

**CITY OF SEABROOK
ORDINANCE NO. 2019-05**

AMENDMENT TO THE CODE OF THE CITY OF SEABROOK, COMPREHENSIVE ZONING ORDINANCE, DELETING LANDSCAPING AND BUFFERING REQUIREMENTS FROM ARTICLE 5, “OFF-STREET PARKING, LOADING, INGRESS AND EGRESS” AND RECODIFYING SUCH REQUIREMENTS BY CREATION OF A NEW ARTICLE 7 ENTITLED “LANDSCAPING AND BUFFERING REQUIREMENTS”

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SEABROOK, APPENDIX A, “COMPREHENSIVE ZONING”, REPEALING IN ITS ENTIRETY THE PROVISIONS PERTAINING TO LANDSCAPING AND BUFFERING REQUIREMENTS, SECTIONS 5.05 AND 5.06, CONTAINED IN ARTICLE 5, “OFF-STREET PARKING, LOADING, INGRESS AND EGRESS; AND LANDSCAPING AND SAFETY REQUIREMENTS”, AND CREATING A NEW ARTICLE 7, ENTITLED “LANDSCAPING AND BUFFERING REQUIREMENTS” FOR SUCH SUBJECT TO PROVIDE FOR NEW UPDATED AND COMPREHENSIVE REGULATIONS OF THIS SUBJECT MATTER; 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; AND PROVIDING FOR NOTICE AND SEVERABILITY.

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

WHEREAS, a review of the current provisions for buffering and landscaping indicate a current need for complete update and revision for land use activity within the City to provide for uniform growth, safety and protection of the residents; 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 recommended 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 completely review, update and revise the current Code provisions relative to buffering, landscaping and related safety requirements; 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 and adopted.

SECTION 2. AMENDMENT TO THE SEABROOK CITY CODE, APPENDIX A, "COMPREHENSIVE ZONING", REPEALING IN ITS ENTIRETY THE PROVISIONS PERTAINING TO LANDSCAPING AND BUFFERING REQUIREMENTS, SECTIONS 5.05 AND 5.06, CONTAINED IN ARTICLE 5, "OFF-STREET PARKING, LOADING, INGRESS AND EGRESS; AND LANDSCAPING AND SAFETY REQUIREMENTS", AND CREATING A NEW ARTICLE 7, ENTITLED "LANDSCAPING AND BUFFERING REQUIREMENTS," FOR SUCH SUBJECT TO PROVIDE FOR NEW UPDATED AND COMPREHENSIVE REGULATIONS OF THIS SUBJECT MATTER.

The Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 5, "Off-Street Parking, Loading, Ingress and Egress and Landscaping and Safety Requirements" is amended by entirely deleting and repealing Section 5.05 "Landscaping Requirements" and Section 5.06, "Safety Requirements" from Article 5 and creating a new Article 7 entitled, "Landscaping and Buffering Requirements" to provide for new updated, comprehensive regulations of this subject matter as specifically provided hereafter:

"ARTICLE 7. LANDSCAPING AND BUFFERING REQUIREMENTS

Sec. 7.01 - Landscaping requirements.

7.01.01 Purpose:

These requirements shall apply only to new developments or where a development has lost its nonconformity status and is not eligible for exemptions for noncompliance as provided under current ordinances. A new development shall be defined as any new project built on a raw or otherwise vacant tract or tracts of land, not associated with an existing structure. A structure shall be deemed to have lost its nonconformity as determined by Appendix A, Article 8.

It is the intent of this section to establish minimum standards for the provision, installation, and maintenance of landscape plantings in order to provide for the orderly, safe, and environmentally sound development of land located within the corporate limits

of Seabrook, thereby promoting the health, safety, and general welfare of the community as provided by law.

The regulations contained herein are necessary to enhance the community's aesthetic, environmental, and ecological qualities, as well as to benefit safety in parking and pedestrian areas.

Through the use of landscaping, it is possible to improve the appearance of all areas by incorporating open space into development in ways that harmonize and enhance the natural and built environment. It is possible to improve environmental quality through the numerous beneficial effects of landscaping, including:

- A. The improvement of air and water quality through such natural processes as photosynthesis and mineral uptake.
- B. The use of trees and other plants to reduce erosion by the binding of soil particles with their roots thus holding the soil together against the effects of wind and water. When development increases the amount of impervious surface on a site, it greatly increases water flow across exposed soils, causing serious water pollution problems. Vegetation slows this process by acting as a sponge, gradually releasing runoff. This improves water quality and reduces the need for engineered drainage solutions.
- C. Vegetation reduces and/or reverses air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation.
- D. Landscaping reduces the increase in air temperatures caused by paved surfaces and automobiles through the process of transpiration associated with plant material.

