maintain and cause to be filed in the office of the city secretary a complete bond register, showing all bonds, the date and amount thereof, the rate of interest, a schedule of maturity dates, and a record of all bonds and all other transactions of the council having reference to the refunding of any indebtedness of the city. When bonds or their coupons are paid, their payment or cancellation shall be noted in the register.

Sec. 9.07. Misapplication of bond funds.

Any officer or employee of the city who shall wilfully or knowingly, direct or use any funds arising from the issuance of any bond or sinking fund for any other purpose than that for which the fund is created or is herein otherwise authorized, shall be subject to prosecution as provided by the laws of the state on the diversion and conversion of funds belonging to any of the municipalities of the state.

Sec. 9.08. Assessments for improvements.

All of the terms, powers and applicable provisions of Chapter 9, Title 28, of the Revised Civil Statutes of the State of Texas, as now or hereafter amended, relating to assessments for street improvements are hereby adopted as a part of this charter and hereby constitute an alternative authority and method which the City of Denton may use in improving streets, alleys, and public places and levying assessments therefor; provided, the city shall have the power in all cases to make such improvements with its own forces if, in the opinion of the council, the work can be done more expeditiously or economically.

ARTICLE X. PLANNING AND ZONING

Sec. 10.01. Reserved.

Editor's note(s)—Ord. No. 79-86, § 2, adopted Dec. 11, 1979, and ratified Jan. 19, 1980, deleted former section 10.01 which pertained to the director of planning and was derived unamended from the Charter adopted Feb. 24, 1959.

Sec. 10.02. Planning and zoning commission.

(a) There shall be a planning and zoning commission which shall consist of seven (7) members, who, during their respective terms of office and for at least one year prior to beginning thereof, shall be residents of the City of Denton. They shall be appointed by the council for a term of two (2) years, provided four (4) members shall be appointed each odd-numbered year and three (3) members each even-numbered year.

(b) None of the appointed members shall hold any other public office or position in the city while serving on the planning and zoning commission. The planning and zoning commission shall elect its chairman from among its members. Seven (7) members shall serve without pay and shall adopt such rules and regulations as they deem best governing their actions, proceedings, deliberations, and the times and places of meetings, subject to council review.

(c) If a vacancy occurs in the city planning and zoning commission the council shall appoint a commissioner to fill such vacancy for the unexpired term.

(Ord. No. 76-12, Amend. No. 7, 4-5-76; Ord. No. 2006-232, Amend. No. 14, 8-28-06, ratified 11-7-06)

Sec. 10.03. Planning and zoning commission: Powers and duties.

(a) In addition to the powers and duties set forth in this charter, the planning and zoning commission shall have the powers and duties of a planning and zoning commission under state law, including without limitation those under Chapters 211 and 212 of the Texas Local Government Code, as may be amended from time to time, and shall perform such other powers and duties as may be assigned by the council. The planning and zoning commission may:

(1) Make, amend, extend and add to the master plan for the physical development of the city.

(2) Recommend to the council regulations governing the platting or subdividing of land within the city. (The applicable provisions of Chapter 212 of the Texas Local Government Code as now or hereafter amended, are hereby adopted and made a part of this charter, and shall be controlling on the planning and zoning commission.)

(3) Make recommendations to the council regarding proposed changes to the official map of the city and keep such map up-to-date so as to reflect any changes in the boundary or the zoning plan of the city.

(4) Make and recommend plans for the clearance and rebuilding of any slum districts or blighted areas within the city.

(5) Make recommendations to the council regarding proposed changes in the zoning plan and ordinance of this city and have all the power, duty and authority of a zoning commission as provided in Chapter 211

of the Texas Local Government Code, as now or as hereinafter amended, all of which are hereby adopted as a part of this charter.

(6) Submit annually to the City Manager prior to the beginning of the budget year, a list of recommended general obligation capital improvements which in the opinion of the Commission ought to be constructed during the forthcoming five (5) year period. (Such list shall be arranged in order of preference, with recommendations as to which projects should be constructed in which year, and the City Manager shall forthwith furnish a copy of such recommendations to each member of the Council.)

(7) Promote public interest in and understanding of the master plan and of planning, zoning, clearance of blighted areas and development of the city.

