

**Kurt Otten, Mayor
Alex Scanlon
Randy Chronister**

**AGENDA
CITY OF CLEAR LAKE
SHORES
CITY COUNCIL
WORKSHOP
June 10, 2021 at 4:00 pm**

**Monica Ledet
Steve Wirtes
Rick Fisher**

NOTICE is hereby given of a Workshop of the City Council for the City of Clear Lake Shores, County of Galveston, State of Texas, to be held on the above-mentioned date and time at Clear Lake Shores Clubhouse located at 931 Cedar Rd., Clear Lake Shores, TX 77565 for the purpose of considering the following numbered items. The City Council of the City of Clear Lake Shores, Texas, reserves the right to meet in a closed council session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

- 1. CALL TO ORDER & DETERMINATION OF QUORUM**
- 2. NEW BUSINESS:** Discussion and possible action may be taken on the following items:
COUNCIL BUSINESS - Discussion Only:
 - a. Review of the revised Roads and Drainage ordinances.** *Mayor Otten*
- 3. ADJOURNMENT**

CERTIFICATION:

I, Christy Stroup, City Secretary, certify that this Notice of Workshop was posted on the outside bulletin board at 931 Cedar Drive on or before Monday, June 7, 2021.

Christy Stroup
City Secretary

In compliance with the American with Disabilities Act, the City of Clear Lake Shores will provide reasonable accommodations for disabled persons attending City Council meetings. Requests for interpretive services must be made 48 hours prior to this meeting by calling 281-334-2799 or by faxing to 281-334-2866.

City Council encourages positive public comment and discussion during its meetings and reserves time during most Council meetings to hear such comments from members of the audience. HB 2840 was placed into effect September 1, 2019 by the Texas State Legislature which states, "A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item". Each member in the audience will be limited to 3 minutes for commenting on the specific subject matter of the agenda item.

Texas Open Meetings Act places certain constraints on topics raised by such visitors where such discussions are not related to an item that has been placed on the Council's posted Agenda (Attorney General Opinion JC-0169). The most effective way for an individual to have their voice heard and receive feedback at a City Council meeting is to contact the City Secretary no later than Noon on the Wednesday prior to an upcoming Council meeting and request that their name be placed on a future agenda as a Scheduled Visitor. When you make this request, please state specifically the subject you wish to discuss. The City Secretary will place your name on the Agenda along with a specific description of the subject to be discussed. If you fail to provide a specific description of the subject of your requested discussion, then Council will have no choice but to refer the matter to City staff for response or defer any feedback or discussion on the matter until a future Council meeting when the subject can be placed on the Agenda. Comments by a scheduled visitor should be limited to five (5) minutes and directed to the entire Council, not individual members. Engaging in verbal attacks or comments intended to insult, abuse, malign or slander any individual shall be cause for termination of speaking privileges and expulsion from Council Chambers.

ORDINANCE NO. 2021-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE SHORES, TEXAS BY AMENDING SEC. 38-93, PERMIT PROCEDURES, OF ARTICLE IV, ADMINISTRATION, OF CHAPTER 38, FLOOD DAMAGE PREVENTION TO REQUIRE ADDITIONAL INFORMATION IN THE PERMIT APPLICATION PROCEDURES; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Clear Lake Shores, Texas has determined that it is in the best interest of the health, safety and welfare of its citizens to amend its Code of Ordinances regarding the information required in an application for a permit under its flood damage prevention regulations;

WHEREAS, the City Council desires to adopt the amendments to its Code of Ordinances as set forth in this ordinance; now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CLEAR LAKE SHORES, TEXAS:

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

Section 2. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein.

Section 3. Section 38-93, Permit Procedures, of Article IV, Administration, of Chapter 38, Flood Damage Prevention is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 38-93. - Permit procedures.

Permit procedures are as follows:

- (1) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and ~~may~~ must include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed elevations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 38-122(2);
 - d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - e. ~~Maintain a record of all such information in accordance with subsection 38-92(1).~~ A site drainage plan designed by a registered professional engineer, currently licensed in the State of Texas. The plan must carry his/her stamp in accordance with Chapter 66 Article II, Article III, and Chapter 70 of these ordinances;
 - f. An “as is” topographic survey drawing with “spot” elevations in a 5’ grid pattern extending from the center of the adjacent street(s) and extending 10’ onto all surrounding properties and/or easements, existing drainage facility elevations including “top of bank”/”top of grate” elevations and flow lines extending to the adjacent culvert/storm-sewer, and existing flow directions showing the impact area and the receiving points for runoff and established drainage patterns across property lines; and
 - g. Maintain a record of all such information in accordance with subsection 38-92(1).
- (2) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- c. The danger that materials may be swept onto other lands to the injury of others;
- d. The compatibility of the proposed use with existing and anticipated development;
- e. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- g. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- h. The necessity to the facility of a waterfront location, where applicable;
- i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- j. The relationship of the proposed use to the comprehensive plan for that area-;
- k. Receipt of a letter of approval from the city designated reviewing registered professional engineer, currently licensed in the State of Texas affirming the conformance of the submitted drainage plan with Chapter 66 Article II, Article III, and Chapter 70 of these ordinances. The letter of approval must carry his/her stamp.”

Section 4. In the event any section, paragraph, subdivision, 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Clear Lake Shores, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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.

Section 5. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 6. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with section 52.011 of the Texas Local Government Code.

