

ORDINANCE NO. 2020-O-5

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 8.02, OF THE CODE OF ORDINANCES OF THE CITY OF PALACIOS, TEXAS TO ADD PLANTS OVERHANGING CITY STREETS AND ILLEGAL DUMPING AS NUISANCES THAT THE CITY OF PALACIOS CAN ABATE; CONTAINING A SAVINGS CLAUSE; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Palacios has determined that trees, shrubs and other plants overhanging or protruding on City streets are a public nuisance and should be subject to the procedures adopted by the City for the abatement of nuisances; and

WHEREAS, the City Council of the City of Palacios has determined that illegal dumping of brush, grass, and rubbish that can be washed onto other property is also a public nuisance and should be subject to the procedures adopted by the City for the abatement of nuisances; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS:

SECTION 1: That Chapter 8, Section 8.02.001, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 8.02.001 Enumeration

(9) All trees, shrubs, vine, palm or other similar plant of any description or kind allowed to grow, maintained or cultivated in such a manner that any portion thereof overhangs or protrudes upon or over any street or highway in the city unless there is a clearance of twelve-foot (12') for any street, eighteen foot (18') for any highway, between the surface or all portions of such street or highway and the overhanging tree, shrub, limb, vine, palm, or plant.

SECTION 2: That Chapter 8, Section 8.02.005, of the Code of Ordinances of the City of Palacios, Texas is hereby renumbered to be Section 8.02.006.

SECTION 3: That Chapter 8, Section 8.02.005, of the Code of Ordinances of the City of Palacios, Texas is hereby amended by deletion of the provisions marked by strikeouts and addition of the underlined provisions to read as follows:

Sec. 8.02.005 Illegal Dumping

No person shall intentionally or recklessly place or cause or allow to be placed or dropped, brush cuttings, grass clippings, grass, and/or rubbish on private property or on the street or in the inlets of any street in the city limits in such a manner that covers, blocks, or limits access to streets, or the same may be washed by water flow into any body of water and/or sewer system.

SECTION 4: If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

SECTION 5: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 6: This Ordinance shall become effective after its approval and adoption upon second and final reading and its publication pursuant to law.

PASSED AND APPROVED on first reading this 9<sup>th</sup> day of June, 2020.

PASSED, APPROVED AND ADOPTED on second and final reading this 23<sup>rd</sup> day of June, 2020.

CITY OF PALACIOS, TEXAS

GLEN SMITH, Mayor

  
\_\_\_\_\_

ATTEST:

  
\_\_\_\_\_

CLISSA MILLS, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_

RANDALL B. STRONG, City Attorney

...palaciosordinancelamending.8.02.001