(8) Meet not less than once each month and keep a public record of its resolutions, findings and determinations.

(9) Hold such public hearings as it may deem desirable in the public interest and advise the council upon such matters as the council may request its advice.

(b) For the accomplishment of the foregoing purposes the planning and zoning commission is hereby empowered to:

(1) Require information which shall be furnished within a reasonable time from the other departments of the city government in relation to its work.

(2) Request additional assistance for special survey work of the city manager, who may at his discretion assign to the planning and zoning commission, employees of any administrative department or direct such department to make special studies requested by the commission.

(3) In the performance of its functions, enter upon any land and make examinations and surveys.

(4) Make and recommend plans for the replanning, improvement and redevelopment of neighborhoods or of any area or district which may be destroyed in whole or in part or seriously damaged by fire, earthquake, flood or disaster.

(Ord. No. 99-057, Amend. No. 17, 2-16-99, ratified 5-1-99; Ord. No. 2006-232, Amend. No. 15, 8-28-06, ratified 11-7-06)

Sec. 10.04. The master plan.

The master plan for the physical development of the city, with the accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commission's recommendations for the development of city territory, and may include, among other things:

(a) The general location, character and extent of streets, bridges, parks, waterways and other public ways, grounds and spaces.

(b) The general location of public buildings and other public property.

(c) The general location and extent of public utilities, whether publicly or privately owned.

(d) The removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of such existing or future public ways, grounds, spaces, buildings, property or utilities.

(e) The general extent and location of public housing projects and slum-clearance projects.

Sec. 10.05. Legal effect of master plan.

Except in circumstances where plat approval is not required or the public improvement is so small as not to appear on the master plan, no street, park, or other public way, ground or space, no public building or structure and no public utility whether publicly or privately owned, shall be constructed or authorized in the City until and unless the location and extent thereof shall have been submitted to and approved by the Planning and Zoning Commission; provided that, in case of disapproval, the Commission shall within thirty (30) days communicate its reasons to the Council, which shall have the power to overrule such disapproval, and, upon such overruling, the Council or the appropriate office, department, or agency shall have the power to proceed.

(Ord. No. 99-057, Amend. No. 18, 2-16-99, ratified 5-1-99; Ord. No. 2006-232, Amend. No. 16, 8-28-06, ratified 11-7-06)

Sec. 10.06. Zoning.

(a) For the purpose of promoting health, safety, morals or the general welfare of the community, the council may by ordinance regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes. Such ordinance shall provide that the board of adjustment may, in appropriate cases and subject to appropriate principles, standards, rules, conditions and safeguards set forth in the ordinance, authorize variances from and make special exceptions to the zoning regulations in harmony with their general purpose and intent.

(b) For any or all of said purposes the council may divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each district, but the regulations in one district may differ from those in other districts.

(c) Such regulations shall be made in accordance with a comprehensive plan and be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health or the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, public convenience and other public requirements. Such regulations shall be made with reasonable consideration of the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

Sec. 10.07. Board of adjustment.

The city council shall by ordinance establish a board of adjustment which shall consist of at least seven (7) members who shall have the qualifications, powers, and duties and serve for the terms provided by the city council in an ordinance creating the board. All current members of the board of adjustment and the board shall continue to serve under the current provisions of the City Charter until such ordinance creating the board is enacted and effective.

(Ord. No. 99-057, Amend. No. 19, 2-16-99, ratified 5-1-99)

Sec. 10.08. Platting or subdivision control.

The planning and zoning commission shall recommend to the council the adoption of regulations governing the platting or subdividing within the city or within the area under the extraterritorial jurisdiction of the city, and the owner of every such subdivision shall comply with all of the provisions of Article 974a and 6626, Vernon's Texas Civil Statutes, 1948, [V.T.C.A., Local Government Code § 212.002 et seq. and V.T.C.A., Property Code § 12.001 et seq.] as now or hereafter amended. Such regulation may provide for the harmonious development of the city within the subdivided land with other existing or planned streets and ways or for conformance with the master plan or official map, for adequate open spaces, spaces for traffic, utilities, recreation, light and air and for the avoidance of congestion of population. Such regulations may include requirements as to the extent to which and the manner in which streets and other ways shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of a subdivision.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 2006-232, Amend. No. 17, 8-28-06, ratified 11-7-06)

Sec. 10.09. Reserved.

