

## ARTICLE I. - INCORPORATION

### Section 1.01. - Incorporation.

The inhabitants of the City of Seabrook, Harris County, Texas, residing within its corporate limits as heretofore or hereafter established, are hereby constituted and shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Seabrook," hereinafter referred to as the "City," with such powers, privileges, rights, duties, and immunities as are herein provided.

### Section 1.02. - Boundaries.

The boundaries of the City are hereby established as described in the original order of incorporation and in the current City Ordinances including any future City Ordinances as found and displayed on the official City map maintained and kept on file by the City Secretary.

### Section 1.03. - Form of government.

The municipal government provided by this Charter shall be known as the Council-City Manager Form of Government. Pursuant to the provisions and subject only to the limitations imposed by the State Constitution, the statutes of this State, and by this Charter, all powers of the City shall be vested in an elective Council.

**State Law reference**— Form of government in home rule municipality, V.T.C.A., Local Government Code § 26.001.

### Section 1.04. - General powers.

The City shall have all the powers of local self-government granted to cities by the Constitution and laws of the State of Texas together with all of the implied powers necessary to carry into execution such granted powers. The City may use a corporate seal; may sue and be sued; may contract and be contracted with; may cooperate with the government of the State of Texas or any agency or any political subdivision thereof or with the Federal government or any agency thereof to accomplish any lawful purpose for the advancement of the interest, welfare, health, environment, safety, and convenience of the City and its inhabitants; may acquire property within or without its corporate limits for any municipal purpose in fee simple or in any lesser interest or estate by purchase, gift, devise, lease, or condemnation and, subject to the provisions of this Charter, may sell, lease, mortgage, hold, manage, improve, and control such property as may now or hereafter be owned by it, or which it may hereafter acquire, and shall have the right to lease or let its property, whether inside or outside of the City limits; may borrow money on the faith and credit of the City by issuance and sale of bonds, warrants or notes of the City; may borrow money on the revenue of municipally-owned utilities or other municipal enterprises by the issuance of bonds and notes secured by such revenues; may assess, levy and collect taxes for general and special purposes and all lawful subjects of taxation; may construct, own, lease, operate and regulate public utilities; may appropriate the funds of the City for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary and other regulations; may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, and for the order and security of its residents; and may provide suitable penalties for the violation of any ordinance enacted by the City and, except as prohibited by the Constitution and laws of this State or restricted by this Charter, the City may exercise all municipality powers, functions, rights, privileges and immunities of every name and nature whatsoever; and may pass ordinances and enact such regulations as may be expedient for the maintenance of good government, order, and peace of the City and the welfare, health, environment, safety, and convenience of its inhabitants. The powers hereby conferred upon the City shall include but are not restricted to the powers conferred expressly and permissively by Chapter 147, Page 307, Acts of the 33rd Legislature of the State of Texas, Regular Session, 1913, enacted pursuant to the Home Rule Amendment of the Constitution of Texas, known as the Enabling Act

and including Articles 1175, 1176, 1177, 1178, 1179 and 1180 of the Revised Civil Statutes of Texas, 1925 [V.T.C.A., Local Government Code §§ 26.021, 26.041, 43.021, 43.142, 51.072—51.078, 54.004, 101.022, 101.023, 141.004, 211.003, 211.005, 211.013, 214.001, 214.013, 214.901, 215.072—215.075, 216.901, 217.042, 251.001, 341.003, 341.903, 342.011, 342.012, 372.041, 401.002, 402.002, 402.017, V.T.C.A., Tax Code §§ 302.001, 302.002, V.T.C.A., Health and Safety Code § 122.006], as heretofore or hereafter amended, all of which are hereby adopted. In addition to the powers enumerated herein and subject only to the limitations imposed by the Constitution and Laws of the State of Texas and by this Charter, the City shall have, without the necessity of express enumeration in this Charter, each and every power which by virtue of Article II, Section V, of the Constitution of the State of Texas, the people of the City are empowered, by election, to grant or to confer upon the City by expressly and specifically granting and enumerating the same. All such power whether expressed or implied shall be exercised and enforced in the manner prescribed in this Charter or, when not prescribed herein, in such manner as shall be provided by ordinance of the Council.

#### Section 1.05. - Eminent domain.

The City shall have full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter, or by the constitution or laws of the State of Texas. In all cases where the City seeks to exercise the powers of eminent domain, it may be controlled, as nearly as practicable, by the laws governing the condemnation of property by railroad corporations in this state, the City taking the position of the railroad corporation in any such case. The City may also exercise the power of eminent domain in any other manner authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the City. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation for any municipal or public purpose, even though not specifically enumerated herein or in this Charter.

**State Law reference**— Eminent domain, V.T.C.A., Local Government Code § 251.001 et seq., V.T.C.A., Property Code § 21.001 et seq.

#### Section 1.06. - Streets and public property.

The City shall have exclusive domain, control and jurisdiction in, upon, over, and under the public streets, sidewalks, alleys, public squares, and public ways within the corporate limits of the City, and in, upon, over, and under all public property of the City. With respect to each and every public street, sidewalk, alley, highway, public square, public part or other public way within the corporate limits of the City, the City shall have the power to establish, maintain, improve, alter, abandon, or vacate the same; to regulate, establish, or change the grade thereof; to control and regulate the use thereof, and to abate and remove in a summary manner any encroachment thereon. The conveyance or lease or authorization of the conveyance or lease of any lands of the City shall be by ordinance.