ADOPTED this ___ day of _____, 2021.

Kurt Otten, Mayor

ATTEST:

Christy Stroup, City Secretary

ORDINANCE NO. 2021-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE SHORES, TEXAS BY AMENDING SECTION 70-36, FORM AND CONTENT OF FINAL PLAT, OF ARTICLE II, PROCEDURE FOR SUBMISSION AND APPROVAL OF SUBDIVISION PLATS, OF CHAPTER 70, SUBDIVISIONS; AMENDING SECTION 70-37, PLANNING COMMISSION FINAL PLAT REVIEW, OF ARTICLE II, PROCEDURE FOR SUBMISSION AND APPROVAL OF SUBDIVISION PLATS, OF CHAPTER 70, SUBDIVISIONS; AMENDING SECTION 70-49, DEVELOPMENT PLAT REQUIRED, OF ARTICLE III, PROCEDURE FOR SUBMISSION AND APPROVAL OF DEVELOPMENT PLATS, OF CHAPTER 70, SUBDIVISIONS; AMENDING SECTION 70-50, STANDARDS OF APPROVAL, OF ARTICLE III, PROCEDURE FOR SUBMISSION AND APPROVAL OF DEVELOPMENT PLATS, OF CHAPTER 70, SUBDIVISIONS; ALL REQUIRING ADDITIONAL INFORMATION RELATED TO DRAINAGE AND DRAINAGE ON PLAT APPLICATIONS AND PLATS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Clear Lake Shores, Texas has determined that it is in the best interest of the health, safety and welfare of its citizens to amend its Code of Ordinances to require additional information on plats and plat applications related to drainage and drainage plans;

WHEREAS, the City Council desires to adopt the amendments to its Code of Ordinances as outlined in this ordinance; now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CLEAR LAKE SHORES, TEXAS:

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

Section 2. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein.

Section 3. Section 70-36, Form and Content of Final Plat, of Article II, Procedure for Submission and Approval of Subdivision Plats, of Chapter 70, Subdivisions, is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 70-36. - Form and content of final plat.

(a) *Generally.* All final plats shall incorporate all of the provisions relating to preliminary plats in section 70-33 of this article and, where appropriate, reflect any conditions and requirements of final approval previously imposed by the commission together with the following additional requirements:

- (1) The final plat shall be drawn on stable plastic film or positive photographic film with black lines and image and shall be made suitable for the reproduction of direct positive prints and reproductions. Paper sepia shall not be used;
- (2) The scale of the plat shall be drawn numerically and a graphic/bar scale shall be provided. The scales acceptable for a preliminary plat shall be one inch equals 20 feet for projects involving less than ten acres or scale appropriate using one inch equals 100, 200 or 300 feet for projects over ten acres;
- (3) All engineering and surveying data shall be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the plat; street and alley rights-of-way; easements; drainage ways, such as lakes, ponds, bayous, creeks, streams, gullies, ravines, or ditches, together with the location of the high bank of such drainage ways and water courses; lots; blocks; reserves; out tracts, or any other tracts designated separately within the plat boundaries; fee strips, or any other physical or topographical features necessary to be accurately located by surveying methods. Such information shall include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof;
- (4) The name, address and phone number of the owner of the property. If the owner is other than a natural person, the name of

- the owner, or principal officer, of the entity which owns such property, and their respective address and phone numbers;
- (5) The name, original seal and signature of the registered professional land surveyor responsible for preparing the plat;
 - (6) The date of submittal, and the date of submittal of each subsequent revision;
 - (7) All streets and alleys with street names, widths measured at right angles or radially (where curved), complete curve data (R, L, P.C., P.R.C. and P.T.), length and bearing of all tangents between curves, as approved in the preliminary plat;
 - (8) Building lines and easements shall be shown and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision;
 - (9) All field surveys shall be accurate to, and performed in accordance with, the appropriate provisions of the current edition of the “Manual of Practice Standards for Surveying in Texas”, as periodically published by the Texas Society of Professional Surveyors. Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings in degrees, minutes and seconds. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not by degree of curve;
 - (10) The intended use of all lots within the subdivision shall be identified on the plat. All tracts not designated as lots within the boundaries of the plat shall be identified as provided in subsection 17-33(a)(14);
 - (11) ~~A minimum of four spot elevations for the current elevation shall be shown on the plat located at such points on the elevation to adequately show the current drainage of stormwaters; and~~ An “as is” topographic survey drawing with “spot” elevations in a 5’ grid pattern extending from the center of the adjacent street(s) and extending 10’ onto all surrounding properties and/or easements, existing drainage facility elevations including “top of bank”/”top of grate” elevations and flow lines extending to the adjacent culvert/storm-sewer, and existing flow directions showing the impact area and the receiving points for runoff and established drainage patterns across property lines to adequately show the current drainage of stormwaters. For impact areas exceeding ½ acre in total area, the required spacing of elevation points may be adjusted as specified by the building official; and
 - (12) All dedication statements and certificates shall be made a part of the final plat drawing and shall conform in form and content to

the form of statements and certificates set forth in article III of this chapter.