Editor's note(s)—Ord. No. 79-86, § 2, adopted Dec. 11, 1979, and ratified Jan. 19, 1980, deleted former section 10.09 which pertained to the tentative approval of plats and was derived unamended from the Charter adopted Feb. 24, 1959.

Sec. 10.10. Building permits, use and occupancy certificates.

(a) The city shall have the power to prohibit the erection, construction or use of any building or structure of any kind within the city without a permit having first been issued, by the city, for the construction or erection of such building or structure, and without a use and occupancy certificate having been issued for the use actually made of such premises and structure and may authorize a fee to be charged for such permit. In pursuance of this authority the council may authorize the inspection of all buildings and structures during the progress of their construction or thereafter and may require new construction, renovation, or reconstruction to comply with all building regulations.

(b) For the purpose of preserving property values, protecting the public health, preventing the blighting of areas within the city, promoting safety and the public welfare the council may fix a minimum standard for the construction and use of housing accommodations and other structures within this city and prohibit the construction, erection and use of substandard housing and other substandard structures.

(Ord. No. 2006-232, Amend. No. 18, 8-28-06, ratified 11-7-06)

Sec. 10.11. Official map.

The council may by ordinance establish an official map of the city, on which shall be shown and indicated all public streets existing and established by law at the time of the establishment of the official map.

Sec. 10.12. Slum clearance and rehabilitation of blighted areas.

The council may, after receiving a recommendation from the planning and zoning commission adopt, modify and carry out plans for the clearance of slum districts and blighted areas within the city and, for the accomplishment of this purpose, may acquire by purchase or condemnation all privately owned lands, buildings and other real property interests within the district; may establish, locate, relocate, build and improve the streets

and other public open spaces provided for in the plan; may maintain, operate, lease or sell said buildings or any of them; may sell the land or any part thereof designated for buildings and private open spaces upon such terms and conditions and subject to such restrictions as to building uses and open spaces as will substantially carry out and effect the plan.

(Ord. No. 2006-232, Amend. No. 19, 8-28-06, ratified 11-7-06)

ARTICLE XI. PARKS AND RECREATION

Sec. 11.01. Reserved.

Editor's note(s)—Ord. No. 79-86, § 2, adopted Dec. 11, 1979, and ratified Jan. 19, 1980, deleted former section 11.01 which pertained to the director of parks and recreation and was derived unamended from the Charter adopted Feb. 24, 1959.

Sec. 11.02. Park and recreation board.

The city council shall by ordinance establish a board which shall advise the council on parks and recreation and which shall consist of at least seven (7) residents of the city who shall have the qualifications, duties, and powers and serve for the terms provided by the city council in the ordinance creating the board. All current members of the parks and recreation board and the board shall continue to serve under the current provisions of the City Charter until the ordinance creating the board is enacted and effective.

(Ord. No. 99-057, Amend. No. 20, 2-16-99, ratified 5-1-99)

ARTICLE XII. PUBLIC UTILITIES

Sec. 12.01. General powers respecting utilities.

(a) The City of Denton may license, regulate, fix the rates, control and supervise public utilities of all kinds.

(b) In addition to such public utilities as it may now own, the City of Denton may own, acquire, construct, maintain, and operate any other public utility that may be approved by a majority of the qualified voters of the City voting therefor at an election held for such purpose; and shall have power for the purpose of operating and maintaining any such utility, and for distributing such service throughout the city or any portion thereof, but in such condemnation proceedings no allowance shall be made for the value of any franchise and only the actual physical assets shall be purchased by the City.

Sec. 12.02. Rates.

The city shall have the power, subject to limitations imposed by state law and this Charter, to fix and, from time to time, revise such rates and charges as it may deem advisable for supplying such utility services as the city may provide. The utilities shall provide no free services; the rates and charges for services to city departments and other public agencies shall be the same as the regular rates and charges fixed for similar services to consumers generally. The rates and charges for services to consumers outside the corporate limits of the city may be greater but shall not be less than the rates and charges for similar service to consumers within the corporate limits of the city.

Sec. 12.03. Excess revenues of utility systems.

