

**ORDINANCE NO. 260-18**

**AN ORDINANCE OF THE CITY OF HACKBERRY, TEXAS, AMENDING ORDINANCE NO. 207-11, ARTICLE 3.0-ZONING CLASSIFICATIONS, SECTION C-REGULATIONS APPLICABLE TO ALL AREAS OF THE CITY, SUB-SECTION 13-TYPE OF MATERIALS (i) PROVIDING MASONRY REQUIREMENTS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR SEVERABILITY; PROVIDING SAVINGS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**WHEREAS**, there is a need to protect and preserve the public health, safety, order, property values, and welfare of the citizens of Hackberry, Texas, as well as to maintain a healthful, clean and beautiful environment; and

**WHEREAS**, this Ordinance is intended to provide clarification of the existing regulation, and not terminate existing efforts nor, except as specifically stated, to repeal or effect any other ordinance governing or prohibiting the construction material requirements; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing, provided an opportunity for public input, and made a report and recommendation regarding the proposed revisions to Ordinance No. 207-11; and

**WHEREAS**, the City Council, having provided notices as required by law and having held a public hearing at which it considered the input of the public and the report of the Commission, has determined that the amendments provided herein further the orderly development of property within the City and serve the public health, safety and welfare and therefore should be adopted as more fully set forth hereinbelow.

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

**ARTICLE I. INCORPORATION OF PREMISES**

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

**ARTICLE II. AMENDING ARTICLE 3.0, SECTION C, 13, ( i )**

Ordinance Number 207-11, Article 3.0-Zoning Classifications, Section C-Regulations Applicable to All Areas of the City, Sub-section 13-Type of Materials: ( i ) is hereby amended to read and all other sections not expressly amended hereby shall remain in full force and effect:

- ( i ) Exterior wall surfaces, excluding windows and doors, for all primary structures shall consist of a minimum of fifty percent (50%) masonry, and each exterior surface of a structure facing a street or thoroughfare shall contain, be composed of, or have a minimum of fifty percent (50%) masonry construction, excluding windows and doors, as defined in Article 1. Stucco shall not qualify as a portion of the fifty percent (50%) for purposes of calculating required masonry under this section.

**ARTICLE III. SEVERABILITY**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clause and phrase be declared unconstitutional or invalid.

**ARTICLE IV. SAVINGS**

This Ordinance shall be cumulative of all other ordinances of the city and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of, and only to the extent, those ordinances are in direct conflict with the provisions of this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**ARTICLE V. PENALTY**

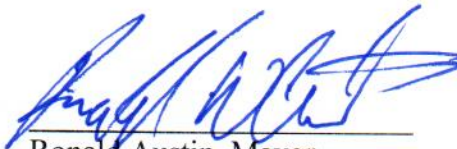
Any person who knowingly, intentionally or recklessly violates any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

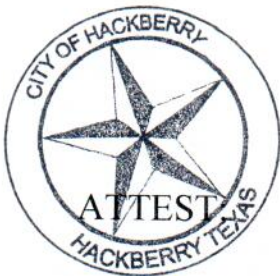
**ARTICLE VI. PUBLICATION/EFFECTIVE DATE**

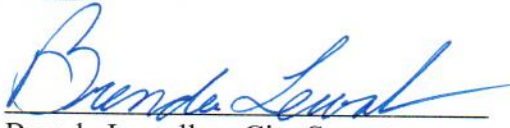
This ordinance shall become effective from and after its adoption and publication as required by law.

**ADOPTED** by the City Council of the City of Hackberry, Texas, on this the 12<sup>th</sup> day of June, 2018.

**APPROVED:**

  
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Ronald Austin, Mayor



  
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Brenda Lewallen, City Secretary