

**TOWN OF BARTONVILLE
ORDINANCE NO. 785-25**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 1, "GENERAL PROVISIONS," ARTICLE 4, "BOARDS, COMMISSIONS AND COMMITTEES", DIVISION 2, "PLANNING AND ZONING COMMISSION," SECTION 1.04.035, "MEETINGS AND ORGANIZATION" AND CHAPTER 1, "GENERAL PROVISIONS," ARTICLE 3, "BOARDS, COMMISSIONS AND COMMITTEES", DIVISION 3, "BOARD OF ADJUSTMENT," SECTION 1.04.062, "ORGANIZATION AND PROCEDURES", SUBSECTION (A), "MEMBERSHIP" BY ADDING A PROVISION ALLOWING THE TOWN COUNCIL TO APPOINT THE RESPECTIVE CHAIRS AND REMOVING THE LIMITATION ON THE NUMBER OF SUCCESSIVE TERMS OF OFFICE FOR SAID CHAIRS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas ("Town"), is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Town Council has determined that it is in the best interest of the good government which serves the health, safety, and welfare of its citizens, to amend Chapter 1, "General Provisions", of the Code of Ordinances to authorize the Town Council to appoint the Chair of both the Planning & Zoning Commission, Section 1.04.0235, "Meetings and Organization," and the Board of Adjustment, Section 1.04.062(a), "Membership" and for the good government of the Town, to amend the Town Code as specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
SECTION 1.04.035 AMENDMENT

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 1, "General Provisions", Article 1.04, "Boards, Commissions and Committees", Division 2, "Planning and Zoning Commission", Section 1.04.035 is hereby amended, which shall read as follows, and all other sections and subsections not expressly amended hereby shall remain in full force and effect without amendment:

"Chapter 1 GENERAL PROVISIONS

ARTICLE 4 BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 2 PLANNING AND ZONING COMMISSION

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SECTION 1.04.035 MEETINGS AND ORGANIZATION

* * *

The Planning and Zoning Commission shall meet once each month and at such other times as the Chairperson or the majority of the members of the Commission may direct. The Town Council shall appoint the Chairperson. The Commission shall appoint the Vice-Chairperson and shall adopt rules for the conduct of meetings and such other activities as may be appropriate.. Three members of the Commission shall constitute a quorum. However, no portion of the Comprehensive Plan shall be adopted or amended by less than the affirmative vote of a majority of the entire Commission."

SECTION 3.
SECTION 1.04.062(a) AMENDMENT

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 1, "General Provisions", Article 1.04, "Boards, Commissions and Committees", Division 3, "Board of Adjustment", Section 1.04.062, Subsection (a), "Membership" is hereby amended, which shall read as follows, and all other sections and subsections not expressly amended hereby shall remain in full force and effect without amendment:

"Chapter 1 GENERAL PROVISIONS

ARTICLE 4 BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 3 BOARD OF ADJUSTMENT

* * *

SECTION 1.04.062 ORGANIZATION AND PROCEDURES

SUBSECTION (a) MEMBERSHIP

(a) Membership.

- (1) The Board of Adjustment shall consist of five members appointed by a majority vote of the Town Council.
- (2) In addition to the five regular members of the Commission, two alternate members of the Commission, who shall serve in the absence of one or more regular members, shall be appointed by a majority vote of the Town Council. In determining which of the two alternate members shall serve in the absence of a regular member, the alternate member with the longest tenure shall so serve. If for any reason, the alternate member with the longest tenure is unavailable to serve, the second alternate member shall so serve.
- (3) Regular members and alternate members of the Board of Adjustment shall be the owners of real property within the Town and shall be appointed by the Town Council in accordance with established procedures.
- (4) Each member of the Board shall be removable for just cause by the Town Council upon written charges and after a public hearing.
- (5) The Town Council shall appoint the Chairperson, who shall serve for a period of one (1) year or until his successor is elected. The Board shall appoint the Vice-Chairperson."

SECTION 4. SEVERABILITY

It is hereby declared to be the intention of the Town Council of the Town of Bartonville, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5. SAVINGS

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 6. ENGROSS AND ENROLL

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the

Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 7.
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 8.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication of its caption, as the law in such cases provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on this the 16th day of September 2025.

APPROVED:

Jaclyn Carrington,
Mayor

ATTEST:

Shannon Montgomery, TRMC
Town Secretary