

ORDINANCE NO. 22-702-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BROOKSHIRE TEXAS, REPEALING AND REPLACING CHAPTER 36 “STREETS, SIDEWALKS, AND OTHER PUBLIC WAYS” OF THE CODE OF ORDINANCES, CITY OF BROOKSHIRE, TEXAS TO REFLECT REORGANIZED AND MODERNIZED DEVELOPMENT STANDARDS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) PER DAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council (the “Council”) of the City of Brookshire, Texas (the “City”) desires to protect the health, safety, and welfare of the general public by providing certain regulations related to development standards within the City; and

WHEREAS, the Council finds that it is reasonable, necessary, and proper for the health, safety, and welfare of the general public to ensure that all proposed development projects adhere to certain development standards within the City; and,

WHEREAS, the Council finds it necessary to repeal the existing Chapter 36 of the Code of Ordinances of the City of Brookshire and replace it with the language provided herein, with such changes being shown in a redlined version attached to this Ordinance as “Exhibit A”; and **NOW THEREFORE:**

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

SECTION 1. THAT Chapter 36 “Streets, Sidewalks, and Other Public Ways” of the Code of Ordinances, City of Brookshire, Texas, is hereby amended by repealing the existing language and replacing the language with the language provided below, with such language to read as follows:

“CHAPTER 36 - STREETS, SIDEWALKS, AND OTHER PUBLIC WAYS

ARTICLE I. - IN GENERAL

Secs. 36-1—36-18. - Reserved.

ARTICLE II. - STREET ADDRESSES

Sec. 36-19. - Posting of numbers.

Every main or primary building shall have an identifying number posted and maintained on the front or street side facade of the main structure indicating the street address. The figures indicating the address shall be permanently affixed to the outside of the structure. The figures shall also be at least three inches (3”) high, comprised of a color that is in contrast to the background of the structure and shall be positioned at a height where they are visible from the

street. In addition to being posted on the structure, numbers for commercial buildings may be posted on a sign that is located on the same premises as the building and that is visible from the street.

Sec. 36-20. - Penalty.

It shall be the responsibility of each property owner and of each person having control over the property to ensure that a number required to be posted and maintained on such property is posted at all times. Any property owner or person having control over the property failing to number any main or primary building, or if after receiving notice to do so from the city shall continue in his failure to so number such main or primary building, shall be fined.

Secs. 36-21—36-88. - Reserved.

ARTICLE III. - ABANDONMENT OF STREETS, ROADS, AND OTHER PUBLIC WAYS

Sec. 36-89. - City policy stated.

It is the policy of the city to deny all requests and petitions for abandonment of public roads, highways, streets, alleys, rights-of-way, and easements, unless such abandonment is for public good and general welfare.

Sec. 36-90. - Petitions to contain statement of value; value to be considered.

(a) Any petitions or requests for the abandonment of any public roads, highways, streets, alleys, rights-of-way and easements shall contain a statement of the fair market value of the area lying within the property subject to the petition or request.

(b) The city council may grant a variance to this article upon receipt by the office of the city secretary, at city hall, of consideration equaling the fair market value of the area lying within the property subject to the petition or request.

Secs. 36-91—36-105. - Reserved.

ARTICLE IV. - MASTER THOROUGHFARE PLAN

Sec. 36-106. - Adopted.

The Master Thoroughfare Plan for the development of roads, highways, streets, alleys, rights-of-way, and easements is hereby adopted and is on file in the office of the city secretary.”

SECTION 2. THAT a violation of any provision of this Ordinance shall be deemed a misdemeanor punishable by fine not to exceed two thousand dollars (\$2,000.00) as provided in Article 1-13 of the Code of Ordinances, City of Brookshire, Texas.

SECTION 3. THAT should any paragraph, section, sentence, phrase, clause, or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 4. THAT the City Secretary of the City of Brookshire is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as may be required by law.

SECTION 5. THAT this Ordinance shall become effective, except as may otherwise be provided herein, from and after its publication as provided by law.

PASSED, APPROVED, AND ORDAINED this _____ day of _____, 2022.

FOR THE CITY:

ATTEST:

DARRELL BRANCH, MAYOR

NAME [SIGNATURE]

NAME [PRINTED]

EXHIBIT A – REDLINED VERSION OF CHANGES TO CHAPTER 36

Chapter 36 - STREETS, SIDEWALKS AND OTHER PUBLIC WAYS^[1]

Footnotes:

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State Law reference— General authority of city relative to streets, V.T.C.A., Transportation Code § 311.001; general authority of city relative to sidewalks, V.T.C.A., Transportation Code § 311.004; moving structures on streets, V.T.C.A., Transportation Code § 311.005; vacating, closing streets, alleys, V.T.C.A., Transportation Code § 311.007; financing improvements, V.T.C.A., Transportation Code § 311.091 et seq.; use of public streets and sidewalks, V.T.C.A., Transportation Code § 316.001 et seq.

ARTICLE I. - IN GENERAL

Secs. 36-1—36-18. - Reserved.

ARTICLE II. - STREET ADDRESSES

Sec. 36-19. - Posting of numbers.

Every main or primary building shall have an identifying number posted and maintained on the front or street side facade of the main structure indicating the street address. The figures indicating the address shall be permanently affixed to the outside of the structure. The figures shall also be at least three inches high, comprised of a color that is in contrast to the background of the structure and shall be positioned at a height where they are visible from the street. In addition to being posted on the structure, numbers for commercial buildings may be posted on a sign that is located on the same premises as the building and that is visible from the street.

(Ord. No. 01-358-8, § 1, 3-15-2001)

Sec. 36-20. - Penalty.

It shall be the responsibility of each property owner and of each person having control over the property to ensure that a number required to be posted and maintained on such property is posted at all times. Any property owner or person having control over the property failing to number any main or primary building, or if after receiving notice to do so from the city shall continue in his failure to so number such main or primary building, shall be fined.

(Ord. No. 01-358-8, § 2, 3-15-2001)

Secs. 36-21—36-88. - Reserved.

ARTICLE III. - ABANDONMENT OF STREETS, ROADS AND OTHER PUBLIC WAYS^[2]

Footnotes:

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State Law reference— Sale of abandoned roadways, etc., V.T.C.A., Local Government Code § 253.001 et seq.

Sec. 36-89. - City policy stated.

It is the policy of the city to deny all requests and petitions for abandonment of public roads, highways, streets, alleys, rights-of-way, and easements, [unless such abandonment is for public good and general welfare.](#)

(Ord. No. 84, § 2, 9-25-1984, [XX-XX-2022](#))

Sec. 36-90. - Petitions to contain statement of value; value to be considered.

- (a) Any petitions or requests for the abandonment of any public roads, highways, streets, alleys, rights-of-way and easements shall contain a statement of the fair market value of the area lying within the property subject to the petition or request.
- (b) The city council may grant a variance to this article upon receipt by the office of the city secretary, at city hall, of consideration equaling the fair market value of the area lying within the property subject to the petition or request.

(Ord. No. 84-175-4, § 3, 9-25-1984)

Secs. 36-91—36-105. - Reserved.

ARTICLE IV. - MASTER ~~STREET THOROUGHFARE~~ PLAN

Sec. 36-106. - Adopted.

The ~~master~~ [Master street-Thoroughfare plan-Plan](#) for the development of roads, highways, streets, alleys, rights-of-way, and easements is hereby adopted and is on file in the office of the city secretary.

(Ord. No. 84-175-4, § 4, 9-25-1984, [XX-XX-2022](#))

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