

**ORDINANCE NO. 2021-13**  
**PROHIBITION OF USE OF HAZARDOUS MATERIALS IN FENCING**  
**CONSTRUCTION**

**AN AMENDMENT TO APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE III. "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", BY ADDING ADDITIONAL SUPPLEMENTARY PROVISIONS FOR FENCING BY REVISING SECTIONS 3.02.13 ("R-LD"), 3.03.13 ("R-1"), 3.04.11 ("R-2"), 3.05.11 ("R-3"), 3.06.13 ("C-1"), 3.07.13 ("C-2"), 3.08.13 ("C-3"), 3.09.12 ("146-S"), 3.10.13 ("WAD"), 3.11.10 ("MMU"), 3.12.03 (H) ("OS"), 3.13.13 ("MH"), 3.14.14 ("LI"), AND 3.16.12 ("146-M") ALL UNDER THE SUBTITLE "SUPPLEMENTARY REGULATIONS" TO SUCH SECTIONS, TO CREATE PROHIBITION OF THE USE OF HAZARDOUS MATERIALS FOR FENCING CONSTRUCTION AS PROVIDED HEREIN, TO INCLUDE, BUT NOT LIMITED TO, BARBED WIRE, CONCERTINA WIRE, RAZOR WIRE, ELECTRICALLY CHARGED WIRE, AND/OR ANY OTHER MATERIALS DESIGNED OR CAPABLE OF CAUSING UNREASONABLE HARM TO PERSONS OR ANIMALS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2000 FOR VIOLATION OF ANY PROVISION HEREOF BY INCLUSION INTO THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Seabrook is continually reviewing the provisions of the City Code of Ordinances relating to land use and other circumstances which generally impact the health, safety and well-being of residents, citizens and inhabitants; and

**WHEREAS**, the Planning and Zoning Commission of the City of Seabrook has conducted a public hearing, received input from staff and is of the opinion and has issued its final report that the amendments hereto are necessary for the public safety, health and welfare and for protection of the residents; and

**WHEREAS**, the City Council and the Planning and Zoning Commission of the City of Seabrook have studied the present provisions of the Code of Ordinances of the City of Seabrook and have determined the need to update the provisions relative to permitted land uses for safety of the public; and

**WHEREAS**, the Planning and Zoning Commission, after further review as requested by City Council, has recommended approval of this amendment at its meeting of July 15, 2021 and has made its final report; and

**WHEREAS**, all public notices have been posted, published and all required hearings on this matter have been held in accordance with the Comprehensive Zoning Ordinance and law.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEABROOK, STATE OF TEXAS:**

**SECTION 1. FINDINGS OF FACT.**

That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2. AN AMENDMENT TO APPENDIX A, "COMPREHENSIVE ZONING", ARTICLE III. "ESTABLISHMENT OF ZONING DISTRICTS AND ASSOCIATED REGULATIONS", BY ADDING ADDITIONAL SUPPLEMENTARY PROVISIONS FOR FENCING BY REVISING SECTIONS 3.02.13 ("R-LD"), 3.03.13, ("R-1"), 3.04.11 ("R-2"), 3.05.11 ("R-3"), 3.06.13 ("C-1"), 3.07.13 ("C-2"), 3.08.13 ("C-3"), 3.09.12 ("146-S"), 3.10.13 ("WAD"), 3.11.10 ("MMU"), 3.12.03 (H) ("OS"), 3.13.13 ("MH"), 3.14.14 ("LI"), AND 3.16.12 ("146-M") ALL UNDER THE SUBTITLE "SUPPLEMENTARY REGULATIONS" TO SUCH SECTIONS, TO CREATE PROHIBITION FOR THE USE OF HAZARDOUS MATERIALS FOR FENCING CONSTRUCTION AS PROVIDED HEREAFTER, TO INCLUDE, BUT NOT LIMITED TO, BARBED WIRE, CONCERTINA WIRE, RAZOR WIRE, ELECTRICALLY CHARGED WIRE, AND/OR ANY OTHER MATERIALS DESIGNED OR CAPABLE OF CAUSING UNREASONABLE HARM TO PERSONS OR ANIMALS, AS FOLLOWS:**

**"Sec. 3.02. R-LD Low density single-family residential district.**

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3.02.13. Supplementary regulations:

