ORDINANCE NO. 243

AN ORDINANCE OF THE CITY OF WALLIS, TEXAS, ENACTING REGULATIONS REGARDING BOARDING HOMES; PROVIDING FOR A FINE IN AN AMOUNT NOT TO EXCEED \$2,000 PER DAY OR A CIVIL PENALTY IN AN AMOUNT NOT TO EXCEED \$1,000.00 PER DAY FOR A VIOLATION OF ANY PROVISION OF THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City Council has found and determined that the proliferation of boarding homes in this state and in nearby cities and counties is threatening and detrimental to physical, mental, or moral well-being of the citizens of Wallis, Texas; and

WHEREAS, Chapter 51 of the Texas Local Government Code allows a City to adopt an ordinance, that is for the good government, peace, or order of the municipality, or for the trade and commerce of the City and is necessary or proper for carrying out a power granted by law to the City of Wallis, Texas; and

WHEREAS, Chapter 215 of the Texas Local Government Code allows a City to restrain, abate, prohibit, direct the location of, or regulate the management or construction of a business that is detrimental to the physical, mental, or moral well-being of the citizens of Wallis, Texas; and

WHEREAS, Chapter 215 of the Texas Local Government Code allows a City to require a person to obtain a permit from the City to operate a boarding home within the City's jurisdiction; and

WHEREAS, Chapter 215 of the Texas Local Government Code allows a City to adopt the standards that require a business home to hold a permit issued by the City and to comply with the adopted standards; and

WHEREAS, the City Council has found and determined that the standards in this ordinance will provide adequate standards in boarding homes that are for the good government, peace, or order of the City of Wallis and for the trade and commerce of the City and are necessary and proper for carrying out a power granted by law to the City of Wallis; and

WHEREAS, the City Council has found and determined that the standards in this ordinance will provide adequate standards to protect the health and safety of residents of boarding homes, including ensuring that adequate life-safety measures are present in boarding homes; and

WHEREAS, the City Council has found and determined that the regulation of boarding homes through this ordinance, which includes the adoption of standards, the issuing of permits, the inspection of boarding homes and the ability to enforce the provisions of the ordinance is in the best interest of the public and will promote the public health, safety and welfare of the City and to regulate boarding home businesses within the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY WALLIS, TEXAS SECTION 1.

1.1 AUTHORITY TO REGULATE.

- (a) The findings and determinations set forth in the preambles in this ordinance are found to be true and correct and are incorporated herein and made a part of this Ordinance.
- (b) The Boarding Home Regulations for the City of Wallis, Texas (the "Regulations") are in conformity with Chapter 215 of the Texas Local Government Code and Chapter 51 of the Texas Local Government Code.
- (c) It is the purpose of the City Council to establish reasonable and uniform regulations for Boarding Home businesses to promote and protect the health, safety, and general welfare of the residents of Wallis, and to protect the residents of Boarding Homes from abuse, neglect, exploitation and other criminal or unethical behaviors.
- (d) The Regulations do not legalize anything prohibited under the Texas Penal Code or any other law(s) or regulation(s).
- (e) These Regulations do not apply to a facility regulated by a state or federal law or regulation.
- (f) The Regulations' purpose are to provide a regulatory scheme that is for the good government, peace, or order of the City of Wallis and necessary for Boarding Home business being conducted in the City.
- (g) The Regulations are designed to allow the City to restrain, abate, prohibit, direct the location of and regulate the management and construction of Boarding Home businesses in order to protect the physical, mental, or moral well-being of the citizens of Wallis, Texas.

1.2 ADMINISTRATION.

The City of Wallis hereby designates the City of Wallis Code Enforcement officer or his/her duly authorized agent, as the Boarding Home Permit Administrator. The Boarding Home Permit Administrator shall operate the Boarding Home Permit Office. The Boarding Home Permit Administrator will process, issue, investigate, suspend, revoke and/or deny Boarding Home and Boarding Home Employee Permits in accordance with these Regulations.

1.3 AREA COVERED BY THESE REGULATIONS.

These Regulations apply to Boarding Homes located in the City of Wallis.

1.4 GENERAL DEFINITIONS.

"Applicant" means an individual, business, company, corporation, or other legal entity that is required to obtain or has applied for- a Boarding Home Permit and or a Boarding Home Employee Permit.

"Boarding Home" is defined as an establishment that furnishes, in one or more buildings, lodging to three (3) or more persons who are unrelated to the owner of the establishment by blood or marriage; and provides Residents with community meals, light housework, meal preparation, transportation. arocerv shopping. money management, laundry services, or assistance with selfadministration of medication but does not provide personal care services as defined by Tex. Health & Safety Code Ann. § 247.002 to those persons.

"Boarding Home Employee" means any person who provides work or services to the Boarding Home and is paid as a full or part-time employee, temporary employee, contract consultant or any other designation, whether compensation is monetary or in some other form, or anyone paid as a 1099 independent contractor.

"Boarding Home Permit Administrator" means the City of Wallis Code Enforcement officer or his/her duly authorized agent or his/her designee.

"Boarding Home Permit Office" means the physical location which has been designated by the Boarding Home Permit Administrator where commercial businesses and/or individuals must apply in person for a Boarding Home Permit or a Boarding Home Employee Permit.

"Boarding Home Owner" means an individual, business, company, corporation, or other legal entity that:

- (1) has an ownership interest in, or receives profits from, a Boarding Home;
- (2) is a partner, director, designated agent, or officer of a business, company, corporation, or other legal entity that has an ownership interest in a Boarding Home;
- (3) is a shareholder that holds more than ten (10) percent of the outstanding shares of a business, company, corporation, or other legal entity that has an ownership interest in a Boarding Home;
- (4) has been issued, by a county clerk, an assumed name certificate for a business that owns a Boarding Home;
- (5) signs a lease or owns the real property for a Boarding Home;
- (6) receives a certificate of occupancy for a Boarding Home;
- (7) signs an alarm permit for a Boarding Home;
- (8) opens an account for utilities for a Boarding Home or applies for a Boarding Home Permit.

"Regulations" means the Boarding Home Regulations for the City of Wallis.

"Resident" means a person who is residing in a Boarding Home Facility.

"Volunteer" means a person who provides work or services to the Boarding Home and is not being paid for those services.

SECTION 2.

