

ORDINANCE NO. 2005-05

AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, SAID CHAPTER 70 CONTAINING RULES AND REGULATIONS GOVERNING PLATS AND THE SUBDIVISION OF LAND, BY DELETING ALL OF SECTION 70-36 THEREOF AND SUBSTITUTING THEREFOR A NEW SECTION 70-36; PROVIDING THAT THE MINIMUM PAVED WIDTH OF NEW STREETS BE NOT LESS THAN TWENTY-EIGHT FEET (28'); PROVIDING OTHER MATTERS RELATING TO THE SUBJECT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Section 70-36 of Chapter 70 thereof and substituting therefor a new Section 70-36 to provide as follows:

“Sec. 70-36. Street Paving.

All public or private streets as provided herein shall be constructed in accordance with the “City of Tomball Minimum Standards for Community Improvements.” Provided however, no public or private street shall be constructed having a pavement width of less than twenty-eight feet (28’).”

Section 2. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 3. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this

Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 5TH DAY OF JULY 2005.

COUNCILMAN QUINN	<u>ABSENT</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 18TH DAY OF JULY 2005.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

(Signed) H. G. Harrington
H. G. HARRINGTON, Mayor
City of Tomball

ATTEST:

(signed) Doris Speer
Doris Speer, City Secretary
City of Tomball