(a) Any money remaining in the "System Fund" after all necessary expenses of operation and maintenance of the utility systems, including salaries, labor and materials, have been paid, upon proper approval, and after all payments have been made into the several funds required and provided to be made by the ordinance or ordinances authorizing the issuance of any revenue bonds of the city, now outstanding or hereafter authorized and issued which may be payable from and secured by a pledge of the net earnings of the light, water or sewer systems, shall be deemed "Excess Revenues" for the purposes of this section. "System Fund" as used herein shall mean the fund (or funds as may be required by outstanding bond issues) into which are deposited the gross incomes derived from the operation of the above named utility systems.

(b) Excess Revenues shall be utilized at the times and for the purposes as follows:

(1) After all of the requirements of the various funds have been met, there shall be computed a return on the net investment in the utility system. The "Net Investment" figure used in these computations shall be taken from the independent audit of the utility systems for the last fiscal period. The city shall be entitled to receive annually on the net investment from excess revenues, if any, not more than six (6) percent of the net investment.

(2) Any remaining excess revenues shall be used for the redemption and retirement of utility revenue bonds, as they become available at not more than fair market value. If utility revenue bonds are not available, these funds shall immediately be invested in short-term United States Government securities or at the option of the city, placed on time deposit in the city depository to draw interest. As utility revenue bonds become available, sufficient United States Government securities shall be sold or time deposits withdrawn to purchase the longest maturities available on the market.

Sec. 12.04. Disposal of utility properties.

No sale, conveyance, lease, or other alienation of the entire assets of any utility system or any part thereof essential to continued effective utility service, shall ever be made unless such sale, lease, or disposal is approved by a majority vote of all the qualified voters voting in an election held for that purpose in the City of Denton.

(Ord. No. 99-057, Amend. No. 22, 2-16-99, ratified 5-1-99)

Sec. 12.05. Cooperation of other city departments.

The [public utilities] board shall have the right to request the services of any officer or department of the city government; provided, however, that the utility system shall pay out of its revenues a proportionate part of the expenses of the department used in an amount agreed upon by the city manager and the board. If they fail to agree, the final decision on any such expenses shall be made by the city council.

Sec. 12.06. Reserved.

Editor's note(s)—Ord. No. 79-86, § 2, adopted Dec. 11, 1979, and ratified Jan. 19, 1980, deleted former section 12.06 which pertained to the director of utilities and was derived unamended from the Charter adopted Feb. 24, 1959.

Sec. 12.07. The public utilities board.

(a) There is hereby created a public utilities board to be composed of seven (7) members, or as many members as there are councilmembers, whichever is greater, appointed by the council for four-year terms and until

their respective successors have been appointed and qualified. Members of the board may be removed by the council only for cause and only after charges have been filed and published and the member has been given a reasonable opportunity to defend himself in an open public hearing before the council. Vacancies shall be filled for any unexpired term in the same manner as provided for regular appointments.

(b) The city manager and director of utilities shall be ex officio members of the board. They shall attend all meetings of the board and shall have the right to discuss any matter that is under consideration by the board but shall have no vote.

(c) Members of the public utilities board shall have the same qualifications as are required by membership on the city council.

(d) At its organizational meeting, and annually thereafter as soon as the newly appointed member (or members) has qualified; the board shall select from its own membership a chairman, vice-chairman, and secretary. A majority of the regularly appointed members shall constitute a quorum. The board shall determine its own rules and order of business. The board shall meet at least once each month; all meetings shall be conducted in accordance with the Texas Open Meetings Act, chapter 551 of the Texas Government Code, as it may now read or hereafter be amended and all other applicable laws and a permanent record of proceedings shall be maintained, except as otherwise provided by law.

(Ord. No. 76-12, Amend. No. 8, 4-5-76; Ord. No. 99-057, Amend. No. 23, 2-16-99, ratified 5-1-99; Ord. No. 2006-232, Amend. No. 20, 8-28-06, ratified 11-7-06)

Sec. 12.08. Powers and duties of the public utilities board.

(a) The board shall serve the department of utilities and city council as a consulting, and advisory board.

(b) The annual budget for the department of utilities shall be prepared by the director and submitted to the board in the form required by the city manager. The board shall review the budget, make such changes therein as they deem appropriate, then return it to the director who shall deliver it to the city manager for incorporation without any changes, in the proposed general budget of the city and transmission to the council.