BOARDING HOME PERMIT.

2.1 APPLICATION.

- (a) It shall be a violation of these Regulations for any person, individual, business, company, corporation, or other legal entity, to own or operate a Boarding Home in the City of Wallis for any period of time that has not been issued a Boarding Home Permit. Any person, individual, business, company, corporation, or other legal entity operating a Boarding Home in violation of these Regulations is subject to a fine(s) for noncompliance issued by the City of Wallis.
- (b) A complete application including all supportive documents must be filed with the Boarding Home Permit Administrator before the permitting process will begin. The application shall be filed on the form provided by the Boarding Home Permit Administrator.
 - (1) Applications for Boarding Home Permits shall be completed in person using forms established by the Boarding Home Permit Administrator.
 - (2) The Boarding Home Permit Administrator shall establish the hours of operation, location and procedures for the Boarding Home Permit Office.
 - (3) The Applicant(s) shall be the Boarding Home's Owner(s).
 - (4) Reasonable fees will be assessed and used to administer the City's permitting. Fees shall be based on the cost of processing Applications, and program administration. Fees shall be defined in a fee schedule adopted by the City Council.
 - (5) Incomplete applications will result in denial of the application and forfeiture of the application fee.
 - (6) Once a complete application has been received, the Boarding Home Permit Administrator will coordinate up to three (3) inspections of the Applicant(s)' proposed Boarding Home to ensure compliance with these Regulations. The Applicant(s) must be present in person during any inspection.
 - A. If after the initial inspection, the Applicant does not pass the inspection, the Applicant will be informed in writing of what corrections must be made to the proposed Boarding Home in order to comply with these Regulations.
 - B. A second inspection will be performed if corrections must be made. Before a second inspection can be scheduled, the Applicant must pay a re-inspection fee. If the corrections

- made are inadequate, the Applicant will again be informed in writing of what corrections must be made to the proposed Boarding Home in order to comply with these Regulations.
- C. Before a third inspection can be scheduled, the Applicant must pay a second re-inspection fee. If after the third and final inspection the Applicant's proposed Boarding Home fails to comply with these Regulations, the Boarding Home Permit Administrator shall deny the application.
- D. If the proposed Boarding Home passes inspection, all criminal background checks are passed, and all required documents have been submitted the Boarding Home Permit Administrator will approve the application.
- E. If compliance with these Regulations are not met within the three (3) inspections the Applicant shall reapply for the permit and repay the appropriate permit fees.
- (7) The Applicant has ninety (90) days from the initial inspection to complete the inspection process. Failure to complete the entire inspection process within these ninety (90) days shall result in denial of the application. It is the obligation of the Applicant to ensure the process is completed in the requisite ninety (90) days.
- (8) Failure to provide any information required by this Section or a determination by the Boarding Home Permit Administrator that inaccurate, erroneous, or incomplete information has been submitted, shall be grounds for denial of the application. Permit fees including re-inspection fees are not refundable.

2.2 DENIAL OF A BOARDING HOME PERMIT

- (a) A Permit to operate a Boarding Home shall be denied or denied for renewal if the Owner has been convicted of a criminal offense listed in subsection (c) or (d) of this section. If the Owner employs any person convicted of a criminal offense listed in subsection (c) or (d), then based on the facts, the Permit may be denied, suspended, revoked, or denied renewal.
- (b) The Owner must complete any state or federal request and release forms that are required to obtain a criminal history report for the Owner. In addition to the permit fee, the Owner will provide funding to the City in a manner specified by the City to cover any fees imposed by state or federal agencies for the report.

- (c) The following criminal histories will disqualify an Owner from obtaining a Boarding Home Permit or an Employee from obtaining a Boarding Home Employee Permit:
 - (1) an offense under Chapter 19, Penal Code (criminal homicide);
 - (2) an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint);
 - (3) an offense under §21.02, Penal Code (continuous sexual abuse of young child or children), or §21.11, Penal Code (indecency with a child);
 - (4) an offense under §22.011, Penal Code (sexual assault);
 - (5) an offense under §22.02, Penal Code (aggravated assault);
 - (6) an offense under §22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
 - (7) an offense under §22.041, Penal Code (abandoning or endangering child);
 - (8) an offense under §22.08, Penal Code (aiding suicide);
 - (9) an offense under §25.031, Penal Code (agreement to abduct from custody);
 - (10) an offense under §25.08, Penal Code (sale or purchase of a child);
 - (11) an offense under §28.02, Penal Code (arson);
 - (12) an offense under §29.02, Penal Code (robbery);
 - (13) an offense under §29.03, Penal Code (aggravated robbery);
 - (14) an offense under §21.08, Penal Code (indecent exposure);
 - (15) an offense under §21.12, Penal Code (improper relationship between educator and student);
 - (16) an offense under §21.15, Penal Code (improper photography or visual recording;
 - (17) an offense under §22.05, Penal Code (deadly conduct);
 - (18) an offense under §22.021, Penal Code (aggravated sexual assault);
 - (19) an offense under §22.07, Penal Code (terroristic threat);
 - (20) an offense under §33.021, Penal Code (online solicitation of a minor);
 - (21) an offense under §34.02, Penal Code (money laundering);
 - (22) an offense under §35A.02, Penal Code (Medicaid fraud);
 - (23) an offense under §42.09, Penal Code (cruelty to animals);
 - (24) an offense under §30.02, Penal Code (burglary);

- (25) an offense under §31, Penal Code (theft), that is punishable as a felony; or
- (26) a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.
- (d) A person may not own a Boarding Home or be employed in a position of which the duties involve direct contact with a Resident in a Boarding Home before the fifth (5th) anniversary of the date the person is convicted of any felony offense listed in subsection (c) or any of the following non-felony offenses:
 - (1) an offense under §22.01, Penal Code (assault), that is punishable as a Class A misdemeanor;
 - (2) an offense under §32.45, Penal Code (misapplication of fiduciary property or property of a financial institution), that is punishable as a Class A misdemeanor;
 - (3) an offense under §32.46, Penal Code (securing execution of a document by deception), that is punishable as a Class A misdemeanor;
 - (4) an offense under §37.12, Penal Code (false identification as peace officer);
 - (5) an offense under §42.0l(a)(7), (8), or (9), Penal Code (disorderly conduct); or
 - (6) a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.
- (e) The Owner must ensure that all Employees, including Volunteers who are not Residents, have had a background check of conviction records, pending charges and disciplinary board decisions completed within the past two (2) years preceding their application for a Boarding Home Employee Permit, and that this background check is repeated every year thereafter, and that the individual is not disqualified under the provisions of Subsections (c) and (d) of this section. The Owner will immediately discharge any Employee or Volunteer whose criminal history check reveals conviction of a crime that bars employment or volunteer service.