- A. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.
- B. No temporary structures, including recreational vehicles, construction trailers or travel trailers may be used for on-site dwelling purposes.
- C. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**D. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

- (1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals.**
- (2) that is electrically charged in any manner. An exception shall be allowed for purposes of securing pets within an approved single-strand wire that is**

**designed to conduct electricity with a low-voltage regulator along the fence’s interior within 18 inches of finished ground level.**

**(3) An exception is permitted for approved governmental uses.**

**“Sec. 3.03. - R-1 Single-family detached residential district.**

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3.03.13. Supplementary regulations:

A. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

B. No temporary structures, including recreational vehicles, construction trailers or travel trailers may be used for on-site dwelling purposes.

C. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**D. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals.**

**(2) that is electrically charged in any manner. An exception shall be allowed for purposes of securing pets within an approved single-strand wire that is designed to conduct electricity with a low-voltage regulator along the fence’s interior within 18 inches of finished ground level.**

**(3) An exception is permitted for approved governmental uses.**

**Sec. 3.04. - R-2 Single-family detached residential district (small lots).**

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3.04.11. Supplementary regulations:

A. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

B. No temporary structures, including recreational vehicles, construction trailers or travel trailers may be used for on-site dwelling purposes.

C. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**D. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals.**

**(2) that is electrically charged in any manner. An exception shall be allowed for purposes of securing pets within an approved single-strand wire that is designed to conduct electricity with a low-voltage regulator along the fence's interior within 18 inches of finished ground level.**

**(3) An exception is permitted for approved governmental uses.**

**Sec. 3.05. - R-3 Medium density residential district.**

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3.05.11. Supplementary regulations:

A. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

B. No temporary structures, including recreational vehicles, construction trailers or travel trailers, may be used for on-site dwelling purposes.

C. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**D. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals.**

**(2) that is electrically charged in any manner. An exception shall be allowed for purposes of securing pets within an approved single-strand wire that is designed to conduct electricity with a low-voltage regulator along the fence's interior within 18 inches of finished ground level.**

**(3) An exception is permitted for approved governmental uses.**

**Sec. 3.06. - C-1 Light commercial district.**

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3.06.13. Supplemental regulations:

A. Lighting: Any light used for security or to illuminate the parking area shall be so arranged as to reflect away from any adjacent residential uses.

B.

C. No temporary structures, including recreational vehicles, construction trailers or travel trailers may be used for on-site dwelling purposes.

D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**E. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 1/2) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for governmental uses.**

**Sec. 3.07. - C-2 Medium commercial district.**

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3.07.13. Supplementary regulations:

A. Lighting: Any light used for security or to illuminate the parking area shall be so arranged as to reflect away from any adjacent residential uses.

B. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

C. No temporary structures, including recreational vehicles, construction trailers, or travel trailers may be used for on-site dwelling purposes.

D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**E. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 1/2) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for approved governmental uses.**

**Sec. 3.08. – C-3 Heavy commercial district.**

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3.08.13. Supplementary regulations:

A. Lighting: Any light used for security or to illuminate the parking area shall be so arranged as to reflect away from any adjacent residential uses.

B. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

C. No temporary structures, including recreational vehicles, construction trailers, or travel trailers may be used for on-site dwelling purposes.

D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**E. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 1/2) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for governmental uses.**

**Sec. 3.09. - SH 146 South commercial district (146-S).**

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3.09.12. Supplementary regulations:

A. No temporary structures, including recreational vehicles, construction trailers, or travel trailers may be used for on-site dwelling purposes.

B. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

C. Utilities, including, but not limited to, electrical lines, gas lines, telephone lines, and cable television lines, shall be installed underground unless otherwise approved by city council.

D. No trailer or semitrailer may be used for the storage of retail or wholesale merchandise on any property in this district for a period exceeding 72 hours.

E. No trailer, motor vehicle, semitrailer or shipping container may be used for the display, vending or retailing of any merchandise at any time.

F. Outside display of merchandise is permitted except in any of the required parking areas or other restricted areas. No display shall be erected in a manner that obstructs the safe flow of pedestrian or vehicular traffic.

**G. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 1/2) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for governmental uses.**

**Sec. 3.10. - WAD Waterfront activity district.**

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3.10.13. Supplementary regulations:

A. Lighting: Any light used for security or to illuminate the parking area shall be so arranged as to reflect away from any adjacent residential uses.

B. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

C. No temporary structures, including recreational vehicles, construction trailers or travel trailers may be used for on-site dwelling purposes.

D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**E. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 1/2) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for governmental uses.**



**Sec. 3.11. - MMU Marine oriented mixed use district.**

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3.11.10. Supplementary regulations:

A. Lighting: Any light used for security or to illuminate the parking area shall be so arranged as to reflect away from any adjacent residential uses.

B. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

C. No temporary structures, including recreational vehicles, construction trailers or travel trailers, may be used for on-site dwelling purposes.

D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**E. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 1/2) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for governmental uses.**

**Sec. 3.12. - OS Old Seabrook district.**

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3.12.03. The following regulations apply to townhouses and to all other uses by right and conditional uses allowed in this zoning district.

A. Accessory structures: Accessory structures shall not occupy a required front or corner side yard or project beyond the front building line of the principal structure on a site. Accessory structures shall be set back at least five feet from interior side and rear property lines. A

minimum distance of not less than five feet shall be maintained between the main structure and accessory buildings. Connecting breezeways shall not exceed eight feet in width from finish wall to finish wall. Buildings shall be separated by an approved firestop in the roof and walls. No accessory structures or other obstructions including decks, pools, paving, landscaping structures or trees and fountains may be erected on any utility easement.

B. Buffering and screening: Any property classified in this zoning district which adjoins or abuts any property classified in the R-LD, R-1 or R-2 zoning district shall provide a front, side or rear setback as applicable that is at least as deep or wide as that required in such adjoining or abutting districts. Properties in the OS zone which are separated by a street from any R-LD, R-1 or R-2 zone shall also meet these requirements.

C. Outside storage and display:

1. Outside display of merchandise is permitted except in any of the required parking areas or other restricted areas. No display shall be erected in a manner that obstructs the safe flow of pedestrian or vehicular traffic.
2. Plants/flowers and boats for sale or rent may be displayed at all times. All other merchandise may be displayed during business hours only.
3. Temporary permits for outside display in parking areas or other private areas may be issued to a business by the building official. These temporary permits may be for a period of no more than 72 consecutive business hours.
4. Outside storage shall be permitted only when incidental to the commercial use located on the same premises and provided that:
  - a. The storage area may not extend beyond the front line of the building.
  - b. The storage area may not be located in any of the required parking areas.
  - c. All stored merchandise must be behind a screen fence which shall be 100-percent impervious to sight and a minimum of six feet in height. Plants/flowers and boats only are exempt from this requirement.
  - d. Merchandise shall not protrude above the height of the enclosed fence, walls or buildings. Plants/flowers and boats only are excluded from this requirement.
5. No trailer or semitrailer may be used for the storage of retail or wholesale merchandise on any property in this district for a period exceeding 72 hours. Furthermore, no trailer, semitrailer or shipping container may be used for the display, vending or retailing of any merchandise at any time.

D. Animal control: No farm fowl or farm animals shall be kept on the premises.

E. Parking: Parking shall be in accordance with [Article 5](#) of this ordinance. Please see the comprehensive off-street parking regulation matrix. In addition, properties in the Old Seabrook district shall be given the following parking credits when applicable.

1. For all existing buildings, either commercial or to be converted to commercial use:
  - a. Less than one 1,500 sq. ft.; parking may be reduced 20 percent.
  - b. Less than 2,000 sq. ft.; parking may be reduced ten percent.
  - c. Two thousand or more square feet; parking may not be reduced.
2. In no case shall there be fewer than two parking spaces provided.
3. For each additional tenant in any building which is 2,000 square feet or greater, add one additional space to the requirements listed above.
4. All buildings constructed or expanded after passage of this ordinance must meet parking requirements as stipulated in [Article 5](#).
5. Medical facilities with or without beds shall not be eligible for the above credits, but shall maintain parking in accordance with [Article 5](#).
6. Commercial vehicles of business shall be parked at other than mandatory parking spaces during business hours.
7. All fractional parking space calculations shall be counted as a full space.
8. Special exception to parking density, off-street parking and design and standards as listed in [Article 5](#) may be permitted on appeal to the board of adjustment without consideration to hardship.

