

ORDINANCE NO. 2006-14

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY DELETING PARAGRAPH (i) OF SECTION 70-35 THEREOF AND SUBSTITUTING THEREFORE A NEW PARAGRAPH (i) OF SECTION 70-35, PROVIDING FOR THE INSTALLATION OF SIDEWALKS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.

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

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by deleting Paragraph (i) of Section 70-35, and substituting therefore a new Paragraph (i) of Section 70-35 to read as follows:

“Sec. 70-35. Streets; specific standards.

* * *

(i) *Sidewalks.* The developer shall be responsible for the installation of sidewalks in all residential and commercial subdivisions, except in residential subdivisions along streets with open ditch drainage. Sidewalks shall be constructed in accordance with ‘City of Tomball Minimum Construction Standards for Community Improvements.’ Sidewalks, when applicable, shall be considered as part of the required street system, whether public or private.”

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 \$500. 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 THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF OCTOBER 2006.

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| COUNCILMAN QUINN | <u>AYE</u> |
| COUNCILMAN LAZENBY | <u>ABSENT</u> |
| COUNCILMAN FAGAN | <u>AYE</u> |
| COUNCILMAN HARVEY | <u>AYE</u> |
| COUNCILMAN DRIVER | <u>AYE</u> |

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 23RD DAY OF OCTOBER 2006.

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| COUNCILMAN QUINN | <u>AYE</u> |
| COUNCILMAN LAZENBY | <u>AYE</u> |
| COUNCILMAN FAGAN | <u>AYE</u> |
| COUNCILMAN HARVEY | <u>AYE</u> |
| COUNCILMAN DRIVER | <u>AYE</u> |

(signed) H. G. Harrington
H. G. HARRINGTON, Mayor

ATTEST:

(signed) Doris Speer
DORIS SPEER, City Secretary