- (b) *Plat drawing, reproductions and filing.* The original plat drawing for an approved final plat shall be submitted to the commission on a suitable permanent translucent material that the commission shall, by written rule, from time to time designate, including, but not limited to, stable plastic film or positive photographic film with lines, lettering and signatures in black ink or image. Paper sepia shall not be used. The names of all persons signing any such plat shall also be lettered under the signature. Two paper prints from the original plat drawing (white paper with blue or black lines) and one positive vellum or film transparency shall also be provided. Filing of such final plats with the county clerk, as applicable, for recording shall be made by the city. Such filing shall not be made until:
 - (1) Completion by the developer of all improvements required as a condition of plat approval and acceptance of such improvements by the city council; or
 - (2) The filing of a sufficient guarantee of such performance by the developer in accordance with section 70-100 hereof. Such filing by the city shall be made promptly upon the satisfaction of either condition.
- (c) *Title report.* A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the state or an attorney licensed as such in the state shall be provided certifying that, within 120 days prior to the date the final plat is dated and filed with the commission, a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to said land:
 - (1) The date of the examination of the records;
 - (2) A legal description of the property lying within the proposed subdivision including a metes and bounds description of the boundaries of said land;
 - (3) The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title;
 - (4) The names of all lien holders together with the recording information and date of the instruments by which such lien holders acquired their interests;
 - (5) A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question, together with certified copies of the instruments whereby the owner of such easements or fee strips acquired their title, and the recording information for each such instrument; and
 - (6) A tax certificate from each city, county, school district, utility or other governmental entity in which the land being platted is

located showing that no delinquent taxes are due such entity for the property being platted.

(d) *Plot plan.* Every final plat shall be accompanied by a plot plan prepared by a registered architect, engineer or surveyor, based on the plat, showing the following information:

- (1) The following shall be shown on the plot plan in heavy lines:
 - a. Lot lines and lot dimensions per the plat provided;
 - b. All required yards and building set backs required by the city's zoning regulations;
 - c. Building lines showing the proposed placement upon the plat of any existing structures to be retained or proposed new buildings and structures, including driveways and patios, decks and walkways, and any projections thereof. Both the foundation and driplines shall be shown for all such structures; and
 - d. The location, widths, and names of all existing streets, roads, alleys and easements, either existing or proposed, within the plat boundaries or immediately adjacent thereto; the location and lot coverage (in square feet) of all existing permanent buildings to be retained as measured from both the structures foundation and its dripline within the plat boundaries.
- (2) Proposed contours or spot elevations and ~~a drainage plan~~ site drainage plan designed by a registered professional engineer, currently licensed in the State of Texas and the plan must carry his/her stamp in accordance with Chapter 66, Articles II and III, and Chapter 70 of these ordinances, showing all proposed elevations, bulkheads, retention ponds and drainage facilities, shall be shown on the plot plan or attached thereto. In developing a drainage plan, the developer shall provide adequate drainage facilities to capture any stormwaters that, prior to any new construction, improvements or changes in lot elevation, flowed onto the plat, as well as any stormwaters flowing from the plat and redirect it as required by the city. The use of excessive fill and bulk heading shall ~~not be permitted~~ be limited and subject to the discretion of the building official. A developer shall not raise the elevation of plat in such a manner as to increase drainage or flooding problems for surrounding properties or create other adverse problems for adjacent property owners, ~~such as diminished light. The construction of bulkheads shall be allowed but such structures may not extend into the "yard" of a building lot in such a manner that such structure would, in the judgment of the building official, interfere with the proper installation of any required drainage facilities as described herein.~~
- (3) If required by the city's zoning regulations, greenspace calculations in accordance with the zoning regulations must be

provided, and included on the plot plan, for all residential development.”

Section 4. Section 70-37, Planning Commission Plat Review, of Article II, Procedure for Submission and Approval of Subdivision Plats, of Chapter 70, Subdivisions, is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 70-37. - Planning commission final plat review.

The city staff will review the final plat against the preliminary plat and render a recommendation to the commission at their next available meeting. This recommendation shall be endorsed by the building official- and include a letter of approval from the city designated reviewing registered professional engineer, currently licensed in the State of Texas affirming the conformance of the submitted drainage plan with Chapter 66 Articles II and III, and Chapter 70 of these ordinances. The letter of approval must carry his/her stamp. Copies of the final plat documents shall be sent to other associated parties for review and recommendation. Copies of the plats and construction plans (if any) will be on display at the city offices. The commission shall review each plat submitted to it. The commission shall approve any plat if it is in compliance with the provisions of this title and other rules and regulations as may have been or may be adopted by the city council governing plats and/or the subdivision of land. Within 30 days after the date the plat is filed, the commission shall review the final plat along with all recommendations from associated parties. Upon the receipt of a plat, the commission's authorized actions are as follows:

- (1) Grant preliminary approval or preliminary approval with conditions;
- (2) Defer preliminary action until the next regular meeting;
- (3) Grant final approval, if in conformance with the conditions of preliminary approval or final approval subject to additional conditions;
- (4) Disapprove any plat, either preliminary or final, if the commission determines that it fails to comply with the policies, standards, or requirements contained in this article or other rules or regulations as may have been adopted by the city council governing plats and/or the subdivision of land;
- (5) Should the commission find reason to table the final plat, which would extend beyond the “30-day” time limit as required by state statutes, the developer must submit a letter waiving the 30-day limit prior to such action. Without this waiver, the plat application shall be either approved or disapproved;
- (6) Holding of the plat. After approval of the final plat by the commission, the plat map shall be held by the city. The city shall, unless notified in writing by the applicant to withhold filing, file the approved final plat with the county clerk in accordance with subsection 70-36(b).”