Vegetation also helps promote energy conservation through the creation of shade, reducing heat gain in or on buildings or paved areas.

The use of vegetation also enhances the safety of parking lots and pedestrian paths through the application of landscaping provisions which guide the circulation of cars and people. Proper use helps ensure that a driver's vision is unobstructed. The regulations contained in this section of the ordinance are aimed at achieving the goals, objectives, and policies, contained in the Comprehensive Master Plan.

7.01.02 Definitions: All related definitions are found in Article 1, Section 1.10 of Appendix A.

7.01.03 General Applicability:

Unless otherwise provided herein, this article shall apply to the following:

- A. Single-Family/Townhouse Residential Landscape Regulations (7.01.04)
- B. Main Street Landscape Regulations (7.01.05)
- C. Old Seabrook Zoning District (OS) Landscape Regulations (7.01.06)
- D. Point Overlay District Landscape Regulations (7.01.07)
- E. Commercial and Multi-Family Use Parking Lot Screening, Perimeter Landscape and Buffering Regulations (7.01.08)
- F. Commercial and Multi-Family Use Interior Site Landscape Regulations (7.01.09)
- G. Landscape Design Submittal (7.01.10) (Non-Residential Only)
- H. Tree Preservation and Replacement (7.01.11)
- I. Sight Distance and Visibility (7.01.12)
- J. Fencing (7.01.13)
- K. Maintenance (7.01.14)
- L. Master Landscape Plan (7.01.15)

7.01.04 Single-Family/Townhouse Residential Landscape Regulations:

Applicability

This section shall apply to residential districts R-LD, R-1, and R-2.

1. Front Yard Landscaping Requirements

a. Purpose

Landscaping shall be selected and placed in the front yards of residences to soften the effect of the built environment. An arrangement of vegetation such as trees, bushes, and grass, together with other suitable materials such as flowering plants, ground cover, mulch, etc., arranged in a complementary fashion, is desired.

b. Percent of Vegetative Cover

An area not less than 15 percent of the total lot area shall be landscaped. No area shall be maintained with bare soil. All ground surfaces not used for buildings, sidewalks,

roadways, or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching and only those areas with live plant materials shall be included in the calculation for determining compliance with the percentage of lot coverage.

c. Required Materials

The front yard shall be landscaped with the following materials. All trees shall be planted a minimum of ten (10) feet from the front property line.

1. Single-family detached: one minimum two (2) inch caliper tree.
2. Duplex or townhouse: one minimum two (2) inch caliper tree per unit.

Corner Lots:

Front yard landscaping in corner lots shall wrap around the side for a minimum of 10 feet from the street-facing building corner in single-family detached developments, and seven feet in single-family attached developments.

d. Sidewalk Zone

A continuous sidewalk at least four feet in width shall be provided on both sides of the street at least three feet distant from and generally parallel to the back of the curb.

7.01.05 Main Street Landscape Regulations:

Applicability

This section shall apply to all development occurring on “Main Street”, east of Hall Avenue, west of Staples Street, north of 3rd Street, and south of 1st Street within the Old Seabrook Zoning District (OS).

1. Main Street Perimeter Landscape Requirements

- a. Landscaped Buffer Zone: A minimum 20’ landscaped buffer area shall be provided between the edge of the right of way (R.O.W.) and the front façade of the building. The buffer area shall be designed as follows:

(i) Sidewalk Zone

- a. A continuous sidewalk at least 15’ wide shall be provided adjacent to Main Street.

- b. The sidewalk shall be constructed of Pavestone, Black Obsidian Quartex, City Lock Series concrete unit pavers or an approved equivalent. The pavers shall be installed in a herringbone pattern.
- (ii) Percentage of Vegetative Cover
- a. 25% of the front yard shall be landscaped with vegetative cover. The vegetative cover shall be a mix of planting beds, planters and trees.
 - b. An irrigation system shall be installed within all vegetative areas.
- (iii) Pedestrian Pole Mounted Lighting.
- a. The pedestrian pole mounted light fixture shall be installed 70' on center adjacent to the R.O.W.
 - b. The light fixture shall be a manufactured Hess Avalon pendant mounted pole light or an approved equivalent.
 - c. The light fixture shall have a height of 14' and be black in color.