F. Landscaping: Shall be in accordance with [Article 5](#) of this ordinance.

G. Reserved.

**H. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 1/2) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for governmental uses.**

**Sec. 3.13. - MH Mobile home-manufactured housing district.**

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3.13.13. Supplementary regulations:

A. All mobile homes shall be skirted/screened from base of the unit to grade with a material approved by the building department.

B. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

C. No temporary structures, including recreational vehicles, construction trailers or travel trailers may be used for on-site dwelling purposes.

D. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**E. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 1/2) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for governmental uses.**

**Sec. 3.14. Light industrial district.**

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3.14.14. Supplementary regulations:

A. Use of Red Bluff Road and Todville Road Prohibited: The regular use of Red Bluff Road and/or Todville Road for industrially related traffic shall be prohibited. Site design for land uses permitted within the LI zoning district shall incorporate provisions for avoiding the use of Red Bluff Road and Todville Road for site-related traffic.

B. Lighting: Any light used for security or to illuminate the parking area shall be so arranged as to reflect away from any adjacent residential uses.

C. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.

D. No temporary structures, including recreational vehicles, construction trailers or travel trailers may be used for on-site dwelling purposes.

E. Eaves shall be permitted to encroach no more than 18 inches upon any setback.

**F. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 ½) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for governmental uses.**

**Sec. 3.16. – SH 146 Main commercial district (146-M)**

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3.16.12. Supplementary regulations:

- A. No temporary structures, including recreational vehicles, construction trailers, or travel trailers may be used for on-site dwelling purposes.
- B. Temporary structures for uses incidental to construction work on the premises which are removed from completion or abandonment of construction work are allowed upon permit from the building official.
- C. Utilities, including, but not limited to, electrical lines, gas lines, telephone lines, and cable television lines, shall be installed underground unless otherwise approved by city council.
- D. No trailer or semitrailer may be used for the storage of retail or wholesale merchandise on any property in this district for a period exceeding 72 hours.
- E. No trailer, motor vehicle, semitrailer or shipping container may be used for the display, vending or retailing of any merchandise at any time.
- F. Outside display of merchandise is permitted except in any of the required parking areas or other restricted areas. No display shall be erected in a manner that obstructs the safe flow of pedestrian or vehicular traffic.

**G. It shall be unlawful for any person to use hazardous materials for the construction of fencing, by erecting, maintaining, allowing or permitting a fence:**

**(1) that is constructed to include barbed wire, concertina wire, or any other materials designed or capable of causing unreasonable harm to persons or animals within six and one-half (6 1/2) feet from finished ground level.**

**(a) Elevation Measurement. In the event that the fence height has been elevated through the use of a permitted retaining wall, the fence height is measured from the bottom of the retaining wall to the highest point of the fence. If the fence height has not been elevated through the use of a permitted retaining wall, the fence height is measured from grade to the highest point of the fence.**

**(2) that is electrically charged in any manner.**

**(3) An exception is permitted for governmental uses.”**

**SECTION 4. INCORPORATION INTO THE CODE, PENALTY CLAUSE.**

This Ordinance is hereby incorporated and made a part of the Seabrook City Code. Violation of this ordinance is subject to the penalty section of said Code and Ordinance, Section 1-15 “General Penalty and 11.06, “Criminal Enforcement” which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of an offense and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**SECTION 5. REPEAL OF CONFLICTING ORDINANCES.**

All ordinances or parts of ordinances in conflict or inconsistent with this Ordinance are hereby expressly repealed.

**SECTION 6. SEVERABILITY.**

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Seabrook, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 7. NOTICE.**

The City Secretary shall give notice of the enactment of this Ordinance by promptly publishing it or its descriptive caption and penalty after final passage in the official newspaper of the City; the Ordinance to take effect upon publication.

**PASSED, APPROVED, AND ADOPTED** on first reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 7<sup>th</sup> day of September 2021.

**PASSED, APPROVED, AND ADOPTED**, as revised on final reading with a quorum present, by an affirmative vote of a majority of Councilmembers present, in accordance with Seabrook City Charter Section 2.10 on this 21<sup>st</sup> day of September 2021.

BY: \_\_\_\_\_  
Thomas G. Kolupski, Mayor

ATTEST:

By: \_\_\_\_\_  
Robin Lenio, TRMC  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven L. Weathered  
City Attorney