

ORDINANCE 2019-08-02

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE 2016-03-02, THE CITY'S SUBDIVISION REGULATIONS, SECTION 52.D. STREET LIGHTING; 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. 2017-02-01, 2018-07-02 and 2019-05-01; 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 52.D. Street Lighting of Ordinance 2016-03-02 is hereby amended to read as follows:

"D. Street lighting. Street lighting wires shall be underground in all subdivisions and developments. Where ownership of street lighting facilities such as poles and standards, luminaries, lamps, etc., will be retained by the electrical power supplier, the type of street lighting facilities to be installed shall be acceptable to both the City of Weston and the supplier of electrical power.

1. The subdivider or developer shall be fully responsible for the construction and installation of the required street light poles, fixtures and power line connections and wiring. The City of Weston shall be responsible for light maintenance on standard lighting upon acceptance of the subdivision and/or system. The subdivider or developer shall enter into a Facilities Agreement with the City of Weston for payment of the and energy consumption on standard lighting for an agreed upon period upon acceptance of the subdivision and/or system.

- a) Standard lighting not set out herein but is available for inspection in the office of the City Secretary.
- b) Acceptable fixtures may be proposed by applicant and approval by City Council.
- c) Systems using non-standard lighting lights other than the standards set forth within this subsection may be approved if payment is made, at the time of platting or development, for the difference in the cost between operating and maintaining the proposed system. The subdivider or developer and the City of Weston shall enter into a Facilities Agreement for energy consumption on non-standard lighting for an agreed upon period and a standard system for a period of 20 years.
- d) The subdivider or developer will be responsible for the installation, maintenance, and power consumption for all landscape lighting or any other device or fixture requiring electrical power."

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 13th day of August, 2019.

APPROVE

Patti Harrington
Patti Harrington, Mayor

ATTEST

Susan Coffer
Susan Coffer, City Secretary