2.2 REVOCATION OR SUSPENSION OF A BOARDING HOME PERMIT.

- (a) The Boarding Home Permit Administrator may revoke or suspend a permit for the following reasons:
 - (1) the Boarding Home has violated, or is not in compliance with, any Section or Subsection of these Regulations;
 - (2) the Applicant(s) made a misleading statement in the application for a Boarding Home Permit, provided false, fraudulent, or untruthful information in the application for a Boarding Home Permit, and/or withheld pertinent information in the application for a Boarding Home Permit; or,
 - (3) the Boarding Home Permit should not have been issued pursuant to these Regulations.
- (b) If any of the stated events or conditions providing a basis for revocation or suspension of a Boarding Home Permit have occurred, the Boarding Home Permit Administrator shall document the violation in a revocation or suspension letter, and provide notice to the Boarding Home Owner(s) by certified mail, return receipt requested, or delivered to the address supplied on the application and post notice on the entrance door of the Boarding Home. A denial, revocation or suspension of a Boarding Home Permit by the Boarding Home Permit Administrator shall become final on the seventh (7th) day after the revocation or suspension letter is posted on an entrance door of the Boarding Home.

2.3 BOARDING HOME PERMIT APPEALS.

- (a) If the Boarding Home Permit Administrator denies the issuance of, revokes, or suspends an issued Boarding Home Permit Application, the Applicant(s) or Boarding Home Owner(s) shall have the opportunity to make a written request for a hearing before the Wallis City Council.
- (b) All requests for hearings must be in writing and delivered to the Boarding Home Permit Administrator no later than five (5) business days after the date the denial, revocation, or suspension becomes final. The Applicant(s) or Boarding Home Owner(s) waive the right to a Boarding Home Permit appeal hearing if the request is not timely received by the Boarding Home Permit Administrator.
- (c) A Boarding Home may not operate during the pendency of an appeal.

- (d) The hearing shall be held within twenty-one (21) days of the receipt of request for a hearing. The Applicant(s) or Boarding Home Owner(s) shall be provided an opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel. The formal rules of evidence do not apply.
- (e) The Applicant(s) or Boarding Home Owner(s) must be present in person at the Boarding Home Permit appeal hearings. If the Applicant(s) or Boarding Home Owner(s) is not present at the Boarding Home Permit appeal hearing, the Boarding Home Permit will be automatically denied, suspended, revoked or denied renewal.
- (f) The City Council has the power to uphold or reverse the denial of a Boarding Home Permit.
- (g) If the City Council, based upon the nature of the violations, determines that a suspension in lieu of revocation is appropriate, operation of the Boarding Home shall be suspended for a period not to exceed one-hundred and eighty (180) days. The City Council shall issue a written order suspending the Boarding Home Permit and attaching conditions, if applicable, and the suspension shall become effective on the date the City Council issues its written order.
- (h) The City Council shall issue a written order of its determination within fourteen (14) days from the date of the Boarding Home Permit appeal hearing. The written order shall be distributed to the Applicant(s) or Boarding Home Owner(s), and Boarding Home Permit Administrator via e-mail address supplied on the application and by certified mail.
- (i) The decision of the City Council shall be final.

2.4 REAPPLICATION FOR A BOARDING HOME PERMIT.

- (a) After the City Council's final ruling of the revocation of a Boarding Home Permit, an Applicant(s) may reapply for a Boarding Home Permit after the expiration of one-hundred eighty (180) days from the date of the City Council's ruling.
- (b) The application will be considered a new application in regard to the timelines and fee established in Subsection 2.1 of these Regulations.
- (c) Records of repeated violations or repeated revocations may bar future eligibility for a Boarding Home Permit.

2.5 RENEWAL OF A BOARDING HOME PERMIT.

- (a) A Boarding Home Permit may be renewed for the following year starting ninety (90) days before the expiration of the current permit by filing a complete Boarding Home Permit application and paying the applicable fee set forth in these Regulations.
- (b) A renewal application shall be subject to the same requirements in these Regulations as are required for a new Boarding Home Permit application. As long as the completed renewal application was submitted within this ninety (90) day period, the previous Boarding Home Permit will remain in effect until the Boarding Home Permit Administrator decides in accordance with these Regulations as to whether the Boarding Home Permit will be renewed.

2.6 CONTENTS OF A BOARDING HOME PERMIT.

- (a) A Boarding Home Permit is valid for three-hundred and sixty-five (365) days from the date of issuance.
- (b) When the application process is complete and the proposed Boarding Home has met all the requirements set forth in these Regulations, the Boarding Home Permit Administrator shall issue the proposed Boarding Home a Boarding Home Permit.
- (c) The Boarding Home Permit shall contain the following:
 - (1) the date the Permit was issued;
 - (2) the date the Permit expires;
 - (3) the name of the Boarding Home;
 - (4) the physical address of the Boarding Home;
 - (5) the name of the Boarding Home Owner(s) with a mailing address, e-mail address and phone number that is answered during business hours and after hours;
 - (6) type of ownership, i.e., d/b/a, Texas or foreign corporation, partnership, etc.
 - (7) a 24/7 contact for the Boarding Home in case of emergency;
 - (8) the number of Residents allowed to live at the facility; and,
 - (9) the signature of the Boarding Home Permit Administrator.
 - (10) a statement that the Boarding Home Permit is not transferable, assignable, or divisible, and it is a violation of these Regulations for any boarding home permit holder to attempt to do so.

(d) The Boarding Home Permit Administrator shall keep a signed copy of the Boarding Home Permit for the Boarding Home Permit Administrator's records.

SECTION 3.

