

**ORDINANCE NO. XXX-2023**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HILSHIRE VILLAGE, TEXAS, CHAPTER 12, EXHIBIT “A”, THE ZONING REGULATIONS OF THE CITY, TO INSERT DEFINITIONS FOR PLAY EQUIPMENT; REGULATING THE PLACEMENT OF PLAY EQUIPMENT IN FRONT YARDS, PUBLIC STREETS, AND RIGHTS-OF-WAY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 PER DAY FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith, AND PROVIDING FOR SEVERABILITY.**

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

**WHEREAS**, City Council, acting as the City’s Zoning Commission, provided a preliminary report as required by Section 211.007 of the Texas Local Government Code, on **DATE, 2022**; and

**WHEREAS**, a public hearing on this preliminary report at which parties in interest and citizens had an opportunity to be heard was held before the City Council, acting as the Zoning Commission, on **DATE, 2023**; and

**WHEREAS**, City Council, acting as the City’s Zoning Commission, provided a final report on this change in zoning regulations; and

**WHEREAS**, a public hearing on this final report was held by City Council on **DATE, 2023**; and

**WHEREAS**, before the 15th day before the date of the public hearing on the final report, a notice of the time and place of the hearing was published in a newspaper of general circulation in Hilshire Village;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILSHIRE VILLAGE, TEXAS THAT:**

Section 1. Section 02.200, Definitions, of Exhibit “A”, Zoning Ordinance, to Chapter 12, Planning and Zoning, of the City of Hilshire Village Code of Ordinances, is amended by adding in the appropriate position the following definitions:

02:P-05 Play Equipment: “Play Equipment” shall mean a batting cage, basketball goal, inflatable bounce house, jungle gym, merry-go-round, obstacle course, playhouse, play structure, sand-box,

**Commented [SB1]:** Best practice to do final report from City Council acting as P&Z and adoption of zoning ordinance by City Council on separate dates.

slide, soccer goal, spring rocker, swing-set, trampoline, any similar object used or intended for use by children in outdoor play.

02:P-06 Play Equipment, Permanent: "Permanent Play Equipment" shall mean any play equipment left in place for more than seven (7) consecutive calendar days.

02:P-07 Play Equipment, Temporary: "Temporary Play Equipment" shall mean play equipment that is in place for less than seven (7) consecutive calendar days.

Section 2. Section 40:00, Regulations Applicable to All Districts, of Exhibit "A", Zoning Ordinance, to Chapter 12, Planning and Zoning, of the City of Hilshire Village Code of Ordinances, is amended by adding the following:

#### 40:05 PLAY EQUIPMENT

40:05:01 Play equipment may be placed in a front yard but must be removed prior to the seventh day after placement.

40:05:02 No play equipment, temporary or permanent, shall be placed in any roadway or right-of-way.

40:05:03 Any lighting for the use of play equipment, whether affixed to play equipment or freestanding, shall be shielded to not spill over across property lines to neighboring residential properties.

Section 3. Any person, firm, partnership, association, corporation, company, or organization of any kind who or which intentionally, knowingly, recklessly, or with criminal negligence violates any of the provisions of this Comprehensive Zoning Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed two thousand dollars (\$2,000). Each day during which such violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this Comprehensive Zoning Ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense, and, upon conviction thereof, shall be punished as above provided.

Section 4. This ordinance is intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

Section 5. In case any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this ordinance, or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by any court of competent jurisdiction, the same shall not affect, impair, or invalidate this ordinance as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional, and the City Council of the City of Hilshire Village, Texas, hereby declares that it would have passed each and every part of the same notwithstanding the omission of any such part so declared to be invalid or

**Commented [SB3]:** How long does equipment have to be removed. Can I take it down and put it back up the next day. Some ordinances will provide cannot be present in yard more than 7 days per month or per year.

unconstitutional, or whether there be one or more such parts. Furthermore, if any portion or portions hereof be so held to be invalid or unconstitutional, then the corresponding portion of the Zoning Ordinance adopted by the City of Hilshire Village, Texas, shall continue to be effective.

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.

PASSED, APPROVED, AND ADOPTED this day of 2023.

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Robert F. Buesinger, Mayor

ATTEST:

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Cassie Stephens, City Secretary