**State Law reference**— Home-rule municipality has exclusive control over and under the public roadways of the municipality, V.T.C.A., Transportation Code § 311.001 et seq.

#### Section 1.07. - Street development and improvement.

The City shall have the power to develop and improve, or cause to be developed and improved, any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits of the City by laying out, opening, narrowing, widening, straightening, extending, lighting, and establishing building lines along the same; by purchasing, condemning, and taking property therefor; by filling, grading, raising, lowering, paving, repaving, and repairing, in a permanent manner, the same; and by constructing, reconstructing, altering, repairing, and realigning curbs, gutters, drains, sidewalks, culverts,

and other appurtenances and incidentals in connection with such development and improvement authorized hereinabove or any combination or part thereof. The cost of such development and improvement may be paid partly or entirely by assessments levied as a lien against the property abutting thereon and against the owners thereof, and such assessments may be levied in any amount and under any procedure not prohibited by the laws of the State of Texas; provided that no assessment shall be made against land owners in excess of the enhancement in value of such property occasioned, by such improvements. If improvements be ordered constructed in any part of any such area used or occupied by the tracks of facilities of any railway or public utility, then the Council shall have power to assess the whole cost of improvements in such area and the added costs of improvements in areas adjacent thereto made necessary by such use or occupancy against such railway or utility, and shall have power by ordinance to provide for the enforcement of such assessment. As an alternate and cumulative method of developing, improving, and paving any and all public streets, sidewalks, alleys, highways, and other public ways within the corporate limits, the City shall have the power and authority to proceed in accordance with Chapter 106, Page 489, Acts of the Fortieth Legislature of the State of Texas, First Called Session, 1927, as heretofore or hereafter amended, the same being V.T.C.A., Transportation Code § 313.001 et seq.

**State Law reference**— Street improvements, V.T.C.A., Transportation Code § 313.001 et seq.; streets and other public property, V.T.C.A., Transportation Code § 311.091 et seq.

Section 1.08. - Extension of boundaries.

- (a) The boundaries of the City may be enlarged and extended by the annexation of territory, irrespective of size and configuration, in any of the methods hereinafter designated:
- (1) *Annexation of Occupied Land on Petition of Inhabitants:* Where such additional territory adjoins the corporate limits of the City and contains three (3) or more inhabitants qualified to vote for members of the State Legislature, a written petition requesting annexation and signed by a majority of qualified voters within the territory may be presented to the Council. The affidavit of one or more of the signers to the effect that said petition is signed by a majority of qualified voters shall be attached to the petition. The Council, at a regular session held no sooner than twenty (20) days after the presentation of said petition, by ordinance may annex such territory to the City.
  - (2) *Annexation of Unoccupied Lands on Petition of Owners:* The owner or owners of any land which is without residents, or on which less than three (3) voters qualified to vote for members of the State Legislature reside, and is adjacent to the City limits may request annexation of such territory by petition in writing to the Council. The petition shall describe the property so owned in metes and bounds. The affidavit of one or more of the owners to the effect that there are no qualified voters in the territory and that the persons signing said petition own the land shall be attached to the petition. The Council, at a regular session held not sooner than twenty (20) days after the presentation of said petition, by ordinance may annex such territory to the City.
  - (3) *Extension by Action of the City Council:* The Council shall have the power of ordinance to fix the boundary limits of the City and to provide for the alteration and extension of said boundary limits, and the annexation of additional territory lying adjacent to the City, with or without the consent of the owners and inhabitants of the territory annexed, in any manner not inconsistent with the procedural rules prescribed by the Legislature of the State of Texas in the Municipal Annexation Act as heretofore and hereafter amended.
  - (4) *Annexation by Any Other Method Provided by Law:* Additional territory may also be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law or in such manner as shall be provided by ordinances or resolutions of the Council. Same shall be in addition to the methods hereinabove provided.
- (b) Upon completion of the procedures for extending the limits of the City, the territory so annexed shall become a part of the City and property situated therein shall bear its pro rata share of taxes levied by

the City unless otherwise prescribed by the laws governing annexation procedures, and the residents and future residents of the territory shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

**State Law reference**— Annexation, V.T.C.A., Local Government Code § 43.001 et seq.; map of municipal boundaries, V.T.C.A., Local Government Code § 41.001.

Section 1.09. - Contraction of boundaries.

Whenever there exists within the corporate limits of the City any territory not suitable or necessary for City purposes, and lying adjacent to the corporate limits, the Council may, upon a petition signed by a majority of the voters qualified to vote for members of the State Legislature and such voters reside in such territory, or without any such petition if the same be uninhabited, by ordinance duly passed, discontinue said territory as a part of the City; said petition and ordinance shall specify accurately the metes and bounds of the territory sought to be eliminated from the City and shall contain a plat designating such territory so that the same can be definitely ascertained; and when said ordinance has been duly passed the same shall be entered upon the minutes and records of the City, and from and after the entry of such ordinance said territory shall cease to be part of the City, but said territory shall be liable for its pro rata share of any debts incurred while said area was part of the City, and the City shall continue to levy, assess, and collect taxes on the property within said territory to pay the indebtedness incurred while said area was a part of the City as though the same had not been excluded from the boundaries of the City.

**State Law reference**— Home-rule municipality may disannex area in municipality, V.T.C.A., Local Government Code § 43.142.