



ORDINANCE NO. 646-2018-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, ORDERING THE AMENDMENT OF CHAPTER 24 STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTIES, ARTICLE I., IN GENERAL ADDING NEW SUBSECTION 24-3. – STRUCTURES PROHIBITED ON STREETS AND SIDEWALKS TO PROHIBIT STRUCTURES THAT MAY ENCROACH UPON OR OBSTRUCT PEDESTRIAN AND VEHICLE TRAFFIC, CONFIRMING TEXAS OPEN MEETINGS ACT COMPLIANCE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE, PROVIDING A PUBLICATION CLAUSE, PROVIDING AN EFFECTIVE DATE, AND PROVIDING A CERTIFICATION OF ADOPTION.

WHEREAS, the City of Venus, Texas (“City”), is a Type A general law city operating pursuant to the laws of the State of Texas, by and through its duly elected council members;

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law, that are necessary to protect the welfare and safety of its inhabitants (TEXAS LOCAL GOVERNMENT CODE § 51.012);

WHEREAS, TEXAS TRANSPORTATION CODE Section 311.003 provides a Type A general law city the authority to prevent an encroachment or obstruction on a sidewalk in the City;

WHEREAS, TEXAS TRANSPORTATION CODE Section 311.002 provides a general law city the authority to control the streets and alleys of the City;

WHEREAS, the City Council (“Council”) of the City serves as the elected governing body; directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants;

WHEREAS, it has been brought to the Council’s attention that certain sport structures, both fixed and portable, have created a public safety issue in the City’s residential neighborhoods by encroaching upon or obstructing pedestrian and vehicle traffic;

WHEREAS, sport structures and other obstructions allowed to remain in areas where people drive and walk impede and create a potentially dangerous situation for passersby and drivers on their way to their destination;

WHEREAS, area schools, neighborhood facilities and public parks provide locations within the City to play sports in a safe, off-street environment and are open to the public;

WHEREAS, no law or ordinance appears to specifically address the issue after a review of current state law and a review of the CITY OF VENUS CODE OF ORDINANCES;

WHEREAS, the Council finds that establishing and enforcing new prohibitions as to these structures on the sidewalks and in the streets of the City will ensure the safety of those driving and walking in the City; and

WHEREAS, the ordinances of the City are codified together in the CITY OF VENUS CODE OF ORDINANCES, hosted and managed by Municode.com and Chapter 24 appears to be the best chapter to include this structure prohibition to allow citizens the ability to find and learn about the prohibition easily.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS:

SECTION A. CHAPTER 24 AMENDMENT

Chapter 24 – Streets, Sidewalks, and Other Public Properties, Article I. In General, of the CITY OF VENUS CODE OF ORDINANCES is hereby amended to add Sec. 24-3 as follows:

Section 24-3. – Structures Prohibited on Streets and Sidewalks

No person shall place, construct, or erect any pole or structure with a hockey, soccer, or basketball goal, rim, hoop or other device affixed thereto designed or intended to be used for or readily adaptable for athletic or sporting purposes, or any other obstruction, upon, along, or across any city street, curb, sidewalk, public right-of-way or other public easement of the city. And, no person shall allow such a structure to remain upon, along, or across any city street, curb, sidewalk, public right-of-way or other public easement of the city, if fallen, turned over, knocked down, or otherwise creating an obstruction to pedestrian and/or vehicle traffic. This prohibition includes temporary, portable, or movable poles or structures. This prohibition excludes mailboxes, light poles, and trash containers. City employees are authorized to abate and/or remove any prohibited structure under this subsection. For purposes of the prosecution of this subsection, it shall be presumed that the person(s) criminal responsible for the offense is the person listed as the owner of the property found in the county central appraisal district tax records.

SECTION B. OPEN MEETINGS COMPLIANCE

That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 551.

SECTION C. SEVERABILITY

Should any section, clause, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence,

clause and/or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

SECTION D. REPEALER

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

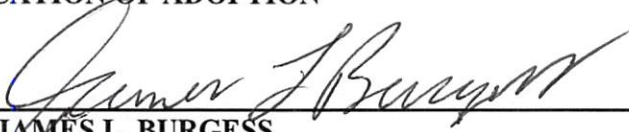
SECTION E. PUBLICATION

The City Secretary is hereby directed, if required by law, to post or publish in the official newspaper of the City, the caption, publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, in accordance with Section 52.011 of the TEXAS LOCAL GOVERNMENT CODE. The City Secretary is also hereby directed to incorporate the provisions of this Ordinance into the CITY OF VENUS CODE OF ORDINANCES by submitting it to *www.municode.com* for incorporation and online publication.

SECTION F. EFFECTIVE DATE

That this Ordinance shall become effective from and after its passage.

SECTION G. CERTIFICATION OF ADOPTION

APPROVED: 
MAYOR JAMES L. BURGESS

PASSED: MONDAY, APRIL 9, 2018

ORDINANCE BECOMES EFFECTIVE: MONDAY, APRIL 9, 2018

I, the undersigned, City Secretary do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Venus City Council at a regular meeting duly convened on Monday, April 9, 2018.

ATTEST: 

APPROVED AS TO FORM: 

RANA GAMEL, CITY SECRETARY

CASS CALLAWAY, CITY ATTORNEY