7.01.06 Old Seabrook Zoning District (OS) Landscape Regulations

Applicability

This section shall apply to development within the (OS) Old Seabrook Zoning District, excluding the Main Street District as defined in Section 7.01.05

1. Residential Use

a. Percent of Vegetative Cover

An area not less than ten (10) percent of the total lot area shall be landscaped. No area shall be maintained with bare soil. All ground surfaces not used for buildings, sidewalks, roadways, or other impermeable surfaces shall be covered with live grass, turf, shrubbery, trees, ground cover, flowering plants or appropriate mulching and only those areas with live plant materials shall be included in the calculation for determining compliance with the percentage of lot coverage.

b. Required Materials

The front yard shall be landscaped with the following materials. All trees shall be planted a minimum of ten (10) feet from the front property line.

1. Single-family detached: minimum of one two (2) inch caliper tree.
2. Duplex or townhouse: minimum of one two (2) inch caliper tree per unit.

Corner Lots:

Front yard landscaping in corner lots shall wrap around the side for a minimum of ten (10) feet from the street-facing building corner.

2. Commercial Use

A. Interior Site Landscape

All interior spaces within any commercial site shall conform to the following minimum requirements.

- a. Grass, ground cover, shrubs, and other landscape materials shall be used to cover all open ground within five (5) feet of any building or paving or other use such as storage.
- b. All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.
- c. A minimum of ten (10) percent of the total site area shall be devoted to feature landscaping with not less than fifty (50) percent of the landscaping being located in the required front yard.

B. Off-Street Parking Lots

Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance to the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.

1. **INTERIOR LANDSCAPING:** A minimum of five (5) percent of the gross parking areas shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway paving and/or sidewalks. The following additional criteria shall apply to the interior of parking lots.

- a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops.
- b. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter/ islands shall not be required for lots containing less than six thousand two hundred fifty (6,250) square feet. Planter islands, when required, must be located at the terminus of all rows of parking. Such islands shall contain at least one (1) two (2) inch caliber tree. The remainder shall be landscaped with shrubs, lawn, ground cover and other appropriate material not to exceed three (3) feet in height. Interior planter islands shall have a minimum size of six (6) feet by thirty (38) feet for double parking rows and six (6) feet by nineteen (19) feet for single parking rows.

2. **PERIMETER LANDSCAPING:** All parking lots and vehicular use areas shall be screened from all abutting properties and/or public rights-of-way with a hedge, or other durable landscape barrier. Landscaping shall be established in a four (4) feet minimum width planting strip. Plants and materials used within the barriers shall be at least twenty-four (24) inches high at the time of planting and shall be of a type and species that will attain a minimum height of three (3) feet within one (1) year after planting. Landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent properties.

7.01.07 Point Overlay District Landscape Regulations

Applicability

See Appendix A. Comprehensive Zoning, Article IV. Special Use Regulations, Section 4.15 The Point Overlay District Regulations, Subsection 4.15.14. Landscaping.

7.01.08 Commercial and Multi-Family Use, Parking Lot Screening and Buffering Regulations

Parking lots, vehicular use areas and parked vehicles are to be effectively screened from the public view and adjacent property. Both the interior and perimeter of such areas shall be landscaped in accordance to the following criteria. Areas used for parking or vehicular storage which are under, on, or within buildings are exempt from these standards.

1. **INTERIOR LANDSCAPING:** A minimum of ten (10) percent of the gross parking areas shall be devoted to living landscaping which includes grass, ground cover, plants, shrubs and trees. Gross parking area is to be measured from the edge of the parking and/or driveway paving and/or sidewalks. The following additional criteria shall apply to the interior of parking lots.

- a. Interior landscape areas shall be protected from vehicular encroachment of overhang through appropriate wheel stops.
- b. There shall be a minimum of one (1) tree planted for each four hundred (400) square feet or fraction thereof of required interior landscape area.
- c. Interior areas of parking lots shall contain planting islands located so as to best relieve the expanse of paving. Planter islands must be located no further apart than every twelve (12) parking spaces and at the terminus of all rows of parking. Such islands shall contain at least one (1) tree. Planter islands shall not be required for lots containing less than fifteen thousand (15,000) square feet. The remainder shall be landscaped with shrubs, lawn, ground cover and other appropriate material not to exceed three (3) feet in height. Interior planter islands shall have a minimum size of nine (9) by eighteen (18) feet.