BOARDING HOME EMPLOYEE PERMITS

3.1 APPLICATION.

- (a) It shall be a violation of these Regulations for any person, individual, business, company, corporation or other legal entity who has not been issued a Boarding Home Employee Permit, to engage in any of the activities outlined in Section 2.1 in a Boarding Home located in Wallis. This is regardless of whether that Boarding Home has been issued a Boarding Home Permit pursuant to these Regulations. The City may impose fines for noncompliance.
- (b) The City may impose fines for noncompliance of these Regulations if a Boarding Home Owner or Employee engages in any of the activities outlined in Section 2.1 in a Boarding Home located in Wallis without being issued a Boarding Home Employee Permit pursuant to these Regulations
- (c) A complete application shall be filled with Boarding Home Permit Administrator. The application shall be filed on the form provided by the Boarding Home Permit Administrator. The Boarding Home Permit Administrator shall establish the hours when an application can be submitted.
 - (1) The Applicant shall be a Boarding Home Owner or Employee.
 - (2) Applications for a Boarding Home Employee Permit must be completed in person.
 - (3) Reasonable fees will be assessed and used to administer the City of Wallis permitting program. Fees shall be defined in a fee schedule adopted by City Council.
 - (4) Incomplete applications will result in denial of the application and forfeiture of the application fee.
- (d) Each complete Boarding Home Employee Permit Application shall be accompanied by:
 - (1) a color copy of the Applicant's driver's license or government-issued photo identification;
 - (2) a color copy of the Applicant's social security card;
 - (3) a certification stating the Applicant has not violated, or been

- convicted of, any offense listed in the ordinance; and,
- (4) a valid mailing address, e-mail address and phone number that is answered during business hours and after hours, including holidays, with no exceptions.
- (e) A Boarding Home Employee Permit application shall be denied upon failure to produce all documents and information required by Subsection 3.1 (d).
- (f) A Boarding Home Owner shall not work at a Boarding Home during the pendency of their appeal.
- (g) A Boarding Home Employee Permit is not transferable, assignable, or divisible, and it is a violation of these Regulations for any boarding home permit holder to attempt to do so.

3.2. DENIAL OF A BOARDING HOME EMPLOYEE PERMIT.

A criminal history for the below listed offenses will disqualify an Owner from obtaining a permit to operate a boarding home or will serve as a bar to being employed by a boarding home facility:

- an offense under Chapter 19, Penal Code (criminal homicide);
- 2. an offense under Chapter 20, Penal Code (kidnapping and unlawful restraint):
- 3. an offense under §21.02, Penal Code (continuous sexual abuse of young child or children), or §21.11, Penal Code (indecency with a child);
- 4. an offense under §22.011, Penal Code (sexual assault);
- 5. an offense under §22.02, Penal Code (aggravated assault);
- 6. an offense under §22.04, Penal Code (injury to a child, elderly individual, or disabled individual);
- 7. an offense under §22.041, Penal Code (abandoning or endangering child);
- 8. an offense under §22.08, Penal Code (aiding suicide);
- an offense under §25.031, Penal Code (agreement to abduct from custody);
- 10. an offense under §25.08, Penal Code (sale or purchase of a child);
- 11. an offense under §28.02, Penal Code (arson);

- 12. an offense under §29.02, Penal Code (robbery);
- 13. an offense under §29.03, Penal Code (aggravated robbery);
- 14. an offense under §21.08, Penal Code (indecent exposure);
- 15. an offense under §21.12, Penal Code (improper relationship between educator and student);
- 16. an offense under §21.15, Penal Code (improper photography or visual recording);
- 17. an offense under §22.05, Penal Code (deadly conduct);
- 18. an offense under §22.021, Penal Code (aggravated sexual assault);
- 19. an offense under §22.07, Penal Code (terroristic threat);
- 20. an offense under §33.021, Penal Code (online solicitation of a minor);
- 21. an offense under §34.02, Penal Code (money laundering);
- 22. an offense under §35A.02, Penal Code (Medicaid fraud);
- 23. an offense under §42.09, Penal Code (cruelty to animals);
- an offense under §30.02, Penal Code (burglary);
- 25. an offense under §31, Penal Code (theft), that is punishable as a felony; or
- 26. a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.

A person may not own a Boarding Home or be employed in a position the duties of which involve direct contact with a Resident in a Boarding Home before the fifth (5th) anniversary of the date the person is convicted of any felony offense not listed in subsection (c) or any of the following non-felony offenses:

- 1. an offense under §22.01, Penal Code (assault), that is punishable as a Class A misdemeanor;
- 2. an offense under §32.45, Penal Code (misapplication of fiduciary property or property of a financial institution), that is punishable as a Class A misdemeanor;
- 3. an offense under §32.46, Penal Code (securing execution of a document by deception), that is punishable as a Class A

misdemeanor;

- 4. an offense under §37.12, Penal Code (false identification as peace officer);
- 5. an offense under §42.0l(a)(7), (8), or (9), Penal Code (disorderly conduct); or
- 6. a conviction under the laws of another state, federal law, or the Uniform Code of Military Justice for an offense containing elements that are substantially similar to the elements of an offense listed in this subsection.

The Owner must ensure that all Employees, including Volunteers who are not Residents, have had a background check of conviction records, pending charges and disciplinary board decisions completed within the past two years, and is repeated every year thereafter, and that the individual is not disqualified under the provisions of this ordinance. The Owner will immediately discharge any Employee or Volunteer whose criminal history check reveals conviction of a crime that bars employment or volunteer service.

The following may result in the denial of a Boarding Home Employee Permit.

- 1. the Applicant made a misleading statement in the application for a Boarding Home Employee Permit, provided false, fraudulent, or untruthful information in the application for a Boarding Home Employee Permit, and/or withheld pertinent information in the application for a Boarding Home Employee Permit.
- 2. the Applicant is under eighteen (18) years of age;
- 3. the Applicant has had a Boarding Home Employee Permit revoked within the three-hundred and sixty-five (365) day period immediately preceding the date the application was filed; or
- 4. an application or renewal fee required by these Regulations has not been paid.

If any of the stated events or conditions providing a basis for denial of a Boarding Home Employee Permit have occurred, the Boarding Home Permit Administrator shall document the reason for denial in a denial letter and provide notice to the Applicant(s) by certified mail to the address included in the application.

