

**ORDINANCE 08-14-10**

**AN ORDINANCE OF THE CITY OF SANGER, DENTON COUNTY, TEXAS, AMENDING SECTION 9 OF THE SUBDIVISION ORDINANCE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Subdivision Ordinance provides for the orderly development of land within the extraterritorial jurisdiction;

WHEREAS, the creation of private streets can affect the delivery of necessary public services and utilities to citizens and disrupt the orderly development of land; and

WHEREAS, the Subdivision Ordinance can better regulate the creation of private streets within the extraterritorial jurisdiction; Now Therefore,

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

**Section 1** Section 9.03 of the Subdivision Ordinance is amended to read as follows:

9.03 -- Private streets are permitted within the extraterritorial jurisdiction only when each of the following conditions is met:

- (a) At the time a plat is to be filed for recordation, Denton County has refused to accept the dedication of the associated streets as public streets, and
- (b) The City Council finds that the property being platted can not at present be annexed into the city limits, permitting the streets to be dedicated as public streets, and
- (c) The City Council finds that the proposed private streets have been or shall be constructed to the City's standards for a public street, and
- (d) The City Council finds that the proposed private streets shall be maintained by a properly-created property owners association and shall provide adequate easements for public utilities, stormwater drainage, and the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement, trash collection, postal delivery, and utility maintenance, and,
- (e) The City Council finds that the creation of the proposed private streets does not interfere with the orderly development of the area and ability to provide for adequate transportation, utilities, and public services to properties within the plat and the adjacent areas.

**Section 2** All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

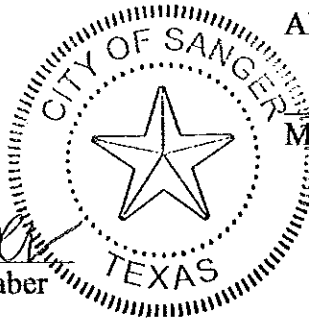
**Section 3** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

**Section 4** Any person, firm, or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

**Section 5** This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**DULY PASSED, APPROVED AND ADOPTED** by the City Council of the City of Sanger, Texas, on this 16<sup>th</sup> day of August, 2010.

APPROVED:



*Thomas E. Muir*  
\_\_\_\_\_  
Mayor Thomas Muir

ATTEST:

*Tami Taber*  
\_\_\_\_\_  
City Secretary Tami Taber