VILLAGE OF VOLENTE

ORDINANCE NO. 2008-O-99

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, AMENDING THE SITE DEVELOPMENT REGULATIONS IN THE VILLAGE CODE BY ADDING LANGUAGE AT SECTION 33.401 TO THE PENALTIES AND INJUNCTIVE RELIEF PROVISIONS TO ADDRESS FINES AND INJUNCTIVE RELIEF; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY; AND COMPLIANCE WITH THE PUBLIC NOTICE AND MEETING REQUIREMENTS.

WHEREAS, the Village of Volente has adopted site development regulations within the corporate limits of the Village of Volente; and,

WHEREAS, the Planning and Zoning Commission of the Village of Volente has recommended to the Village Council that the penalties and injunctive relief language be modified to be consistent with other development ordinances in the Village Code; and,

WHEREAS, the Village Council has concluded that the recommendation of the Planning and Zoning Commission should be accepted and that Section 33.401 of the Village Code be changed as set forth below;

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF VOLENTE, TEXAS, THAT THE SITE DEVELOPMENT REGULATIONS IN ARTICLE 30.300 OF THE VILLAGE OF VOLENTE CODE OF ORDINANCES IS AMENDED AS FOLLOWS:

Section 1. Legislative Findings

The recitals above made in the Preamble are hereby deemed to be the Factual and Legislative Findings of the Village Council, and are hereby incorporated within this Ordinance.

Section 2. Section 33.401 of the Village Code of Ordinances is amended to provide as follows:

Any person who shall violate any of the provisions of this article, or shall fail to comply

therewith, or with any of the requirements thereof, within the Village limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars ($2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein. Any person who violates this article is also subject to suit for injunctive relief to obtain compliance with the provisions of this article.

Section 3. Severability.

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date

This Ordinance shall take effect upon adoption or if required by state law, after any required posting and publication of this Ordinance.

Section 5. Public Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 18 day of November 2008, by a vote of 5 ayes, 0 nays, and 0 abstentions of the Volente Village Council.

VILLAGE OF VOLENTE

Jan Yenawine, Mayor

ATTEST:

Jennifer Zufelt, Village Secretary