3.3 REVOCATION OR SUSPENSION OF A BOARDING HOME EMPLOYEE PERMIT.

- (a) Boarding Home Employee Permit may be revoked or suspended upon a finding by the Boarding Home Permit Administrator of any of the following facts:
 - a Boarding Home Owner or Employee has violated, or is not in compliance with, any applicable Section or Subsection of these Regulations;
 - a Boarding Home Owner or Employee failed to display on his/her person at all times while on the premises of a Boarding Home, a current valid Boarding Home Employee Permit issued pursuant to these Regulations;
 - 3. a Boarding Home Owner or Employee violated any of the offenses described in Subsection 3.2(a) of these Regulations. A Boarding Home Employee Permit shall be suspended during the pendency of any of the listed criminal cases. If the ultimate disposition of the case results in conviction, the Boarding Home Employee Permit shall be revoked.
 - a Boarding Home Owner or Employee is found to be on the premises of a Boarding home in Wallis, and providing services to that Boarding Home, without a Boarding Home Employee Permit for that location;
 - 5. a Boarding Home Owner or Employee made a misleading statement in the application for a Boarding Home Employee Permit, provided false, fraudulent, or untruthful information in the application for a Boarding Home Employee Permit, and/or withheld pertinent information in the application for a Boarding Home Employee Permit; or
 - 6. the Boarding Home Employee Permit should not have been issued pursuant to these Regulations.

If any of the stated events or conditions providing a basis for the revocation or suspension of a Boarding Home Employee Permit have occurred, the Boarding Home Permit Administrator shall document the violation in a revocation or suspension letter, and provide notice the Boarding Home Owner and Boarding Home Employee via certified mail or e-mail within five (5) days from the date on which the revocation or suspension letter was drafted by the Boarding Home Permit Administrator. The revocation or suspension letter shall provide the reason(s) for the action. A suspension of a Boarding Home Employee Permit by the Boarding Home Permit Administrator shall become final on the third (3rd) day after the suspension letter is mailed via certified mail. A suspension or revocation of a Boarding Home Employee Permit is grounds for immediate removal from the Boarding Home pending the outcome of any pending criminal charges.

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3.4. BOARDING HOME EMPLOYEE PERMIT APPEALS.

- (a) If the Boarding Home Permit Administrator denies the issuance of, revokes, or suspends an issued Boarding Home Employee Permit, the Applicant(s), Boarding Home Owner(s) or Employee(s) shall have the opportunity to make a written request for a hearing before the City Council regarding the alleged grounds for denial, revocation, or suspension of the Boarding Home Employee Permit.
- (b) All requests for hearings shall be in writing and delivered to the Boarding Home Permit Administrator within five days from the date when the denial, revocation, or suspension letter was transmitted by the Boarding Home Permit Administrator. The Applicant or Boarding Home Owner/Employees waives the right to a Boarding Home Employee Permit appeal hearing if the request is not timely received by the Boarding Home Permit Administrator.
- (c) The Applicant or Boarding Home Owner/Employee shall be provided an opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel. The formal rules of evidence do not apply.
- (d) The Applicant or Boarding Home Owner/Employee shall be present in person at the Boarding Home Employee Permit appeal hearings. If the Applicant or Boarding Home Owner/Employee is not present in person at the Boarding Home Employee Permit appeal hearing, the denial or revocation of the Boarding Home Employee Permit shall be automatically upheld.
- (e) The City Council has the power to uphold or reverse the revocation of a Boarding Home Employee Permit.
- (g) The City Council has the power to uphold, modify or reverse the revocation of a Boarding Home Employee Permit and instead order a suspension. However, if the City Council finds that a violation of a particular Section or Subsection of these Regulations has occurred and that the specific violation calls for mandatory revocation, the City Council shall strictly abide by that determination and shall not retroactively modify or change the status of that revocation.
- (h) The decision of the City Council shall be final.
- (i) The City Council shall issue a written order detailing its decision within five (5) days from the date of the Boarding Home Employee Permit appeal hearing. The written order shall be distributed to the Applicant or Boarding Home Employee, Boarding Home Owner and Boarding Home Permit Administrator via certified mail or email.

3.5 REAPPLICATION FOR A BOARDING HOME EMPLOYEE PERMIT.

- (a) After the City Council's final ruling of revocation of a Boarding Home Employee Permit, an Applicant may reapply for a Boarding Home Employee Permit after the one-hundred and eighty (180) days from the date of the City Council's decision.
- (b) The application will be considered a new application in regard to the timelines and fee established in Subsection 3.1.

3.6 RENEWAL OF A BOARDING HOME EMPLOYEE PERMIT.

- (a) A Boarding Home Employee Permit may be renewed for the following year starting ninety (90) days before the expiration of the current permit by filing a complete application of a Boarding Home Employee Permit and paying the applicable fee set forth in these Regulations.
- (b) A renewal application shall be subject to the same requirements as an original application for a Boarding Home Employee Permit. As long as the completed renewal application was submitted within this ninety (90) day period, the previous Boarding Home Employee Permit will remain in effect until the Boarding Home Permit Administrator makes a determination in accordance with these Regulations as to whether the Boarding Home Employee Permit will be renewed.

3.7 CONTENTS OF A BOARDING HOME EMPLOYEE PERMIT.

- (a) A Boarding Home Employee Permit is valid for three-hundred and sixty-five (365) days
- (b) When the application process is complete and the Applicant has met all the requirements set forth in these Regulations, the Boarding Home Permit Administrator shall issue the Applicant a Boarding Home Employee Permit.
- (c) The a Boarding Home Employee Permit shall contain the following:
 - (1) the date the Permit was issued:
 - (2) the date the Permit expires:
 - (3) the name of the Boarding Home Employee;
 - (4) a color photo of the Boarding Home Employee;
 - (5) the name and physical address of the Boarding Home(s) the Boarding Home Employee is permitted to work at:
 - (6) a 24/7 contact for the Boarding Home in case of emergency; and
 - (7) the signature of the Boarding Home Permit Administrator.
 - (8) a statement that the Boarding Home Employee Permit is not transferable, assignable, or divisible, and it is a violation of these Regulations for any Boarding Home permit holder to attempt to do so.

The Boarding Home Permit Administrator shall keep a signed copy of the Boarding Home Employee Permit for the Boarding Home Permit Administrator's records.

SECTION 4.

OPERATION OF BOARDING HOME.

