

AN ORDINANCE AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES OF THE CITY OF HILL COUNTRY VILLAGE TO ADD ARTICLE VII TO CHAPTER 58 TO PROHIBIT PLACING, DUMPING, OR DISCARDING BRUSH OR OTHER MATERIAL IN THE PUBLIC RIGHTS-OF-WAY OR ALLOWING BRUSH OR OTHER MATERIAL TO REMAIN IN THE PUBLIC RIGHTS-OF-WAY AND TO ESTABLISH A PENALTY OF A FINE NOT TO EXCEED \$500.00 FOR EACH VIOLATION OF ANY PROVISION IN ARTICLE VII OF CHAPTER 58 OF THE CODE OF ORDINANCES

WHEREAS, Chapter 58 of the Code of Ordinances of the City of Hill Country Village covers matters relating to streets, sidewalks, and other public places; and

WHEREAS, the City Council of the City of Hill Country Village desires to amend Chapter 58 of the Code of Ordinances to add a new Article VII to Chapter 58 of the Code of Ordinances of the City of Hill Country Village to prohibit placing, dumping, or discarding of brush or other material in the Public Rights-of-Way or allowing brush or other material to remain in the Public Rights-of-Way and to establish a penalty of a fine not to exceed \$500.00 for each violation of any provision in Article VII of Chapter 58 of the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILL COUNTRY VILLAGE, TEXAS, that:

Section 1. Article VII of Chapter 58 of the Code of Ordinances of the City of Hill Country Village, Texas is hereby adopted to read as follows:

ARTICLE VII. – PLACEMENT OF BRUSH OR OTHER MATERIAL IN PUBLIC RIGHTS-OF-WAY.

Sec. 58.160. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Hill Country Village, Texas.

Person means a natural person (an individual), corporation, company, association, partnership, firm, limited liability company, joint venture, and any similar entity.

Public Rights-of-Way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City has an interest, including any unpaved portions thereof, but excluding the airwaves above same with regard to wireless telecommunications.

Sec. 58-161. – Brush or other material in Public Rights-of-Way prohibited.

It shall be unlawful for any person to place, dump, or discard brush, stumps, tree limbs, branches, leaves, twigs, debris, trash, or other material in the Public Rights-of-Way of the City. It shall also be unlawful for any person to allow brush, stumps, tree limbs, branches, bushes, leaves, twigs, debris, trash, or other material to remain in the Public Rights-of-Way adjacent to property owned or leased by the person. Notwithstanding the foregoing, the prohibitions in this section shall not apply to mailboxes, permanently planted landscaping, or garbage containers or material placed for routine collection by the entity authorized by the City to provide waste collection.

Sec. 58-162. - Penalty.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor, and, upon conviction, shall be fined an amount not less than \$200 nor more than \$500 for the first violation, shall be fined an amount not less than \$300 nor more than \$500 for the second violation, shall be fined an amount not less than \$400 nor more than \$500 for the third violation, and shall be fined \$500 for each additional violation after the third violation. Each violation of the provisions of this article shall be a separate offense. Each day any violation of this article shall continue shall constitute a separate offense.

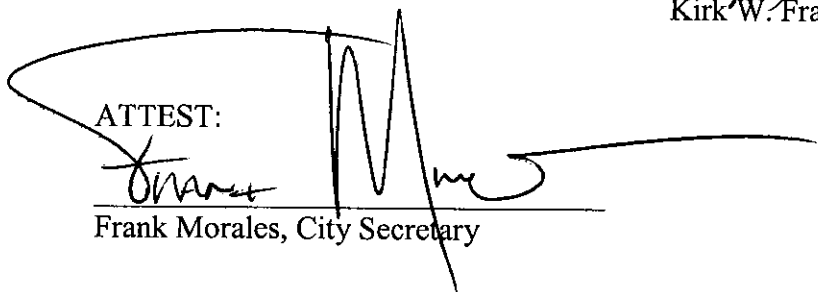
Sec. 58-163 – 58-170. – Reserved.

Section 2. This ordinance shall be effective upon passage and adoption.

PASSED AND APPROVED the 19th day of January, 2012.


Kirk W. Francis, Mayor

ATTEST:


Frank Morales, City Secretary