Section 5. Section 70-49, Development Plat Required, of Article III, Procedure for Submission and Approval of Development Plats, of Chapter 70, Subdivisions, is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 70-49. - Development plat required.

- (a) A development plat must be submitted and approved, as prescribed for in this chapter, prior to granting any building permit, utility connection permit, electrical connection permit, or similar permit be issued for any development subject to this subsection. A development plat is required for construction of any new building or structure, substantial improvement of an existing building or structure or any expansion of an existing building structure that potentially would intrude into a yard or affect the availability of any greenspace as prescribed by the city's zoning regulations.
- (b) A development plat application shall consist of a current survey and plot plan. The content and format of such documents shall conform to the requirements as prescribed below. A survey shall be deemed to be current and complete, notwithstanding the requirements specified in subsection (b)(1) below, if prepared by a registered land surveyor and the survey points delineating the boundaries of a building lot based on the submitted survey can be physically located and verified by the building inspector. Otherwise a new survey shall be provided that meets the requirements for such surveys as specified in subsection (b)(1) below.
 - (1) A survey prepared by registered land surveyor which shall include the following information:
 - a. The legal description of the property including the name of the county, survey, and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection;
 - b. The total acreage, as delineated by four digits to the right of the decimal point; square footage, as delineated by two digits to the right of the decimal point; and total number of lots, blocks and reserves;
 - c. The names, addresses and phone numbers of the owner of the property, lien holder, if any, or agents of the same and, if the owner is other than a natural person, the name of the owner, or principal officer, of the entity which owns such property and their respective address and phone numbers; the name, addresses and phone numbers of the person or firm who prepared the survey;

- d. The date on which the survey was prepared;
- e. The north arrow point. The drawing of the development shall be oriented with north to the top of the survey unless the development is configured in such a way as to make this confusing;
- f. The scale of the plat shall be drawn numerically and a graphic/bar scale shall be provided. The scales acceptable shall be one inch equals 20 feet for projects involving less than ten acres or scale appropriate using one inch equals 100, 200 or 300 feet for projects over ten acres;
- g. All lot lines and survey stakes identified and drawn on the survey with heavy lines to indicate the overall plat dimensions and bearings.
- h. The location and approximate width of existing and proposed water ways, such as creeks, streams, gullies, ravines or ditches; drainage easements; and the boundaries of designated flood zones, as provided in the most recent edition of the federal insurance rate map;
- i. An “as is” topographic survey drawing with “spot” elevations in a 5’ grid pattern extending from the center of the adjacent street(s) and extending 10’ onto all surrounding properties and/or easements, existing drainage facility elevations including “top of bank”/“top of grate” elevations and flow lines extending to the adjacent culvert/storm-sewer, and existing flow directions showing the impact area and the receiving points for runoff and established drainage patterns across property lines ~~A minimum of four spot elevations for the current elevation of the plat located at such points on the elevation~~ to adequately show the current drainage of stormwaters.

(2) A plot plan prepared by a registered architect, qualified engineer or surveyor based on the above survey, showing the following information:

- a. The following shall be shown on the plot plan in heavy lines:
 - 1. Lot lines and lot dimensions per the survey provided;
 - 2. All required yards and building setbacks required by the city's zoning regulations;
 - 3. Building lines showing the proposed placement upon the plot of any existing structures to be retained or proposed new buildings and structures, including driveways and patios, decks and walkways, any projections thereof. Both the

foundation and drip lines shall be shown for all such structures; and

4. The location, widths and names of all existing streets, roads, alleys and easements, either existing or proposed, within the plat boundaries or immediately adjacent thereto; the location and lot coverage (in square feet) of all existing permanent buildings to be retained as measured from both the structures foundation and its drip line within the plat boundaries.
- b. Proposed contours or spot elevations and a site drainage plan designed by a registered professional engineer, currently licensed in the State of Texas and the plan must carry his/her stamp in accordance with Chapter 66 Articles II and III, and Chapter 70 of these ordinances, showing all proposed elevations, bulkheads, retention ponds and drainage facilities, shall be shown on the plot plan or attached thereto. In developing a drainage plan, the developer shall provide adequate drainage facilities to capture any stormwaters that, prior to any new construction, improvements or changes in lot elevation, flowed onto the plat, as well as any stormwaters flowing from the plat and redirect it as required by the city. The use of excessive fill and bulk heading shall not be permitted ~~be limited and subject to the discretion of the building official.~~ A developer shall not raise the elevation of plat in such a manner as to increase drainage or flooding problems for surrounding properties or create other adverse problems for adjacent property owners, ~~such as diminished light. The construction of bulkheads shall be allowed but such structures may not extend into the “yard” of a building lot in such a manner that such structure would, in the judgment of the building official, interfere with the proper installation of any required drainage facilities as described herein.~~ For impact areas exceeding ½ acre in total area, the required spacing of elevation points may be adjusted as specified by the building official.
- c. If required by the city's zoning regulations, greenspace calculations in accordance with the zoning regulations must be provided, and included on the plot plan, for all residential development.”

Section 6. Section 70-50, Standards of Approval, of Article III, Procedure for Submission and Approval of Development Plats, of Chapter 70, Subdivisions, is hereby amended

by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 70-50. - Standards of approval.

