Village of Volente

MORATORIUM EXTENSION

ORDINANCE NO. 2004-O-17

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, EXTENDING ORDINANCE 2003-O-01 AND PROLONGING THE TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF SUBDIVISION PLATS, SITE DEVELOPMENT PLANS, BUILDING PERMITS OR ZONING APPLICATIONS FOR LAND WITHIN THE VILLAGE OF VOLENTE

WHEREAS, the Village of Volente ("Volente") is a newly-created governmental entity that was incorporated pursuant to the laws of the State of Texas as a Type B General-Law Municipality following an election held on February 1, 2003; and

WHEREAS, pursuant to the laws of the State of Texas, the Mayor and Village Council were duly elected following an election held May 3, 2003; and

WHEREAS, the City Council of Volente ("Council") enacted **Ordinance 2003-O-01**, which established a temporary moratorium on **May 20, 2003,** which has subsequently been extended by the Council in order to allow more time for public input into the development of the Village's regulations and procedures; and

WHEREAS, the Council finds it in the public interest to again extend the temporary Moratorium in order to maintain the *status quo* while research, drafting, and public meetings continue.

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

SECTION 1. MORATORIUM EXTENDED

A. **Moratorium.** Except as provided in Ordinance 2003-O-01, no applications for subdivision plats, site development plans, building permits or zoning applications will be accepted for filing or processed, and no such permits or approvals will be issued by the Village.

B. **Ordinance 2003-O-01.** The temporary moratorium enacted by Ordinance 2003-O-01, and subsequently extended by the City Council, is hereby extended and shall be in effect for additional sixty (60) days.

C. **Duration.** This Ordinance is enacted for a limited duration and shall be in effect for an initial term of **sixty (60) days** from the effective date, or until this Ordinance and

Ordinance 2003-O-01 are expressly repealed by the City Council, whichever occurs first.. If the City Council determines that this 60-day period is insufficient for the Village to fully complete its study of and planning for the area within the Village, the temporary moratorium enacted by this Ordinance and Ordinance 2003-O-01 may be jointly extended as is reasonable and necessary upon a majority vote of the City Council.

SECTION 2. ENFORCEMENT

A. **Civil and Criminal Penalties.** The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. **Criminal Prosecution.** Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars ($500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. **Civil Remedies.** Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

(1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
(2) A civil penalty up to one thousand dollars ($1,000.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
(3) Other available relief.

SECTION 3. CONFLICTING PROVISIONS

In the case of any conflict between the other provisions of this Ordinance and any existing ordinance of the Village, the provisions of this Ordinance will control.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or set of circumstances is held to be unconstitutional, invalid, or unenforceable, the validity of the remaining portions of this Ordinance shall not be affected thereby, this being the intent of the City Council in adopting this Ordinance and all provisions of this Ordinance are declared severable for that purpose.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its approval by the City Council.

PASSED AND APPROVED this, the 20th day of January 2004, by a vote of __5_ (ayes) to _0__ (nays) to _0__ (abstentions) of the City Council of the Village of Volente, Texas.

VILLAGE OF VOLENTE

Jan Yenawine, Mayor

ATTEST:

Jennifer Zufelt, City Secretary

APPROVED AS TO FORM:

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