

**ORDINANCE NO. 166-08**

**AN ORDINANCE AMENDING SECTION II. (RESIDENCES OR BUSINESSES MOVED INTO OR THROUGH THE CORPORATE LIMITS) OF ORDINANCE NO. 024-88; PROVIDING A CUMULATIVE AND REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Hackberry, Texas (the "City") is a General Law city located in Denton County, Texas and is a Municipality organized under the laws of the State of Texas; and

**WHEREAS**, the City Council of the City of Hackberry, Texas ("City Council") has investigated and determined that it would be advantageous, beneficial, promote the health, general welfare and safety of the citizens of the City of Hackberry, Texas to amend Section II. (Residences or Businesses Moved Into or Through the Corporate Limits) of Ordinance No. 024-88.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKBERRY, TEXAS:**

**ARTICLE I. -  
BUILDINGS OR STRUCTURES MOVED INTO, THROUGH OR OUT OF THE  
CORPORATE LIMITS**

Section II. (Residences or Businesses Moved Into or Through the Corporate Limits) of Ordinance No. 024-88 is hereby amended to read as follows:

Any person, including a moving contractor, who shall move a building or structure into, through or out of the City of Hackberry, shall first obtain a permit. The permit shall be issued upon receipt of an application which includes the route the mover will use and payment of a fee in accordance with the current fee schedule. Any person, company, corporation, including a moving contractor, who causes damage to any property, including but not limited to, utility lines, roads, road shoulders, culverts, signage and private property shall pay all damages incurred in connection with the moving process. The amount of damages, if any, shall be determined upon completion of the moving process.

**ARTICLE II –  
CUMULATIVE CLAUSE AND REPEAL**

This Ordinance shall be cumulative of all provisions of Ordinances of the City of Hackberry, Texas except where the provisions of this Ordinance are in direct conflict with provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**ARTICLE III –  
SEVERABILITY**

That the sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word or provision in this Ordinance or the application thereof to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the Ordinance without the invalid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

**ARTICLE IV –  
SAVING CLAUSE**

It is hereby declared to be the intention of the City Council of the City of Hackberry 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 effect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**ARTICLE V –  
PENALTY**

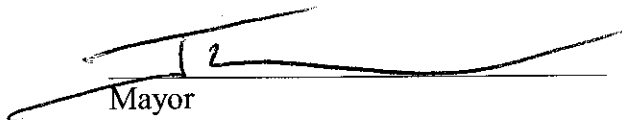
Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) for each offense. Each continuing day's violation under this Ordinance shall constitute a separate offense. Any violation of this Ordinance that is punishable by a fine that exceeds the amount authorized by Section 12.23 of the Texas Penal Code shall require a culpable mental state of criminal negligence. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**ARTICLE VI -  
EFFECTIVE DATE**

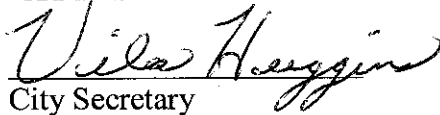
This Ordinance shall take effect immediately from and after its passage and publication of the caption, as the law in such cases provide.

**PASSED AND APPROVED** by the City Council of the City of Hackberry, Texas this 11 day of March, 2008.

**APPROVED:**

  
Mayor

**ATTEST:**

  
City Secretary