The development plat shall not be approved until the following standards have been satisfied:

- (1) The proposed development conforms to the comprehensive plan, plans, rules and ordinances of the city concerning its current and future streets, sidewalks, alleys and public utility facilities; Receipt of a letter of approval from the city designated reviewing registered professional engineer, currently licensed in the State of Texas affirming the conformance of the submitted drainage plan with Chapter 66 Articles II and III, and Chapter 70 of these ordinances. The letter of approval must carry his/her stamp.
- (2) Public dedications of land, easements, or rights-of way to serve the development have been tendered;
- (3) The construction of required improvements has been completed, or their construction has been guaranteed in the same manner as is required incident to the approval of final plats under this chapter;
- (4) The proposed development conforms to the general plan, rules and ordinances of the city that are related to platting and development that would not, absent this section, be applicable to the development; and
- (5) The applicant provides five, 24 inch by 36 inch paper prints from the original drawings of the survey and a separate plot plan reproduced on white paper with blue or black lines, each of which shall be folded to 8½ inches by 12 inches, and indicating the title block in the lower right-hand corner of the plat.”

Section 7. In the event any section, paragraph, subdivision, 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Clear Lake Shores, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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.

Section 8. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 9. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with section 52.011 of the Texas Local Government Code.

ADOPTED this ___ day of _____, 2021.

Kurt Otten, Mayor

ATTEST:

Christy Stroup, City Secretary

ORDINANCE NO. 2021-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE SHORES, TEXAS BY AMENDING SECTION 66-50, INTENT OF THIS ARTICLE, OF ARTICLE III, DRAINAGE REQUIREMENTS, OF CHAPTER 66, STREETS, SIDEWALKS AND PUBLIC PLACES; AMENDING SECTION 66-51, DEFINITIONS, OF ARTICLE III, DRAINAGE REQUIREMENTS, OF CHAPTER 66, STREETS, SIDEWALKS AND PUBLIC PLACES; AMENDING SECTION 66-52, DRAINAGE REQUIREMENTS FOR BUILDING LOTS WITHIN THE RESIDENTIAL AND NEIGHBORHOOD COMMERCIAL DISTRICTS, OF ARTICLE III, DRAINAGE REQUIREMENTS, OF CHAPTER 66, STREETS, SIDEWALKS AND PUBLIC PLACES; AMENDING SECTION 66-53, DRAINAGE REQUIREMENTS FOR BUILDING LOTS WITHIN COMMERCIAL DISTRICTS (EXCLUDING THE NEIGHBORHOOD COMMERCIAL DISTRICT), OF ARTICLE III, DRAINAGE REQUIREMENTS, OF CHAPTER 66, STREETS, SIDEWALKS AND PUBLIC PLACES; AMENDING SECTION 66-55, PREDEVELOPMENT, BUILDING PERMITS AND FILL PERMITS; PREREQUISITES, OF ARTICLE III, DRAINAGE REQUIREMENTS, OF CHAPTER 66, STREETS, SIDEWALKS AND PUBLIC PLACES; TO REQUIRE ALL DRAINAGE PLANS TO BE REVIEWED BY A CITY APPROVED ENGINEER, PROVIDE FOR BASIC SITE DRAINAGE, AS DEFINED HEREIN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF THIS ORDINANCE, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Clear Lake Shores, Texas has determined that it is in the best interest of the health, safety and welfare of its citizens to amend its Code of Ordinances regarding requirements for drainage and drainage plans

WHEREAS, the City Council desires to adopt the amendments to its Code of Ordinances as outlined in this ordinance; now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CLEAR LAKE SHORES, TEXAS:

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

Section 2. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein.

Section 3. Section 66-50, Intent of This Article, of Article III, Drainage Requirements, of Chapter 66, Streets, Sidewalks and Public Places is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 66-50. - Intent of this article.

Over the last past years, the City of Clear Lake Shores has experienced subsidence, raising of its roadways, implementation of new drainage systems, increased base floodplain requirements and significant new construction, all of which has complicated the implementation of improved drainage for both residential and commercial property owners.

It is difficult to establish one set of regulations regarding drainage, lot bulk heading or fill requirements that would be suitable for every circumstance. Thus, the intent of this article is to grant the property owner/developer ~~building inspector~~ sufficient latitude and flexibility to deal with drainage and related issues consistent with the following principles and the requirements outlined herein:

(1) *Guiding principles.*

- a. New construction, improvements or changes in building lot elevations should not have an adverse impact on adjacent properties. ~~However, this requirement should not require a building lot owner to deal with latent drainage issues of adjacent property owners. Notwithstanding this provision, a~~ A building lot owner shall provide adequate drainage facilities to capture any drainage that, prior to any new construction, improvements or changes in lot elevation, flowed onto the impact area, as defined in section 66-51, as well as any drainage flowing from the impact area and redirect it as required herein.
- b. The use of excessive fill and bulk heading shall not be permitted. ~~be limited and subject to the discretion of the building inspector.~~ A property owner shall not raise the elevation of the impact area in such a manner as to increase drainage problems of surrounding properties or create other adverse problems for adjacent property

~~owners, such as diminished light. The construction of bulkheads shall be allowed but such structures may not extend into the “yard” of the impact area, as defined by the City Municipal Code, chapter 82, article II, so not to interfere with the proper installation of any required drainage facilities as described herein, if such structures would, in the judgment of the building inspector, interfere with the proper installation of any required drainage facility~~

