

ORDINANCE 2018-07-02

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE 2016-03-02, THE CITY'S SUBDIVISION REGULATIONS, SECTION 63 MAINTENANCE BOND; PROVIDING FOR A PENALTY NOT TO EXCEED TWO-HUNDRED DOLLARS (\$200) PER DAY, PROVIDING FOR CUMULATIVE REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code Chapter 212 Section 002 states that "the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality"; and

WHEREAS, City Council has previously adopted Ordinance No. 2016-03-02 and 2017-02-01;

WHEREAS, the City Council now desires to amend said ordinance to provide for a Maintenance Bond; and

WHEREAS, the City of Weston adopted an ordinance which adopts a Future Land Use Plan for the City; and

WHEREAS, the City of Weston now wishes to implement certain development regulations to insure orderly growth.

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

SECTION 1 AMENDMENT

1. Section 63 of Ordinance 2016-03-02 is hereby amended to read as follows:

"SECTION 63 MAINTENANCE BOND

A. The subdivider shall furnish a good and sufficient maintenance bond in the amount of ~~45-100~~ percent of the contract price of all public improvements, ~~or in such amount as approved by the City Engineer,~~ with a reputable and solvent corporate surety in favor of the City to indemnify the City against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of ~~one year~~ two years from the date of final acceptance of the improvements. Final acceptance will be withheld until said maintenance bond is furnished to the City."

SECTION 2 PENALTY

Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed two-hundred dollars (\$200.00), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

SECTION 3 PUBLICATION IN OFFICIAL NEWSPAPER

The City Secretary of the City of Weston is hereby directed to publish this ordinance or its caption and penalty in the official City newspaper as required by Section 52.011 of the Texas Local Government Code.

SECTION 4 CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect

**SECTION 5
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6
SAVINGS CLAUSE**

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinance that has accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by Council this, the 10th day of July, 2018.



APPROVE

Patti Harrington
Patti Harrington, Mayor

ATTEST

Susan Coffer
Susan Coffer, City Secretary

Oldest City in Collin County