(c) The public utilities board is hereby authorized to expend such funds for information and advertising as shall be budgeted for this purpose.

(d) All actions recommending expansion of the system and the making of additions and betterments thereto or extensions thereof, the incurring of indebtedness, the issuance of bonds, and the fixing of rates and charges for utility services shall be submitted to the board for review and approval; provided, that in case of disapproval, the board shall within thirty (30) days communicate the reasons for its disapproval to the council, which shall have the power to overrule such disapproval, and, upon such overruling, the council or the appropriate department shall have power to proceed; and provided further that all rates and charges for utility services shall be reviewed by the board and revised or reenacted by the council at intervals not exceeding five (5) years and beginning with the year 1960.

(e) The board shall submit annually to the planning and zoning commission (for incorporation in its report), prior to the beginning of the budget year, a list of recommended capital improvements, which in the opinion of the board ought to be constructed during the forthcoming five (5) year period. Such list shall be arranged in order of preference, with recommendations as to which projects should be constructed in which year.

(f) It shall be the duty of the board to act in an advisory capacity to the council, with authority to hold public hearings and to study and recommend policies relating to the operation, promotion, enlargement, future planning and such other matters involving city-owned utilities as may be referred to it by the council. At intervals not exceeding ten (10) years the council shall at the expense of the utilities involved, cause a

general management survey to be made of all utilities under the jurisdiction of the board by a competent management consulting or industrial engineering firm, the report and recommendations of which shall be made public; provided, that the first such survey shall be made within three (3) years of the effective date of this Charter.

(Ord. No. 2006-232, Amend. No. 21, 8-28-06, ratified 11-7-06)

ARTICLE XIII. FRANCHISES

Sec. 13.01. Franchises: public utilities.

(a) The city council may by ordinance grant, renew and extend all franchises of all public utilities operating within the city, and, with the consent of the franchise holder, amend such franchise. No franchise shall ever be granted for a longer term than twenty (20) years. No franchise for a term of twenty (20) years shall be granted except upon the condition that the City of Denton shall have the right, at any time after the expiration of eighteen (18) years, to purchase the property of such franchise holder, or cause a purchaser to buy such property and thereby terminate or transfer the franchise and all privileges enjoyed thereunder, provided that the purchase when made by the city shall not in the case of a fixed term franchise take effect until the expiration of twenty (20) years from the time such franchise was granted.

(b) The city shall have the power to provide and fix in any franchise the amount or amounts (or the basis for determining the same), to be paid in case it shall buy or cause a purchaser to buy any such property.

(c) Every ordinance granting, amending, renewing or extending a public utility franchise shall be passed by a majority vote of the entire city council at three (3) regular meetings of the council; no such ordinance shall take effect until thirty (30) days after its final passage; pending such time the full text of the ordinance shall be published once each week for three (3) consecutive weeks in the official newspaper published in the City of Denton, and the expense of such publication shall be borne by the grantee of the franchise; and such ordinance shall be subject to referendum as provided in Article IV of this Charter. No public utility franchise shall be transferable except with the approval of the council expressed by ordinance.

(d) After due notice and hearing, the council may by ordinance cancel or repeal a public utility franchise for failure of the grantee to comply with the terms of the franchise.

Sec. 13.02. Franchises: use of streets.

The city may by ordinance grant franchises or permits for the use and occupancy of streets, avenues, alleys or other public grounds belonging to or under the control of the city. Before such ordinance can become effective it shall be passed by a majority vote of the entire city council at two (2) regular meetings of the council; no such ordinance shall take effect until twenty-one (21) days after its final passage; pending such time the full text of the ordinance shall be published once each week for two (2) consecutive weeks in the official newspaper of the City of Denton, and the expense of such publication shall be borne by the grantee of the franchise and such ordinance shall be subject to referendum as provided in Article IV of this Charter.

Sec. 13.03. Franchise fee.

