

CITY OF STEPHENVILLE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF STEPHENVILLE, TEXAS REGARDING THE PRESERVATION AND RESTORATION OF CERTAIN BRICK STREETS PRESENTLY EXISTING IN THE CITY LIMITS OF THE CITY OF STEPHENVILLE, TEXAS.

WHEREAS, the City Council of the City of Stephenville, Texas has determined that the preservation and restoration of certain brick streets within the city limits of the City of Stephenville, Texas are historic landmarks in the city which are worthy of protection and conservation for future generations; and

WHEREAS, this ordinance shall repeal Resolution No. 2019-R-04 previously adopted by the City Council of the City of Stephenville, Texas on the 5th day of February 2019 and replace said prior resolution regarding Brick Streets

WHEREAS, immediate action to protect and preserve the brick streets is necessary to prevent the further deterioration of the historic brick streets; and

WHEREAS, the City Council of the City of Stephenville, Texas has determined the terms of the following Ordinance are necessary to protect and preserve the historic brick streets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEPHENVILLE, TEXAS:

SECTION 1: DESIGNATION OF BRICK STREET DISTRICT AND POLICY FOR PRESERVATION AND PROTECTION OF BRICK STREETS

- A) Attached to this ordinance is Exhibit A, a map of the Thurber Brick Streets of Stephenville, Texas. Exhibit A is fully incorporated into this ordinance for all purposes identifying the designated "Brick Street District" of the City of Stephenville, Texas

- B) It shall be the policy of the City of Stephenville, Texas to preserve and protect and restore existing historic brick streets and streets designated as future brick streets located in the "Brick Street District" as now established or hereafter extended.

- C) If previously unidentified, covered brick streets are identified in the future, the City of Stephenville City Council will be notified and convened to discuss the possible amendment to the Brick Street District.

SECTION 2: AVAILABLE BRICK

Brick streets shall be repaired and restored exclusively by City of Stephenville employees, contractors, or personnel directly hired and/or under the direction and supervision of the City of Stephenville. Should the City of Stephenville not have historic bricks available, the restoration process shall replace bricks with substantially equivalent brick of the same color, size, and grade that meet the specifications described in the City of Stephenville Engineering Standards Manual as approved from time to time by the Public Works Director and the City Council.

SECTION 3: POLICY AND PLAN FOR REPAIR OF DAMAGE TO EXISTING BRICK STREETS

- A) Prior to the effective date of this ordinance, several brick streets located in the City of Stephenville, Texas have been repaired by patching the brick streets with asphalt and other materials.
- B) A capital improvement plan shall be presented each fiscal year identifying projects to improve brick streets and an annual report specific to improvements to brick streets shall be made to the city council at the end of each fiscal year. Further, it shall be the policy of the City of Stephenville to address all pavement patches in Brick Street District streets as quickly and as efficiently as possible to maintain the brick streets with historic brick and not with asphalt or other street paving materials.
- C) No provision of this ordinance shall prohibit the repair and restoration of other brick streets located outside the Brick Street District.

SECTION 4: REQUIRED NOTICE FOR DAMAGE AND REPAIRS TO BRICK STREETS

Prior to removing any bricks or asphalt patching of brick streets from any city street, the individual, business entity or public utility shall give advance written notice to the Public Works Director of the City of Stephenville of the need for work on or under the street. Before commencing construction, the Public Works Director must authorize in writing the work to be performed on any bricks or asphalt patches and arrangements shall be made with the Public Works Director for paying the costs for repair or restoration with brick. It is understood that from time to time emergency repairs will be required on public utilities located under Brick Street District streets, in which case the City of Stephenville will affect repairs to the brick streets efficiently and effectively in accordance with this ordinance. An emergency is defined as a situation presenting an imminent or actual hazard to personal or public health, safety, or property.

SECTION 5: PROHIBITED ACTIVITIES

After the effective date of this ordinance, it shall be the policy of the City of Stephenville, Texas to prohibit the following activities regarding brick streets located in the Brick Street District of the city, to wit:

1. **COVERING OF BRICK STREETS:** No brick streets located in the Brick Street District of the City of Stephenville, Texas shall have applied to it asphalt or any other materials which covers or partially covers the surface of any brick streets located in the Brick Street District.
2. **REMOVING OR PERMANENTLY DAMAGING BRICK STREETS:** No individual or business entity may remove bricks from any brick street or conduct any activity which would permanently damage any brick street located in the Brick Street District except in accordance with the terms of this ordinance.

SECTION 6: REPAIR AND RESTORATION

DAMAGE TO EXISTING BRICK STREETS: The city, as well as all individuals, business entities, or public utility companies that shall remove or cause the removal of any existing brick streets or asphalt patches on brick streets located within the designated Brick Street District, by this Ordinance, shall pay the costs of repairs and restoration of the brick street in accordance with the specifications as approved and adopted by the City Council of the City of Stephenville, Texas identified in the City of Stephenville Engineering Standards Manual and approved in writing by the Public Works Director of the City of Stephenville, Texas. The costs of the repair shall be the actual costs incurred by the city in making the repair or restoration as determined by the Public Works Director.

SECTION 7: PRIORITY OF ORDINANCE

The terms of this ordinance shall take priority over the terms of any conflicting or ambiguous ordinances or manuals adopted by the City of Stephenville, Texas, including City of Stephenville Engineering Standards Manual as now existing or hereafter changed unless said ordinance specifically addresses the name and specific terms of the this ordinance.

SECTION 8: ENFORCEMENT

PUBLIC WORKS DIRECTOR: The Public Works Director of the City of Stephenville, Texas or his designee(s) shall have the duty and obligation to enforce the terms of this Ordinance by such reasonable means and methods as said Director may determine appropriate. Any decision by the Director may be appealed to the City Manager by an affected party within thirty (30) days after the Director's decision has been communicated to the affected party.

PENALTY FOR NON-COMPLIANCE: In addition to any other remedy available at law, including injunctive relief, any person, firm, or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor. Upon conviction, the guilty party who has violated this Ordinance shall be punished by a fine not to exceed \$200.00 per day for each violation. Each day a violation continues after passage of sixty (60) days from the date of the filing of the initial written notice of violation by the city shall constitute a separate and distinct offense.

SECTION 9: EFFECTIVE DATE

This Ordinance shall be effective ten (10) days following passage.

PASSED AND APPROVED by the City Council of the City of Stephenville, Texas this _____ day of _____
_____ 2021.

Doug Svien, Mayor

ATTEST:

_____, City Secretary