4.1 COMPLIANCE WITH THE CITY OF WALLIS, BOARDING HOUSE REGULATIONS.

- (a) Compliance with the City of Wallis, Texas Boarding House Regulations is mandatory.
 - A Boarding Home must operate in full compliance with the current City of Wallis, Texas Boarding Home Standards incorporated herein (the "Standards").
 - (2) Failure to comply with any of these Standards may result in revocation or suspension of the Boarding Home Permit or fines or both.
 - (3) Where there is a conflict between the requirements of these Regulations, and other local, state, or federal rules or regulations the more stringent rule or regulation shall prevail.

4.2 BOARDING HOME PERMIT AND BOARDING HOME EMPLOYEE PERMIT REQUIRED.

It shall be a violation of these Regulations for a person to operate a Boarding Home in the City of Wallis that has not been issued a valid Boarding Home Permit or to employ a person who has not been issued a valid Boarding Home Employee Permit.

4.3 DISPLAY OF BOARDING HOME PERMIT AND OTHER REQUIRED DOCUMENTS

- (a) The following documents must be displayed by a Boarding Home in plain sight in a common area accessible to the public, Employees and Residents:
 - (1) a current, valid Boarding Home Permit for each Boarding Home;
 - a sign prescribed by the City and issued by the Boarding Home Permit Administrator, that specifies how complaints may be registered with the City; and
 - (3) a notice prescribed by the City that states that inspection and related reports are available at the Boarding Home for public inspection. The Notice shall include contact information and telephone number for the Boarding Home Owner or other individual who can provide information concerning the Boarding Home Facility.

- (b) A concise summary of the most recent inspection report relating to the Boarding Home shall be posted in a common area accessible to the public and patron.
- (c) A notice in a form prescribed by the City, shall be posted in a common area accessible to the public and patron that lists the name, location, and contact information for:
 - the closest local public health services agency in the proximity to the boarding home facility; and
 - a local organization or entity that represents, advocates, or serves elderly person or person with disabilities or unemancipated person, including any related toll-free contact information for reporting emergencies to the organization or entity.
- (d) A violation of this Subsection may be grounds for denial, revocation, or suspension of a Boarding Home's Boarding Home Permit.

SECTION 5.

BOARDING HOME STANDARDS

STANDARD 1. CONSTRUCTION/REMODELING

- A. Each owner/operator of a Boarding Home must ensure the Residents' health, safety, comfort and protection through the following standards that address the construction or remodeling of a Boarding Home, including plumbing, heating, lighting, ventilation and other housing conditions.
- B. Each Boarding Home must meet the following applicable codes and regulations:
 - 1. federal, state and local fire codes;
 - 2. federal, state and local health & safety codes; and
 - 3. federal, state and local accessibility regulations.
- C. Mobile homes shall not be permitted for use as Boarding Homes or additions to existing Boarding Homes.
- D. Interior doors to living spaces, bedrooms, bathrooms and toilet rooms must fit the openings in which they are hung, be properly equipped with hardware and be maintained in good working condition. Doors with locking devices must be provided where necessary to provide privacy and protection of the Resident.

- 1. Every closet door latch will be such that it can be readily opened from the inside in case of an emergency.
- 2. Every bathroom door or door lock must permit the opening of the locked door in case of an emergency.
- E. Public pathways and stairways in buildings must maintain a minimum unobstructed width concurrent with state fire codes and must be provided with convenient light switches controlling an adequate lighting system.
- F. Boarding Home facilities must be supplied with electric service and fixtures that are properly installed and maintained in safe working condition and connected to a source of electrical power.
- G. Every Boarding Home must have heating and cooling equipment that are properly installed, vented, and maintained in a safe good working condition. The temperature of rooms intended for human occupancy will remain at a temperature between sixty-eight (68) and eighty-two (82) degrees Fahrenheit.
- H. Every Boarding Home must have water heating facilities that are properly installed, vented, in good working condition, and are properly connected with hot and cold-water lines. The temperature of water drawn at every required sink, lavatory basin, bathtub or shower will remain at a temperature between one hundred and ten (110) and one hundred and twenty (120) degrees Fahrenheit.
- I. Every habitable room must have at least one window that can be easily opened, or such other device as will ventilate the room. Locks that can be easily opened manually from the inside must be provided on all exterior doors. All windows must be openable without tools. The window opening must meet local codes for emergency egress. The bottom of the window opening must not be more than forty-four inches (44") above the floor.
- J. Sleeping rooms must have:
 - 1. at least 100 square feet of floor space in single-occupancy rooms;
 - 2. at least 60 square feet of floor space for each occupant in multioccupancy rooms
 - 3. beds spaced at least three feet (3') apart when placed side by side or end-to-end;

- 4. at least seven feet, six inches (7'6") ceiling height;
- 5. required accessibility for non-ambulatory Residents and Residents with conditions that substantially limit ambulation and/or mobility;
- 6. beds at least six feet (6') long and three feet (3') wide equipped with supportive springs in good condition and a clean supportive mattress in good condition, and a mattress cover that prevents bodily fluids from soiling the mattress;
- 7. at least one pillow with a clean pillowcase, two (2) clean sheets, and a cover such as a blanket or quilt, in good condition, per bed, cleaned weekly or more often if soiled;
- 8. extra bed linens, including sheets, pillowcase and blankets must be available to each Resident;
- 9. at least one chest of drawers or equivalent per Resident, in good condition having a sufficient number of drawers or other areas to contain all necessary items of clothing and personal belongings of each Resident that can be locked/secured;
- 10. at least one chair per Resident in good condition in each sleeping room;
- 11. at least one end table in good condition located adjacent to each bed in each sleeping room;
- 12. sufficient hanging space to allow clothes not stored in drawers to be hung. Clothing must not be stored on the floor;
- 13. bath towels, washcloths, soap, individual comb and toothbrush must be available at all times and in quantity sufficient to meet the needs of the Residents; and
- 14. access to emergency exit without passing through another sleeping room.