2. PERIMETER LANDSCAPING: All parking lots and vehicular use areas shall be screened from all abutting properties and/or public rights-of-way with a hedge, or other durable landscape barrier. Landscaping shall be established in a four (4) feet minimum width planting strip. Plants and materials used within the barriers shall be at least twenty-four (24) inches high at the time of planting and shall be of a type and species that will attain a minimum height of three (3) feet within one (1) year after planting. Landscape areas shall also contain at least one (1) tree, minimum two (2) inch caliper, for each fifty (50) lineal feet or fraction thereof of perimeter length. Landscaping shall be designed to screen off-street parking lots and other vehicular use areas from public rights-of-way and adjacent properties.

- a. Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area of at least fifteen (15) feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area. An appropriate landscape screen or barrier shall be installed in this area and the remaining area shall be landscaped with at least grass or other ground cover. Necessary access-ways from the public right-of-way shall be permitted through all such landscaping. The maximum width for access-ways shall be: fifty (50) feet for non-residential two-way movements; thirty (30) feet for non-residential one-way movement.
- b. Whenever an off-street parking or vehicular use areas abuts an adjacent property line, a perimeter landscape area of at least ten (10) feet in width shall be maintained between the edge of the parking area and the adjacent property line. Access-ways between lots may be permitted through all perimeter landscape areas. Maximum width for access-ways shall be thirty (30) feet. Landscaping shall be designed to visually screen the parking area.

- c. Whenever such property is zoned or used for residential purposes, the landscape buffer shall include a masonry wall along the common property line which shall be 100 percent impervious to sight and at least eight feet in height. The wall shall consist of masonry/brick pilasters in order to provide an adequate buffer from the particular use. Such walls shall be maintained for uniform color/discoloration and remain free of graffiti. The required wall materials are to provide for ease of maintenance and longevity of the required buffer screen. All sides of the wall that are visible to the public shall be appropriately landscaped. Bare unfinished wall surfaces are specifically prohibited. A masonry wall(s) is not required for properties which are separated by a street.
- d. Perimeter landscape areas shall contain at least one (1) tree, minimum two (2) inch caliper for each fifty (50) lineal feet or fraction thereof of perimeter length.
- e. A continuous sidewalk at least four feet in width shall be provided on both sides of the street at least three feet distant from and generally parallel to the back of the curb.

7.01.09 Commercial and Multi-Family Use, Interior Site Landscape Regulations

All interior spaces within any commercial development shall conform to the following minimum requirements:

- a. Grass, ground cover, shrubs, and other landscape materials shall be used to cover all open ground within ten (10) feet of any building or paving or other use such as storage.
- b. All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.
- c. A minimum of fifteen (15) percent of the total site area shall be devoted to feature landscaping with not less than fifty (50) percent of the landscaping being located in the required front yard.

7.01.10 Landscape Design Submittal (Non-Residential Only)

Landscaping plans shall be prepared by a landscape architect, landscape contractor, landscape designer, knowledgeable in plants, materials and landscape design. Landscape Plans shall contain the following information:

1. Minimum scale of one (1) inch equals fifty (50) feet;

2. Location of all trees to be preserved;
3. Location of all plant and landscaping material to be used including plants, paving, benches, screens, fountains, statues, or other landscape features;
4. Species of all plant material to be used;
5. Size of all plant material to be used;
6. Spacing of plant material where appropriate;
7. Layout and description of irrigation systems, including placement of water sources;
8. Description of maintenance provision for the Landscape Plan;
9. Person(s) responsible for the preparation of Landscape Plan.
10. Ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement the proposed landscaping design.

7.01.11 Tree Preservation and Replacement

Applicability

See Chapter 30, Environment, Article II. Tree Protection and Preservation.

7.01.12 Sight Distance and Visibility

Landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an access-way intersects a public right-of-way or when the subject property abuts the intersection of two (2) or more public rights-of-way, a triangular visibility area, as described below, shall be created and maintained. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three (3) and six (6) feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

- a. The areas of property on both sides of the intersection of an access-way and a public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being ten (10) feet in length from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides.

- b. The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way shall have a triangular visibility area with two (2) sides of each triangle being twenty (20) feet in length from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides.

Landscaping, except required grass and low ground covers, shall not be located closer than three (3) feet from the edge of any access-way pavement.

7.01.13 Fencing

Screening/security fences shall not extend forward of the front building façade.

Exception: Ornamental or decorative fences. Chain link fencing materials are prohibited.