The holder or grantee of any franchise or license to use public streets, alleys, highways, or other public property may be required, as compensation for the right or privilege enjoyed, to pay to the City of Denton each year such reasonable sum (not less than two (2) percent of the gross receipts of the business pursued by the holder of the franchise earned for service rendered in the City of Denton), or to pay compensation, rent, or any other fee or charge authorized by law, including, without limitation, specific charges per service line, access line

fees, and all other legally permissible charges for the use of its streets, alleys, highways, and other public property, as the council may determine by ordinance or by contract with any such utility, which compensation shall be in addition to all ad valorem and corporation taxes paid by the utility.

(Ord. No. 99-057, Amend. No. 24, 2-16-99, ratified 5-1-99)

Sec. 13.04. Regulation of utilities.

The city council shall have the power and the duty to:

(a) Determine, fix and regulate the charges, fares or rates of all public utilities operating within the city, provided the council shall not prescribe any rate of compensation which will yield more than a fair return upon the fair value of the physical property used and useful in rendering service to the public.

(b) Require such franchise holders who request an increase in rates, charges or fares to reimburse the city for reasonable expenses incurred in employing independent rate consultants to conduct investigations, present evidence and advise the council on such requested increase.

(c) Prescribe reasonable standards of service and quality of products to be furnished by each utility and prevent unjust discrimination.

(d) Require such extensions of plant and service and such maintenance of plant and fixtures as may be necessary to provide adequate and efficient service.

(e) Collect from every public utility operating in the city its fair and just proportion of the expense of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping and sprinkling such portions of the alleys, bridges, culverts, viaducts and other public places and ways of the city as may be occupied or used in whole or in part by such utilities; or compel such public utility to perform, at its own expense, its just share of such excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping and sprinkling.

(f) Prescribe the form of accounts which shall be kept by each utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility as prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, or their respective successors, this shall be deemed sufficient compliance with this paragraph.

(g) Examine or cause to be examined at any time the accounts and other records of any utility operating within the city for the purpose of ascertaining any fact relating to the business done by such utility and pertinent to the council's power of regulation.

(h) The council shall provide means and prescribe regulations for independent testing of all gas, water, light and other public utility meters on complaint of any person who may be dissatisfied with the readings of the employees of those utilities, whether owned by private corporations or by the City of Denton.

(i) Enact and enforce such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.

(j) The City of Denton shall have power to prohibit the use of any street, alley, highway, boulevard or grounds of the city by any telegraph, telephone, electric light, street railway, interurban railway, gas company or any other character of public utility without first obtaining the consent of the governing authorities expressed by ordinance, and upon paying such compensation as may be prescribed and upon such conditions as may be provided for by such ordinances, and the City of Denton shall have the

power to require all telegraph, telephone and electric light companies to place their wires underground.

(k) Require each utility operating in the city to file with the city such reports and other information pertaining to its operations that are required by its franchise agreement with the city, this Charter, city code, other applicable laws, or that may be required from time to time by the council.

(l) Fix appropriate penalties to enforce compliance with all rules and regulations enacted by the council.

(m) Give due notice and a fair hearing to persons or corporations to be affected by such rules and regulations before they shall be adopted.

(Ord. No. 2006-232, Amend. No. 22, 8-28-06, ratified 11-7-06; Ord. No. 2006-297, § 2, 10-3-06, ratified 11-7-06)

Sec. 13.05. Other conditions.

All franchises heretofore granted are recognized as contracts between the City of Denton and the grantee, and the contractual right as contained in any such franchise shall not be impaired by the provisions of this Charter, except that the power of the City of Denton to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the city heretofore existing and herein provided for to regulate the rates and services of a grantee which shall include the right to require proper and adequate extension of plant and service and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency. Every public utility franchise hereafter granted shall be held subject to all of the terms and conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchise. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the council or the electors of the city in imposing such terms and conditions as may be reasonable in connection with any franchise grant.

Sec. 13.06. Franchise records.

The city secretary shall compile and maintain a public record of all franchises heretofore or hereafter granted by the City of Denton.

ARTICLE XIV. GENERAL PROVISIONS

Sec. 14.01. Reserved.

Editor's note(s)—Ord. No. 79-86, § 2, adopted Dec. 11, 1979, and ratified Jan. 19, 1980, deleted former section 14.01 which pertained to the health officer and was derived unamended from the Charter adopted Feb. 24, 1959.

Sec. 14.02. Publicity of records.