- K. All equipment, fixtures, furniture, and furnishings, including windows, draperies, curtains, and carpets, must be kept clean and free of dust, dirt, vermin, and other contaminants, and must be maintained in good order and repair.
- L. Water closets, lavatories, and bathtubs or showers must be:
 - 1. available on each floor when not provided in each individual room;
 - 2. provided in the ratio of one toilet and one lavatory, and one bathtub or shower for every six (6) Residents, or fraction thereof; and
 - 3. accessible to the Residents without going outside of the building or without going through a sleeping room of another Resident.
- M. A telephone must be available, 24 hours per day, must be easily accessible, and must afford privacy for use by Residents. A listing of emergency telephone numbers, including the numbers of the local police, fire department ambulance.
- N. Each Boarding Home must provide:
 - 1. A washer and dryer for every 10 Residents, or fraction thereof that is properly vented to the outside. Washer or dryer must be in a utility room/ area that is not in kitchen area.
 - A sitting/communal/recreational room for the common use of all Residents. Furniture must include comfortable chairs and tables, and lamps in good repair and appearance.
 - 3. A dining room located on the same floor as the communal kitchen and must:
 - a. be as nearly adjacent to the communal kitchen as practicable;
 - be accessible to the Residents, without going through a sleeping room or sleeping dormitory of another Resident;
 - c. contain not less than 100 square feet of floor area; and
 - d. be supplied with one dining chair and three (3) linear feet of dining table space for each Resident of a Boarding Home facility.

4. A kitchen that:

- a. is accessible to the Residents sharing the use without going through a sleeping room of another Resident;
- b. has a food preparation area with a total of not less than 6 square feet;
- contains a minimum floor space of 100 square feet for dining area or, each kitchen with dining attached must be at least 150 square feet;
- d. has a minimum two compartment sink for manual dishwashing:
- e. has a cooking stove fueled by gas or electricity;
- f. contains at least one cabinet of adequate size, suitable for storage of food and utensils; and
- g. is properly equipped to allow for the preparation of meals.

0. Fire precautions must include:

- 1. providing suitable fire escapes/exits that must be kept in good repair and accessible at all times;
- having a written fire and evacuation plan that sets forth responsibilities and steps to be taken by staff and Residents in the event of fire or other emergency;
- 3. posting an emergency evacuation plan throughout the facility; and
- not storing gasoline operated maintenance equipment, lawn care equipment, and flammable supplies inside the boarding home facility.

P. Alarm precautions must include the following:

- 1. Extinguishers must be sufficiently provided, accessible, checked monthly and recharged annually by a certified person.
- 2. All fire protection measures must be in accordance with requirements of the local fire authority.
- 3. Smoke detectors must be hard-wired, working and equipped in each bedroom, in corridors or hallways on each floor, in the kitchen and dining areas, and in laundry and basement areas.
- 4. If a facility has a Resident who is hearing impaired, a Boarding House Owner must install a visual smoke detector that is capable of alerting a person with a hearing impairment of the presence of fire or smoke.

- 5. Carbon monoxide detectors must be working and equipped close to sleeping areas.
- Q. All Residents must be shown how to use all emergency exits from the facility within 24 hours of arrival to the facility.
- R. The Boarding Home site must pass all required inspections and the Boarding Home Owner must keep a current file of reports and other documentation onsite needed to demonstrate compliance with applicable laws and regulations. The inspections must be signed, dated, and free of any outstanding corrective actions. The following inspections are required:
 - 1. annual inspection by the local fire authority or the State fire marshal;
 - 2. annual inspection of the alarm system by the local fire authority or an inspector authorized to install and inspect such systems;
 - annual kitchen inspection by the local health authority;
 - 4. gas pipe pressure test once every three years by the local gas company or a licensed plumber;
 - 5. annual inspection and maintenance of fire extinguishers by personnel licensed or certified to perform these duties; and
 - 6. annual inspection of liquefied petroleum gas systems by an inspector certified by the Texas Railroad Commission.

STANDARD 2. SANITARY AND RELATED CONDITIONS

- A. Each Boarding Home Owner must be responsible for maintaining the dwelling and premises in a clean and sanitary condition.
- B. Every Boarding Home must be kept in good repair, and so maintained as to promote the health, comfort, safety and well-being of Residents.
- C. Interior walls, ceilings and floors must be capable of affording privacy and must be maintained free of holes, cracks, loose or deteriorated material, or any other condition that constitutes a hazard to the Residents or is a harborage for insects, pests or vermin.
- D. Every window, exterior door and basement hatchway must be weather tight, watertight, insect and rodent-proof and must be kept in good working condition.

- E. The water supply must be of safe, sanitary quality, suitable for use, and adequate in quantity and pressure. The water must be obtained from a water supply system approved by the Texas Commission on Environmental Quality (TCEQ).
- F. Every plumbing fixture, water pipe and waste pipe must be properly installed and maintained in good sanitary working condition, free from defects, leaks and obstructions and properly connected to an approved sewage disposal system.
- G. Every Boarding Home utilizing well water must provide water samples at least annually to the permit issuing entity. If the sample results show coliform present, a resample must be taken within seven (7) days of receipt of the results.
- H. All garbage and refuse must be kept in watertight, covered containers. The garbage and refuse area must be kept in a clean and sanitary condition. A sufficient number of garbage receptacles must be provided by the Boarding Home Owner. All garbage, trash and refuse must be removed from the premises frequently to prevent nuisance and unsightly conditions.
- I. Each Boarding Home Owner must be responsible for the extermination of any insects, rodents or other pests in the rooms occupied by Residents, storage areas and attics or on the premises and yard.
- J. Water closets, lavatories, and bathtubs or showers must be:
 - 1. kept clean and in good repair, plus well-lighted and ventilated;
 - 2. adequately supplied with toilet paper, soap, and bath towels and hand towels for each bathroom; and
 - 3. supplied with non-slip surfaces in bathtub or shower, and curtains or other safe enclosures for privacy.
- K. Each kitchen in a boarding home must:
 - 1. be kept in a clean and sanitary condition;
 - 2. have a food preparation area with a surface area that is smooth, impermeable, free of cracks and easily cleanable, that shall not be used for eating; and
 - 3. have a refrigerator that is equipped with a thermometer and is

maintained in an operational, clean and sanitary condition that is adequate to maintain foods at the required temperature.

L. Each facility shall meet all applicable state and local sanitary codes.

M. All linens and laundry shall

- 1. be bagged or placed in a hamper before being transported to the laundry area;
- 2. be properly identified to prevent loss; and
- 3. not be transported through, sorted, processed, or stored in kitchens, food preparation areas, or food storage areas, if soiled.

