

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS, CONCERNING ELIGIBILITY FOR DISASTER DEBRIS REMOVAL ON PUBLICLY SERVICED ROADWAYS/RIGHT-OF-WAYS THAT ARE PRIVATELY OWNED, PRIVATELY MAINTAINED AND/OR GATED

WHEREAS, the Mayor of Iowa Colony, Texas, issued a declaration of local disaster by proclamation for Hurricane Beryl, on July 8, 2024, which brought fierce winds and heavy rains to a large portion of southeastern Texas, causing severe damage, injury, or loss of life or property that requires emergency action; and

WHEREAS, President Joe Biden declared Hurricane Beryl a major disaster Tuesday, July 9, 2024; and

WHEREAS, the nuisance or condition has caused difficulties in agencies providing emergency medical, fire, police, utility, and sanitation services because of debris on streets in all communities; and

WHEREAS, the debris resulting from natural or man-made disasters can block streets and can hinder emergency management's ability to provide emergency medical services and to fight fires, provide basic services and save lives; and

WHEREAS, the situation can jeopardize and compromise the ability to provide emergency management services to the residents in private communities and the City at large; and

WHEREAS, in an emergency condition, constituting an immediate threat to the life, health and safety of the citizens of the City, it is necessary to eliminate an immediate threat of significant damage to improved property; and

WHEREAS, the City in this emergency condition, has jurisdiction over all private roads in the City for the purposes set forth herein; and

WHEREAS, the City in a natural disaster that has been declared a public emergency by the Mayor and/or City Council, has the obligation, authority, and responsibility to enforce its laws on private streets and to provide emergency services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

SECTION 1. That the City of Iowa Colony, Texas, has the authority and responsibility to protect the public health and safety, to enter upon and clear debris from public and private streets, to clear and remove debris to permit access by other agencies, public emergency vehicles, and other municipal service providers.

SECTION 2. That in a natural disaster that has been declared a public emergency by the Mayor and/or City Council (County, State and Federal), the City may exercise its authority to implement the measures set forth herein.

SECTION 3. That in order to respond to emergency conditions, the City must expeditiously clear debris from all roads, including roads in private communities. This is necessary to eliminate an imminent threat to the public health, safety, and welfare.

SECTION 4. That the City is hereby authorized to remove debris from private roads, rights-of-ways, and ingress/egress easements in private communities. The actions authorized hereby do not permit debris removal except from streets (and rights-of-ways and ingress/egress easements) to clear streets for emergency vehicle travel and delivery of services essential to the public health and safety. No other property will be cleared in a private community. This shall apply only to streets where the City regularly provided access for emergency vehicles and the enforcement of City regulations as well as access for municipal and other public service vehicles. Debris will be removed only where there is unrestricted access during removal times.

SECTION 5. That the City shall conduct similar operations on public streets.

READ, PASSED AND ADOPTED ON JULY 10, 2024.

WIL KENNEDY, MAYOR
CITY OF IOWA COLONY, TEXAS

ATTEST:

KAYLEEN ROSSER, CITY SECRETARY
CITY OF IOWA COLONY, TEXAS