

**ORDINANCE NO. O-18-10**

**AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING SECTION 22, VIOLATIONS AND PENALTIES, OF APPENDIX A OF THE MISSOURI CITY CODE ENTITLED "THE CITY OF MISSOURI CITY ZONING ORDINANCE;" AMENDING RULES REGARDING MINIMUM PENALTIES FOR CERTAIN ZONING VIOLATIONS; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.**

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WHEREAS, the City of Missouri City (the "City") is a home rule municipality with all of the express and implied powers to enact ordinances that provide for and maintain the health, safety and welfare of its residents and preserve property values; and

WHEREAS, Goal 3 of the 2017 Comprehensive Plan provides that the City will have an ongoing and increasing focus on neighborhood integrity and commercial redevelopment as the community continues to mature; and

WHEREAS, the first goal of the Strategic Plan for the City, pursuant to Resolution No. R-14-34, is to create a great place to live by striving to maintain a safe, beautiful and active environment; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after notice required by law and the City of Missouri City Zoning Ordinance, public hearings on certain proposed amendments to the City of Missouri City Zoning Ordinance; and

WHEREAS, all persons appearing at such public hearings who desired to speak on such proposed amendments were afforded that opportunity and their comments were duly noted and considered; and

WHEREAS, the Planning and Zoning Commission of the City of Missouri City has issued its final report to the City Council of the City of Missouri City; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate and in the best interest of the residents of the City to penalize habitual offenders of certain zoning violations of the Missouri City Code, including those involving accessory buildings and structures in residentially zoned areas; parking, storage or use of major recreational or utility equipment; portable storage units in suburban and residential districts; outside placement, storage, sales and services of materials, merchandise and equipment in commercial, business park and industrial districts; and fences; now therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:**

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. As required by law, the City Council of the City of Missouri City conducted a public hearing on the amendments to the Missouri City Zoning Ordinance as set forth herein and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Missouri City Code is hereby amended by deleting Section 22 of Appendix A thereof and substituting therefor a new Section 22 of Appendix A to provide as follows:

## **“APPENDIX A ZONING**

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### **SECTION 22. VIOLATIONS AND PENALTIES**

1. Except as set forth in subsection 4 below, any person who shall violate any of the provisions of this ordinance or who shall fail to comply with any of the requirements thereof, or who shall erect or alter any building or structure, or who shall commence to erect or alter any building or structure in violation of any detailed statement or plan submitted or approved thereunder, shall for each and every violation or noncompliance be deemed guilty of a misdemeanor and, upon conviction, shall be punishable by a fine of not more than \$500.00. Each day such violation shall be permitted to exist shall constitute a separate offense. The owner of that building, structure or premises or part thereof where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction, shall be subject to the penalties stated above.
2. Offenses under subsections 9.2, relating to accessory buildings or structures in residentially-zoned areas; 9.6, relating to parking, storage, and use of major recreational or utility equipment; 9.15, relating to portable storage unit regulations in suburban and residential districts; 9.17, relating to outside placement, storage, sales and services of materials, merchandise, and equipment in commercial, business park, and industrial districts; 12.2.J, relating to standards for off-street parking; and Sections 11, relating to landscaping, and 14, relating to fence regulations, of the Missouri City Zoning Ordinance, as such sections may be amended, are punishable by a fine of not less than:

(a) \$ 100 for a first conviction;

(b) \$250 for a second conviction of the same violation within any 12-month period; and

(c) \$500 for a third or subsequent conviction of the same violation within any 12-month period.

3. An offense under subsection 9.14, relating to trash disposal regulations, of the Missouri City Zoning Ordinance is punishable by a fine of not less than:

(a) \$ 50 for a first conviction;

(b) \$250 for a second conviction of the same violation within any 12-month period; and

(c) \$500 for a third or subsequent conviction of the same violation within any 12-month period.

4. Any person who shall violate any of the provisions of this ordinance or who shall fail to comply with any of the requirements thereof, or who shall erect or alter or commence to erect or alter any building or structure, in violation of any section pertaining to a sexually oriented business as regulated pursuant to V.T.C.A., Local Government Code ch. 243, shall be guilty of a Class A misdemeanor as defined in the Texas Penal Code. Each day any violation of this ordinance shall continue shall constitute a separate offense.”

Section 4. Repeal. All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 5. Penalty. Any person firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any violation of this Ordinance shall constitute a separate offense, and each day in which any violation of this Ordinance occurs shall constitute a separate offense. The owner or owners of any property or premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law, and, upon conviction thereof, shall be punished as above provided.

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 circumstance 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 Missouri City, 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, or whether there be one or more parts.

PASSED and APPROVED on first reading this 16<sup>th</sup> day of April, 2018.

PASSED, APPROVED and ADOPTED on second and final reading this 7<sup>th</sup> day of May, 2018.

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/s/ Allen Owen, Mayor

ATTEST:

APPROVED AS TO FORM:

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/s/Maria Jackson, City Secretary

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/s/E. Joyce Iyamu, City Attorney