

ORDINANCE NO. 428

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTHMAYD, TEXAS, AMENDING ORDINANCE NO. 278, THE ZONING ORDINANCE OF THE CITY OF SOUTHMAYD, SECTION 24.4, "SPECIAL REGULATIONS," BY ADDING A NEW SUBSECTION 24.4.3.e, RENUMBERING FORMER SUBSECTION 24.4.3.e AS SUBSECTION 24.4.3.f, AND RENUMBERING SECTION 24.4.2, "DEVELOPMENT PLAN REQUIREMENTS," AS SECTION 24.4.5, "DEVELOPMENT PLAN REQUIREMENTS"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Southmayd, Texas ("City"), is authorized by statute to promote and protect the public health, safety, and general welfare of persons residing in and adjacent to the City; and

WHEREAS, pursuant to Texas Local Government Code, Sections 51.001 and 51.012, the City Council of the City of Southmayd, Texas ("City Council"), is authorized to adopt, amend, or repeal an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

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

Section 1. FINDINGS INCORPORATED

The findings set forth in the recitals above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. AMENDMENT OF ORDINANCE NO. 278, THE ZONING ORDINANCE OF THE CITY OF SOUTHMAYD, SECTION 24.4, "SPECIAL REGULATIONS," BY ADDING A NEW SUBSECTION 24.4.3.e, RENUMBERING FORMER SUBSECTION 24.4.3.e AS SUBSECTION 24.4.3.f, AND RENUMBERING SECTION 24.4.2, "DEVELOPMENT PLAN REQUIREMENTS," AS SECTION 24.4.5, "DEVELOPMENT PLAN REQUIREMENTS"

From and after the effective date of this Ordinance, Section 24.4 shall be amended by adding a new Section 24.4.3.e, to read in its entirety as follows:

"24.4.3.e It shall be the duty of every owner or occupant of any property in the City to keep any and all trees on such property trimmed and pruned of limbs, branches, and foliage that overhang or obtrude upon, into, or over any dedicated public right-of-way, alley, or easement where vehicles are driven, to a minimum clearance of fourteen feet (14') above the surface of such right-of-way, alley, or easement."

From and after the effective date of this Ordinance, Section 24.4 shall be amended by renumbering Subsection 24.4.3.e as Subsection 24.4.3.f, to read in its entirety as follows:

“24.4.3.f A Prohibited Plant List is provided as Appendix II.”

From and after the effective date of this Ordinance, Section 24.4 shall be amended by renumbering Section 24.4.2, “Development Plan Requirements,” as Subsection 24.4.5, “Development Plan Requirements,” to read in its entirety as follows:

“24.4.5 Development Plan Requirements

A development plan is required within the Thoroughfare Overlay District. The requirements shall meet the requirements as set forth in section 22.4.2 (Planned Development section of this Ordinance).”

Section 3. SEVERABILITY CLAUSE

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

Section 4. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 5. PENALTY CLAUSE

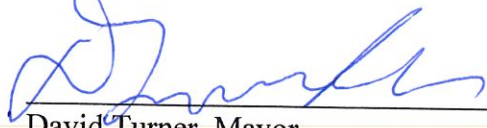
Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$2,000.00 for each offense, and each and every violation or day such violation shall continue or exist shall be deemed a separate offense.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

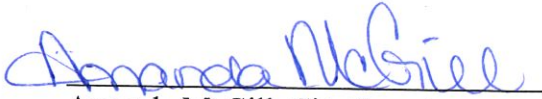
PASSED, APPROVED AND ADOPTED by the City Council of the City of Southmayd, Texas, on this the 21st day of January 2020.

APPROVED:



David Turner, Mayor

ATTEST:



Amanda McGill, City Secretary

APPROVED AS TO FORM:



Kent S. Hofmeister, City Attorney