- c. Drainage facilities shall be provided along the property line of the impact area to capture any drainage flowing from or into the impact area and redirect such drainage as required herein.
- d. ~~The definition and design of required drainage facilities~~ The proposed drainage plan and other lot improvements shall be submitted to the city and must receive a letter of approval from the city designated reviewing registered professional engineer carrying his/her stamp affirming the conformance of the submitted drainage plan with Chapter 66, Articles II and III, and Chapter 70 of these ordinances before approval ~~and approved~~ by the building inspector and prior to the issuance of any building permit on ~~a~~ any property.
- e. Property owners and their successors shall have an obligation to maintain their drainage facilities and ensure that such facilities are working properly and as designed.
- f. Adequate drainage facilities shall be constructed prior to the commencement of construction, even if this requires the installation of temporary drainage measures. Final occupancy permits shall not be granted until permanent drainage facilities have been installed, inspected, and approved by the building inspector.”

Section 4. Section 66-51, Definitions, of Article III, Drainage Requirements, of Chapter 66, Streets, Sidewalks and Public Places is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 66-51. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjacent property shall mean and include all property that shares a common boundary with the subject property.

Building inspector shall mean that person designated pursuant to Chapter 14, article III, of the City Municipal Code.

Bulk heading shall mean any form of retaining wall, structure, or grade profile along a property line that creates a sharp change in elevation.

Commercial lots shall mean those properties, excluding any residential lots, that are located with the commercial zoning districts defined in the City Municipal Code, Chapter 82, article II.

Drainage shall mean and include all water from any source which flows from a property owner's site or any adjacent lot to any other area ~~not owned by that property owner.~~

Basic site drainage shall mean drainage faculties and systems that:

- (1) Capture substantially all of the rainwater that would fall onto the impact area, assuming a rainfall of four and one half (4.5) inches ~~one (1) inch~~ in one (1) hour; and
- (2) Cause any drainage to be absorbed within the same building site or be conveyed as required herein, without escaping onto any other site and without washing detectable quantities of soil or debris off the impact area.
- (3) ~~Direct all drainage by whatever means necessary to the nearest city right-of-way or body of water without crossing adjacent property or impeding the rights of adjacent property owners unless properly authorized by a perpetual, recorded easement or a similar interest in the land.~~ Capture all roof drainage of structures greater than 100 square feet with a roof gutter system and direct rainwater in subterranean drainage facilities to the to the nearest city right-of-way or body of water with minimum 4” inside diameter smooth wall pipe.
- (4) Direct all drainage by whatever means necessary to the nearest city right-of-way or body of water without crossing adjacent property or impeding

the rights of adjacent property owners unless properly authorized by a perpetual, recorded easement or a similar interest in the land.

Impact area shall mean the area where grade-raising or major development occurs. In the case of major development, the entire building site is included in the impact area.

Residential lots shall mean those properties used for single-family residences that are located with either residential or commercial zoning districts defined in the City Municipal Code, chapter 82, article II.”

Section 5. Section 66-52, Drainage Requirements for Building Lots Within the Residential and Neighborhood Commercial Districts, of Article III, Drainage Requirements, of Chapter 66, Streets, Sidewalks and Public Places is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 66-52. - Drainage requirements for building lots within the residential and neighborhood commercial districts.

- (a) All building lots located in the residential and neighborhood commercial districts as defined in chapter 82, zoning, of the City Municipal Code shall:
 - (1) Provide “basic site drainage” as defined in section 66-51;
 - (2) Minimize the amount of fill around the root system of any tree and other tree or root damage, observing the city's regulations regarding tree protection;
 - (3) Minimize interference with established drainage patterns across property lines into the impact area or capture such drainage and redirect it as required by this section; and
 - (4) Provide for basic stormwater quality protection as may be required by applicable regulations and city ordinances.
- (b) The natural grade of an impact area and first floor elevation of any proposed structure shall not be raised higher than two feet above the crown of the street adjacent to the front of the property. Bulk heading shall not be permitted. ~~may be allowed but shall not extend into the “yard” of any impact area. The plans for any bulk head shall be approved~~

~~by a registered professional engineer. Slopes no steeper than four horizontal to one vertical (4:1) will be permitted. Drainage facilities shall be provided along the property line of the impact area so as to capture any drainage flowing from the impact area or into the impact area from adjoining properties and redirect such drainage as required herein.~~

- (c) ~~For each impact area, the property owner must submit a site drainage plan designed by a registered professional engineer, currently licensed in the State of Texas and the plan must carry his/her stamp in accordance with Chapter 66, Articles II and III, and Chapter 70 of these ordinances drainage plan and obtain the approval of such by the building inspector and city designated reviewing registered professional engineer, as required herein, prior to the issuance of any building permit for the property. Provided, however, that no drainage plan shall be required for a project if the building inspector determines that the project will have no drainage impact, or minimal impact, upon adjoining properties.~~
- (d) ~~The property owner, each successive owner and each successive person in control of an impact area shall have a continuing duty to:~~
- ~~(1) Provide “basic site drainage” at all times, unless otherwise required in as specified in the an approved drainage plan or an approved amendment; and~~
 - ~~(2) Comply with the approved drainage plan or an approved amendment at all times.~~
 - ~~(3) Prior to the issuance of a permit to construct any residential structure or a structure in an area zoned as residential or neighborhood commercial, a site drainage plan must be submitted by the property owner or general contractor and receive a letter of approval from the city designated reviewing registered professional engineer, currently licensed in the State of Texas affirming the conformance of the submitted drainage plan with Chapter 66 Article II, Article III, and Chapter 70 of these ordinances. The letter of approval must carry his/her stamp. Said site plan must provide for compliance with all provisions of Chapter 38, Flood Damage Prevention, Chapter 66, Streets, Sidewalks and Public Places and Chapter 82, Zoning of the Clear Lake Shores Municipal Code and all provisions of Texas Statutes or other applicable laws and regulations. Said site drainage plan must be designed by a registered professional engineer, currently licensed in the State of Texas and the plan must carry his/her stamp.~~