N. Poisonous, toxic, and flammable materials shall

- 1. be stored and maintained away from bed linens, towels, or kitchen equipment;
- 2. be prominently and distinctly labeled for easy identification of contents; and
- 3. not be used in a way that contaminates food equipment or utensils, or in a way that constitutes a hazard to employees or Residents.
- O. After each usage, all eating and drinking utensils shall be thoroughly washed and sanitized in hot water containing a suitable soap or synthetic detergent and rinsed in clean hot water. In the event a mechanical dishwasher is used, dish detergent is required. All mechanical dishwashers are to be inspected annually to determine it is operating correctly at the mandated temperature.

P. All food and drink shall be:

- 1. clean, free from spoilage, pathogenic organisms, toxic chemicals, and other harmful substances;
- 2. prepared, stored, handled, and served so as to be safe for human consumption;
- maintained at a temperature of 41 degrees Fahrenheit or below for foods subject to spoilage;

- 4. maintained at 140 degrees Fahrenheit or above at all times for hot foods ready to serve;
- 5. maintained in the freezer at a temperature of O degrees Fahrenheit or below for foods stored as frozen; and
- 6. stored in food containers that are appropriately labeled, dated, and protected from flies, insects, rodents, dust, and moisture.
- Q. Meals provided by the facility shall be nutritionally balanced and shall provide the USDA recommended daily allowances of proteins, carbohydrates, vitamins, minerals and calories.
- R. With the exception of service animals for persons with disabilities, birds, cats, dogs or other animals are not permitted in areas in which food is prepared, stored or where utensils are washed or stored.
- S. Meals shall be served:
 - 1. at least three (3) times per day;
 - in sufficient quantity and quality to meet the nutritional needs of the Residents;
 - 3. daily at regular hours, with at least one hot meal per day;
 - 4. with no more than 14 hours between the beginning of the evening meal and the beginning of the morning meal; and
 - 5. with alternative selections for Residents on medically prescribed diets.
- T. A time schedule of meals shall be posted daily.
- U. Employees or Residents engaged in food handling shall
 - 1. observe sanitary methods, including hand washing as appropriate; and
 - 2. not be assigned to preparing foods for others at the facility if carrying a disease that can be transmitted to others.
- V. Regardless of the number of Residents, each Boarding Home shall hold a valid food handling permit issued by the applicable local or state regulatory authority in the name of the Boarding Home Owner and for the specific Boarding Home facility.

- W. If preparing meals for Residents, staff must have a food-handler's permit.
- X. Each Boarding Home shall maintain a minimum food and water supply sufficient for all Residents as recommended by the American Red Cross.
- Y. Each Boarding Home shall be equipped with a first aid kit as recommended by the American Red Cross.

STANDARD 3. ADDITIONAL STANDARDS FOR BOARDING HOMES WITH UNEMANCIPATED MINORS

- A. If a Boarding Home is located in the same building or on the grounds of any type of youth facility, it shall be a separate, self-contained building.
- B. The facility of the Boarding Home shall be constructed so:
 - (1) the general public is denied access without authorization; and
 - (2) egress for Residents is unimpeded by architectural barriers.
- C. Single Occupancy Housing Units shall be constructed to contain no more than twenty-four (24) beds in each housing unit.
- D. Individual Resident sleeping quarters shall be utilized as single-occupancy only, and at no time may more than one Resident be placed in an individual Resident sleeping quarter.
- E. Individual Resident sleeping quarters shall contain a bed above floor level.
- F. Multiple Occupancy Housing Units shall be designed to contain no more than twenty-four (24) beds in each housing unit.
- G. Multiple Occupancy Housing Units shall have one bed above floor level for every resident assigned to the unit.
- H. Multiple Occupancy Housing Units shall contain Residents of the same sex.
- All housing areas used by Residents with a physical disability shall be designed for their use and provide for their safety and security in accordance with state and federal law.
- J. Residents shall have access to bathing and toilet facilities with hot and cold running water within the Boarding Home and contain:
 - 1. One operable shower for every eight (8) beds.
 - 2. At least one (1) operable toilet above floor level for every eight (8) beds.
 - 3. Urinals may be substituted for up to one-half of the toilets in housing areas permanently designed for all males.
- K. Contain one operable washbasin for every twelve (12) beds.
- L. All washbasins shall have hot and cold running water.

- M. Access to clean and fresh drinking water.
- L. Boarding Home shall provide fully functioning heating, cooling, and ventilation systems adequate for the square footage of the Boarding Home.
- M, Alternate means of ventilation in the Boarding Home shall be maintained.
- N. Adequate lighting shall be provided to all areas of the Boarding Home.
- O. The Boarding Home shall have at least one (1) alternate source of electrical power that provides for the simultaneous operation of life safety systems including:
 - (1) emergency lighting;
 - (2) illuminated emergency exit lights and signs;
 - (3) emergency audible communication systems and equipment; and
 - (4) fire detection and alarm system.
- P. The alternate power source system shall be tested at least once every fifteen (15) calendar days to ensure the system is in working condition.
- Q. The alternate power source system (e.g., the alternate power source and the life safety systems required to be operated) shall be inspected at least once each year, no later than the last day of the calendar month of the previous year's inspection. This inspection must be completed by a person with qualifications established through work experience, relevant training, specialized licensure, or certification. Each test of the alternate power source system shall be documented and include, at a minimum, the test date and test results.

SECTION 5

VIOLATION OF ORDINANCE

5.1 PENALTY FOR VIOLATIONS OF THIS REGULATION

(a) CRIMINAL PENALTIES/CIVIL REMEDIES

- (1) Violations of these Regulations will result in a fine of up to \$2,000 per violation or a Civil penalty of \$1,000 per day. Each day that a violation continues is considered a separate violation for the purpose of assessing fines or civil penalty.
- (2) A violation of these Regulations may result in revocation or suspension of a Boarding Home's Boarding Home Permit in addition to any fines that may be imposed.

<u>Section 7.</u> In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction,

it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the provision declared to be invalid or unconstitutional; and the City Council of the City of Wallis, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED in Wallis, Texas this 23 day of November 2022.

Secretary

CITY OF WALLIS, TEXAS

Clark Main Jr., Mayor Pro Tem

ATTEST:

Lesley Doherty, City