All public records collected, assembled, or maintained by the city in accordance with the transaction of official business shall be available to the public during normal business hours, subject to the exceptions and regulations authorized by applicable state law.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

Sec. 14.03. Official newspaper.

The city council shall annually select and designate by resolution the official newspaper of the city in which all ordinances and official notices that are required to be published shall be published.

Sec. 14.04. Ethics Ordinance Requirement.

The City Council shall adopt an ethics ordinance. The ethics ordinance shall prohibit the use of public office for private gain and shall incorporate the conflict of interest standards that appear in V.T.C.A., Local Government Code, Ch. 171 and all state law as presently exist or may be hereafter amended or adopted. The Council may adopt more stringent standards than those that appear in state law, but the ethics ordinance shall at a minimum include the following components:

(1) Definition of a prohibited improper economic interest and personal gain;

(2) Definition of recusal and improper participation when a potential conflict of interest is present;

(3) Avoidance of appearance of conflict of interest; and

(4) Administration and enforcement of ethics ordinance, including the power to subpoena witnesses and documents, coupled with strong and meaningful remedies for infraction.

(Ord. No. 2017-237 , § 1(Amend. D), 8-15-17, ratified 11-7-17; Ord. No. 2017-373 , § 2(Prop. D), 11-20-17)

Editor's note(s)—Ord. No. 2017-237 , § 1(Amend. D), adopted August 15, 2017, ratified 11-7-17 repealed the former §§ 14.04, 14.05 and enacted a new § 14.04 as set out herein. The former §§ 14.04, 14.05 pertained to personal interest and nepotism and derived from Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80; Ord. No. 99-057, Amend. No. 25, 2-16-99, ratified 5-1-99; Ord. No. 2006-232, Amend. No. 23, 8-28-06, ratified 11-7-06.

Sec. 14.05. Reserved.

Editor's note(s)—See Editor's Note for § 14.04.

Sec. 14.06. Oath of office.

Every officer of the city shall before entering upon the duties of his office take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city secretary:

"I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ of the City of Denton, Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State and the Charter and ordinances of this City; and I furthermore solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed or promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. (or if the office is one of appointment, "to secure my appointment.") So Help Me God."

Sec. 14.07. Continuation of present offices.

All persons holding administrative office either by election or appointment at the time this Charter becomes effective shall continue in office and in the performance of their duties until provision shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the city by the laws of the state shall,

if such office, department or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the council unless otherwise provided herein.

Secs. 14.08, 14.09. Reserved.

Editor's note(s)—Ord. No. 79-86, § 2, adopted Dec. 11, 1979, and ratified Jan. 19, 1980, deleted former sections 14.08 and 14.09 which pertained to the commissioners and mayor holding office when the present Charter was adopted and which were derived unamended from said Charter adopted on Feb. 24, 1959.

Sec. 14.10. Continuance of contracts and public improvements.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions.

Sec. 14.11. Effect of charter on existing law.

All ordinances, resolutions, rules and regulations now in force under the city government and not in conflict with any provisions of this Charter shall remain in force under this Charter until altered, amended or repealed by the council after this Charter takes effect.

Sec. 14.12. Severable provisions.

If any section, subsection, sentence, clause or phrase of this Charter, or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provisions or applications of this Charter which can be given effect without the invalid provision or application, and to this end the provisions of this Charter are declared severable.

Sec. 14.13. Amending the charter.

Amendments to this Charter may be framed and submitted to the voters of the city in the manner provided by Vernon's Texas Codes Annotated, Texas Local Government Code Chapter 9 and all other applicable laws, as they now read or may hereafter be amended.

(Ord. No. 99-057, Amend. No. 26, 2-16-99, ratified 5-1-99)

Sec. 14.14. Submission of charter to electors.

The Charter Commission in preparing this Charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter Committee directs that this Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of Denton at an election to be held for that purpose on the 24th day of February, 1959.

Sec. 14.15. When provisions take effect.

If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter the present city commission, after canvassing the returns, shall enter an official order upon the records of the city

declaring the same adopted and this Charter shall be in full force and effect on and after the date of official adoption.

We, the undersigned members of the Denton Charter Commission, heretofore duly elected to prepare a Charter for the City of Denton, Texas, do hereby certify that this publication constitutes a true copy of the proposed Charter for the City of Denton, Texas, as unanimously adopted by the members thereof.