For each impact area, the property owner must submit an “as is” topographic survey drawing with “spot” elevations in a 5’ grid pattern extending from the center of the adjacent street(s) and extending 10’ onto all surrounding properties and/or easements, existing drainage facility elevations including “top of bank”/”top of grate” elevations and flow lines extending to the adjacent culvert/storm-sewer, and existing flow directions showing the impact area and the receiving points for runoff and established drainage patterns across property lines; and

- (e) ~~Either temporary or permanent measures to achieve "basic site drainage" must be constructed before any construction on any property may be commenced. Any temporary measures must remain in effect until permanent measures are constructed and are operating as designed. Temporary measures may incorporate all or part of the permanent measures. Permanent measures shall be installed and operating as designed as soon as practicable, but in all cases prior to the issuance of either a temporary or permanent certificate of occupancy.~~

The property owner, each successive owner, and each successive person in control of an impact area shall have a continuing duty to:

- (1) Provide “basic site drainage” at all times, unless otherwise required in as specified in the an approved drainage plan or an approved amendment; and
- (2) Comply with the approved drainage plan or an approved amendment at all times; and
- (3) Prior to the issuance of a permit to construct any residential structure or a structure in an area zoned as residential or neighborhood commercial, a site drainage plan must be submitted by the property owner or general contractor and receive a letter of approval from the city designated reviewing registered professional engineer, currently licensed in the State of Texas affirming the conformance of the submitted drainage plan with Chapter 66, Article II, Article III, and Chapter 70 of these ordinances. The letter of approval must carry his/her stamp. Said site plan must provide for compliance with all provisions of Chapter 38, Flood Damage Prevention, Chapter 66, Streets, Sidewalks and Public Places and Chapter 82, Zoning of the Clear Lake Shores Municipal Code and all provisions of Texas Statutes or other applicable laws and regulations. Said site drainage plan must be designed by a registered professional engineer, currently licensed in the State of Texas and the plan must carry his/her stamp.

- (f) Either temporary or permanent measures to achieve “basic site drainage” must be constructed before any construction on any property may be commenced. Any temporary measures must be included on the approved drainage plan and remain in effect until permanent measures are constructed and are operating as designed. Temporary measures may incorporate all or part of the permanent measures. Permanent measures shall be installed and operating as designed as soon as practicable, but in all cases prior to the issuance of either a temporary or permanent certificate of occupancy. At any time the temporary or permanent measures to achieve “basic site drainage” are not in accordance with the approved drainage plan the building official shall issue a stop work order to remain in effect until the issues remedied as described in these ordinances.”

Section 6. Section 66-53, Drainage Requirements for Building Lots Within the Commercial Districts (Excluding the Neighborhood Commercial District), of Article III, Drainage Requirements, of Chapter 66, Streets, Sidewalks and Public Places, is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 66-53. - Drainage requirements for building lots within the commercial districts (excluding the neighborhood commercial district).

- (a) All building lots located in any district other than a residential or neighborhood commercial district as defined in Chapter 82, zoning, of the City Municipal Code shall:
- (1) Provide “basic site drainage” as defined in section 66-51;
 - (2) Minimize the amount of fill around the root system of any tree and other tree or root damage, observing the city's regulations regarding tree protection;
 - (3) Minimize interference with established drainage patterns across property lines into the impact area or capture such drainage and redirect it as required by this section; and
 - (4) Provide for basic stormwater quality protection as may be required by applicable regulations and city ordinances.
- (b) The natural grade of an impact area and first floor elevation of any proposed structure ~~may~~ shall not be raised higher than four feet above

~~the crown of the street adjacent to the front of the property. Bulk heading shall not be permitted. may be allowed but shall not extend into the “yard” of any impact area. The plans for any bulk head shall be approved by a registered professional engineer. Slopes no steeper than four horizontal to one vertical (4:1) will be permitted. Drainage facilities shall be provided along the property line of the impact area so as to capture any drainage flowing from the impact area or into the impact area from adjoining properties and redirect such drainage as required herein.~~

- (c) ~~For each impact area, the property owner, developer or general contractor must submit a site drainage plan designed by a registered professional engineer, currently licensed in the State of Texas and the plan must carry his/her stamp in accordance with Chapter 66, Articles II and III, and Chapter 70 of these ordinances and obtain the approval of such by the building inspector and city designated reviewing registered professional engineer, as required herein, prior to the issuance of any building permit for the property. ~~Provided, however, that no drainage plan shall be required for a project if the building inspector determines that the project will have no drainage impact, or minimal impact, upon adjoining properties. Where the building inspector requires a drainage plan, the plan must be designed by a registered professional engineer, currently licensed in the State of Texas and the plan must carry his/her stamp.~~~~
- (d) ~~The property owner, each successive owner and each successive person in control of an impact area shall have a continuing duty to:~~
 - (1) ~~Provide "basic site drainage" at all times, unless otherwise required in an approved drainage plan or an approved amendment; and~~
 - (2) ~~Comply with the approved drainage plan or an approved amendment at all times.~~

