

ORDINANCE NO. 1990

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, BY AMENDING ARTICLE 13.01, GENERAL PROVISIONS PROHIBITING THE CONSTANT FLOW OF WATER TO PUBLIC RIGHTS-OF-WAY THROUGHOUT THE TOWN; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park, Texas (the "Town"), is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State of Texas; and

WHEREAS, it is in the interest of the public health, safety, and welfare to prohibit nuisances within the Town; and

WHEREAS, discharge of groundwater which is continuously pumped to a street or alley creates unhealthy, unsanitary, and objectionable conditions; and

WHEREAS, constant flow of groundwater to gutters results in ponding that encourages algae growth, causes damage to pavement in streets and alleys, and creates a nuisance to adjacent properties and to the public in general; and

WHEREAS, all constitutional, statutory, and legal prerequisites for the passage of this ordinance have been met, including but not limited to the Open Meetings Act; and

WHEREAS, the Town Council of the Town of Highland Park, Texas (the "Town Council") finds and determines that the adoption of this ordinance is in the best interests of and necessary to protect the health, safety, and welfare of the public;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, all of the findings contained hereinabove are found to be true and correct and are incorporated into this ordinance by reference as if copied herein.

SECTION 2. That, the Code of Ordinances of the Town of Highland Park, Chapter 13 Utilities, Article 13.01 shall be amended to add the following:

**Sec. 13.01.003 Prohibited discharges to storm sewer or surface drainage system**

It shall be unlawful for any person to place or permit to be placed any continuous water discharge into the surface drainage system of the Town that promotes the breeding of mosquitos or growth of algae or that softens the ground under curbs, streets, or sidewalks contributing to their displacement or destruction.

SECTION 3: It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses and phrases 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 and sections of this ordinance, since the same would have been enacted by the Town Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. That, all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

SECTION 5. That, any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the penalty provision of Section 1.01.009 of The Code of Ordinances of the Town of Highland Park, as amended.

SECTION 6. That, all ordinances of the Town of Highland Park in conflict with the provisions of this ordinance be, and the same are hereby superseded and all other provisions of the ordinances of the Town of Highland Park not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That, the fact that the present ordinances and regulations of the Town of Highland Park, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the Town of Highland Park, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

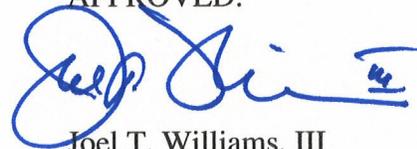
PASSED AND APPROVED by the Town Council of the Town of Highland Park, Texas, on this 22nd day of February, 2016.

APPROVED AS TO FORM AND LEGALITY:



Ben L. Stool  
Assistant Town Attorney

APPROVED:



Joel T. Williams, III  
Mayor

ATTEST:



Gayle Kirby  
Town Secretary