

**ORDINANCE No. 2016-197
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING THE SHOREACRES CITY CODE FORBIDDING THE REMOVAL OF CERTAIN TREES FROM CITY RIGHT-OF-WAY; CONTAINING A SEVERABILITY CLAUSE; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * * *

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That Chapter 70, "Vegetation" section 70-33 of the Shoreacres City Code of Ordinances, City of Shoreacres, Texas, is hereby amended to read as follows:

Sec. 70-33. – Removal of trees from rights-of-way forbidden.

A person commits an offense if the person removes, or causes to be removed, a tree other than a Chinese tallow tree, [Trees] with a trunk greater than six inches in diameter ([or 18.81] 18.85 inches in circumference) or palm tree with a trunk greater than twelve inches in diameter (37.70 inches in circumference) [may not be removed] from any public right-of-way without permission of the [building official] city administrator or his or her designated representative. City street rights-of-way generally extend [ten to 20] twenty-five (25') feet from the [edges] center of the [current streets] paved street surface to [toward] the properties on each side of the street. [Chinese Tallow trees may be removed at any time without a permit.]

That, if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That, the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That, if any section, subsection, sentence, clause or phase of this ordinance is for any reason is held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Shoreacres

hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional; and,

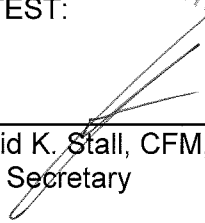
That this ordinance shall be effective immediately upon passage.

PASSED AND APPROVED this the 8th day of February 2016.





Rick Moses, Mayor

ATTEST:


David K. Stall, CFM, TEM
City Secretary

| M/2 | | Yea | Nay | N/V | Absent |
|-----|-------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| | R. Moses | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Z | R. Adams | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | D. Jennings | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | J. McKown | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| M | N. Schnell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | M. Wheeler | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Passed / Failed  02.08.16
David Stall, City Secretary - Date