~~For each impact area, the property owner must submit an “as is” topographic survey drawing with “spot” elevations in a 5’ grid pattern extending from the center of the adjacent street(s) and extending 10’ onto all surrounding properties and/or easements, existing drainage facility elevations including “top of bank”/“top of grate” elevations and flow lines extending to the adjacent culvert/storm-sewer, and existing flow directions—showing the impact area and the receiving points for runoff and established drainage patterns across property lines; and~~

- (e) ~~Either temporary or permanent measures to achieve "basic site drainage" shall be constructed prior to before any construction on the property may be commenced. Any temporary measures shall remain in effect until~~

~~permanent measures are constructed and are operating as designed. Temporary measures may incorporate all or part of the permanent measures. Permanent measures shall be installed and operating as designed as soon as practicable, but in all cases, prior to the issuance of a temporary or permanent certificate of occupancy.~~

The property owner, each successive owner and each successive person in control of an impact area shall have a continuing duty to:

- (1) Provide “basic site drainage” at all times, ~~unless otherwise required in~~ as specified in the ~~an~~ approved drainage plan or an approved amendment; and
 - (2) Comply with the approved drainage plan or an approved amendment at all times.
 - (3) Prior to the issuance of a permit to construct any structure in an area zoned as commercial, a site drainage plan must be submitted by the property owner or general contractor and receive a letter of approval from the city designated reviewing registered professional engineer, currently licensed in the State of Texas affirming the conformance of the submitted drainage plan with Chapter 66, Article II, Article III, and Chapter 70 of these ordinances. The letter of approval must carry his/her stamp. Said site plan must provide for compliance with all provisions of Chapter 38, Flood Damage Prevention, Chapter 66, Streets, Sidewalks and Public Places and Chapter 82, Zoning of the Clear Lake Shores Municipal Code and all provisions of Texas Statutes or other applicable laws and regulations. Said site drainage plan must be designed by a registered professional engineer, currently licensed in the State of Texas and the plan must carry his/her stamp.
- (f) Either temporary or permanent measures to achieve “basic site drainage” must be constructed before any construction on any property may be commenced. Any temporary measures must be included on the approved drainage plan and remain in effect until permanent measures are constructed and are operating as designed. Temporary measures may incorporate all or part of the permanent measures. Permanent measures shall be installed and operating as designed as soon as practicable, but in all cases prior to the issuance of either a temporary or permanent certificate of occupancy. At any time the temporary or permanent measures to achieve basic site drainage are not in accordance with the approved drainage plan the building official shall issue a stop work order to remain in effect until the issues remedied as described in these ordinances.”

Section 7. Section 66-55, Predevelopment, Building Permits and Fill Permits; Prerequisites, of Article III, Drainage Requirements, of Chapter 66, Streets, Sidewalks and Public Places, is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“Sec. 66-55. - Predevelopment, building permits and fill permits; prerequisites.

- (a) Any property owner must obtain a building or fill permit should that owner desire to deposit any fill material on any impact area which results in raising the elevation of any part of said impact area greater than two inches.
- (b) Prior to issuance of a building or fill permit the property owner shall:
 - (1) Pay a fee for each permit ~~shall be paid~~ as required, in accordance with the City of Clear Lake Shores' Fee Schedule, as it may be amended from time to time by resolution of city council;
 - (2) Provide an “as is” topographic survey drawing ~~(with sufficient “spot” elevations in a 5’ grid pattern extending from the center of the adjacent street(s) and extending 10’ onto all surrounding properties and/or easements, existing drainage facility elevations including “top of bank”/“top of grate” elevations and flow lines extending to the adjacent culvert/storm-sewer, and existing flow directions, as determined by the building inspector)~~ showing the impact area and the receiving points for runoff and established drainage patterns across property lines; and
 - (3) Provide a site drainage plan designed by a registered professional engineer, currently licensed in the State of Texas and the plan must carry his/her stamp in accordance with Chapter 66, Articles II and III, and Chapter 70 of these ordinances. “as designed” drawings and descriptions of temporary and permanent drainage facilities that will fully meet the requirements specified herein.
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
- (c) The property owner/developer must submit revised plans to the building inspector prior to any deviation from the permitted plans, and allow sufficient time for review and approval from the city designated

reviewing registered professional engineer if determined necessary by the building official. The building inspector shall maintain adequate and complete records of all documents and plans required to obtain a permit, including decisions as to variations and exceptions, and the rationale for such decisions, related to the property in question.

(d) A permit for construction may not be issued until receipt of a letter of approval from the city designated reviewing engineer affirming the conformance of the submitted drainage plan with Chapter 66, Articles II and III, and Chapter 70 of these ordinances from a registered professional engineer, currently licensed in the State of Texas and the letter must carry his/her stamp.”

Section 8. In the event any section, paragraph, subdivision, 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 Clear Lake Shores, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any 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.

Section 9. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 10. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with section 52.011 of the Texas Local Government Code.

ADOPTED this ____ day of _____, 2021.

Kurt Otten, Mayor

ATTEST:

Christy Stroup, City Secretary