7.01.14 Maintenance

- a. The owner, tenant and their agent, if any shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, irrigation systems, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size.
- b. Removal of diseased or dangerous trees and vegetation:

Upon direction of the code enforcement officer, property owners shall be required to treat and/or remove trees suffering from transmittable diseases or pests.

The code enforcement officer may require the removal of a tree, part of a tree, or any other vegetation that may be:

- A. In danger of falling and injuring persons or damaging property not located on the owner's property;
- B. Within or overhanging a public right-of-way or easement;
- C. Creating a traffic hazard or visibility hazard for traffic on a public street.

7.01.15 Master Landscape Plan

(a) Purpose. The purpose of a master landscape plan is to allow an applicant, subject to approval of the city council, the option of designating an area that will define unique characteristics in all landscape elements including type, design, and location based upon specific performance criteria. The goal of a master landscape plan is to:

- (1) Promote consistency among landscape elements within a development thus creating visual harmony between the landscape, buildings, and other components of the property;
- (2) Enhance the compatibility of the landscape elements with the architectural and site design features within a development; and
- (3) Encourage landscaping that is in character with planned and existing uses thus creating a unique sense of place.
- (4) Encourage multi-tenant commercial uses to develop a unique set of landscape regulations in conjunction with development standards.

(b) *Application process.*

- (1) The applicant shall develop a master landscape plan for all landscaping elements in the development based on the landscape design guidelines established in subsection (c) and (d) of this section.
- (2) The administrative official shall forward the applicant's master landscape plan to the planning and zoning commission for review and recommendation. A master landscape plan application will be considered by the city council following a recommendation by the planning and zoning commission. The city council shall make the final determination on the master landscape plan.
- (3) After approval of a master landscape plan for a particular development, all landscaping in that development shall meet the standards approved in that specific master landscape plan.

(c) Master landscape plans. Commercial landscaping is an integral part of the urban design fabric of Seabrook. It is absolutely necessary and shall be deemed as a tool that helps promote the health, safety and welfare of the general public. Due to its visual prominence and effect on the overall design character of our city, landscaping as part of master landscape plans must be considered on the broader scale of community rather than on an individual site basis. Landscape is an integral part of the visual urban streetscape and shall be designed to visually complement the surroundings, building on the quality of the traveler's and pedestrian's experience.

Design Goals:

- (1) To develop organized hierarchies of landscape types without infringing on the capability of creative design.
 - (2) To establish design criteria that promote the overall visual quality of the streetscape environment for the general public while providing reasonable and improved standards for identification of individual properties.
 - (3) To improve the overall visual cohesive appearance of the site through landscape guidelines, with strong consideration that the visual streetscape.
 - (4) To promote a "sense of place" for the City of Seabrook while promoting creative design for individual developments.
 - (5) To promote landscape as an architectural complement rather than being visually and thematically disconnected.
- (d) *Application requirements.* A master landscape plan application shall be prepared by a landscape architect, landscape contractor, landscape designer, knowledgeable in plants, materials and landscape design. Landscape Plans shall contain the following information:
1. Minimum scale of one (1) inch equals fifty (50) feet;
 2. Location of all trees to be preserved;
 3. Location of all plant and landscaping material to be used including plants, paving, benches, screens, fountains, statues, or other landscape features;
 4. Species of all plant material to be used;
 5. Size of all plant material to be used;
 6. Spacing of plant material where appropriate;
 7. Layout and description of irrigation systems, including placement of water sources;
 8. Description of maintenance provision for the Landscape Plan;
 9. Person(s) responsible for the preparation of Landscape Plan.
 10. Ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement the proposed landscaping design.
 11. Any other information as required by the decision making bodies.”

SECTION 3. INCORPORATION INTO THE CODE, PENALTY CLAUSE.

This Ordinance is hereby incorporated and made a part of the Code of the City of Seabrook. Violation of this Ordinance is subject to the penalty section of said Code of Ordinances, Section 1-15 “General penalty; continuing violations” which provides that any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor 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 4. REPEAL OF CONFLICTING ORDINANCES.

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

SECTION 5. 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 6. 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 AND APPROVED 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 15th day of January, 2019.

PASSED, APPROVED, AND ADOPTED 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 5th day of February, 2019.

[INTENTIONALLY LEFT BLANK]

Thomas G. Kolupski
Mayor

ATTEST:

Robin Hicks, TRMC
City Secretary

APPROVED AS TO FORM:

Steven L. Weathered
City Attorney