

ORDINANCE NO. 1059

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING CHAPTER 13, HEALTH AND SANITATION, OF THE CITY OF PEARLAND CODE OF ORDINANCES, AS IT MAY HAVE BEEN, FROM TIME TO TIME, AMENDED, FOR THE PURPOSE OF REGULATING THE MAINTENANCE OF STORMWATER STORAGE FACILITIES; PROVIDING A PENALTY FOR VIOLATION; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND REPEALER CLAUSE; PROVIDING FOR CODIFICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That Chapter 13, Health and Sanitation of the City of Pearland Code of Ordinances is amended to add section 13-23, Maintenance of Stormwater Storage Facilities to read as follows:

Section 13-23: Maintenance of Stormwater Storage Facilities

- A. *Responsibility.* The property owner shall be responsible for continuous maintenance of all existing and new detention facilities. Maintenance shall include, but not be limited to the following: repair of any concrete drainage structures, repair of side and bottom slopes to maintain engineered topography, repair of nonoperational pumps, flap gates, pipes and associated hardware, reestablishment of lost vegetation, continuous removal of trash and debris, regular mowing of grass (in accordance with section 13-17 of this article), removal of trees and shrubs, extermination of rodent and mosquito populations, and repair of all aeration devices.
- B. *Noncompliance.* Each Stormwater Facility shall be subject to an annual maintenance inspection. Any facility found not to be in compliance with these regulations shall be subject to the penal provisions contained in this code. Notice of such noncompliance shall be served to the property owner at the address listed in the most recently approved certified tax roll as provided by the Brazoria, Fort Bend or Harris County Appraisal

ORDINANCE NO. 1059

Districts.

Section 2. Penalty. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by a fine in any sum not exceeding Two Thousand Dollars (\$2000.00).

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.


Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption and penalty, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall then become effective ten (10) days from and after its publication, or the publication of its caption and penalty, in the official City newspaper.

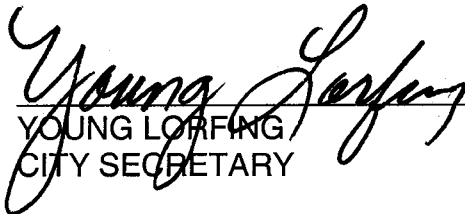
ORDINANCE NO. 1059

PASSED and APPROVED ON FIRST READING this the 8 day of April, A. D.,
2002.




TOM REID
MAYOR

ATTEST:



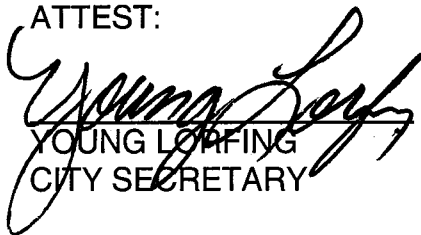
YOUNG LORFING
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the 22 day
of April, A. D., 2002.




TOM REID
MAYOR

ATTEST:



YOUNG LORFING
CITY SECRETARY

APPROVED AS TO FORM



DARRIN M. COKER
CITY ATTORNEY

VOTING RECORD SECOND AND FINAL READING
APRIL 22, 2002

Voting "Aye" - Councilmembers Tetens, Owens,
Marcott, Wilkins, and Seeger.

Voting "No" - None.

Motion passes 5 to 0.

PUBLICATION DATE: April 24, 2002

EFFECTIVE DATE: May 4, 2002

PUBLISHED AS REQUIRED BY SECTION 3.10 OF
THE CHARTER OF THE CITY OF PEARLAND, TEXAS