SAM B. McALISTER, Chairman

STANLEY A. MUNSON, Vice Chairman

ETHELYN DAVIS, Secretary

Tom Harpool	Walter B. McClurkan
Don Robinson	H. W. Kamp
Roland Laney	James R. Reed
M. G. Ramey	David Mulkey
W. D. Barrow	Mrs. W. F. "Pat" Hamilton
Lee E. Johnson	Paul P. Young

Sec. 14.16. Boards and commissions.

Members of boards and commissions of the City of Denton shall serve at the pleasure of the council. Members of such boards and commissions may be removed by the council only for cause and only after being given notice by the council.

(Ord. No. 79-86, § 2, 12-11-79, ratified 1-19-80)

CHARTER COMPARATIVE TABLE ORDINANCES

This table shows the location of the sections of the basic Charter and any amendments thereto.

Ordinance Number	Date	Election Date	Section	Section this Code
	2-24-59		1.01—14.16	1.01—14.16
76-12	4- 5-76		Amend. No. 1	2.01
				3.04
			Amend. No. 2	2.04
			Amend. No. 3	2.06
			Amend. No. 4	2.08
			Amend. No. 6	8.03
			Amend. No. 7	10.02
			Amend. No. 8	12.07
79-86	12-11-79	1-19-80	2	2.01—2.03
				2.05, 2.06
				2.08
				3.01
				3.04
				4.13
				4.16

				5.01
				5.05
				6.02, 6.03
				7.01—7.07
				8.06
				8.08
				9.01
				10.08
				14.02
				14.04
				14.16
99-057	2-16-99	5- 1-99	Amend. No. 2	1.05
			Amend. No. 3	1.06
			Amend. No. 4	1.07
			Amend. No. 5	2.02
			Amend. No. 6	2.04
			Amend. No. 7	3.01
			Amend. No. 8	3.02
			Amend. No. 9	3.04
			Amend. No. 10	6.03
			Amend. No. 11	7.01
			Rpld	7.02, 7.03, 7.04
			Amend. No. 12	8.04
			Amend. No. 13	8.05
			Amend. No. 14	8.07
			Amend. No. 15	9.01(a)
			Dltd	9.01(d)
			Amend. No. 16	9.02(a)
			Amend. No. 17	10.03(a)(6)
			Amend. No. 18	10.05
			Amend. No. 19	10.07
			Amend. No. 20	11.02
			Amend. No. 22	12.04
			Amend. No. 23	12.07(a), (d)
			Amend. No. 24	13.03
			Amend. No. 25	14.04
			Amend. No. 26	14.13
2006-232	8-28-06	11- 7-06	Amend. No. 2	1.06(f)
			Amend. No. 3	2.05(a)
			Amend. No. 4	2.07
			Amend. No. 5	2.08
			Amend. No. 6	2.09(b)
			Amend. No. 7	3.01(a)
			Amend. No. 8	5.03
			Amend. No. 9	6.01

				6.02
				6.04
			Amend. No. 10	8.03
			Amend. No. 11	8.08
			Amend. No. 12	9.02(a)
			Amend. No. 13	9.04
			Amend. No. 14	10.02
			Amend. No. 15	10.03
			Amend. No. 16	10.05
			Amend. No. 17	10.08
			Amend. No. 18	10.10(a)
			Amend. No. 19	10.12
			Amend. No. 20	12.07(d)
			Amend. No. 21	12.08(a)
				12.08(e)
			Amend. No. 22	13.04
			Amend. No. 23	14.05
2006-297	10- 3-06	11- 7-06	2	13.04
2009-199	9- 1-09	11- 3-09	Amend. No. 1	2.01(a)
			Amend. No. 2	2.02(a)(2)
			Amend. No. 3	2.03
				2.04
			Amend. No. 4	2.10
2017-237	8-15-17	11- 7-17	Amend. A	2.02(a)
			Amend. C	6.04
			Amend. D Rpld	14.04, 14.05
			Added	14.04
			Amend. E Added	2.02(c)
2017-373	11-20-17	11- 7-17	Prop. A	2.02(a)
			Prop. C	6.04
			Prop. D Rpld	14.04, 14.05
			Added	14.04
			Prop. E Added	2.02(c)