

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, TO AMEND SPECIFIC SECTIONS OF CHAPTER 6, ARTICLE 6, SECTION 6.05.008; CHAPTER 19, SECTION 19.12.C; CHAPTER 14, SECTION 35.2.D; AND CHAPTER 14, SECTION 38.5.E. OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA; ESTABLISHING REQUIREMENTS FOR PERMANENT DUMPSTERS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council has found inconsistencies within the Code of Ordinances regarding the screening requirements for permanent dumpsters; and

WHEREAS, the City Council of Ovilla wishes to make the screening requirements for permanent dumpsters consistent throughout the City of Ovilla, Texas; and

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

SECTION 1. AMENDMENT OF CHAPTER 6, ARTICLE 6, SECTION 6.05.008; CHAPTER 19, SECTION 19.12.C; CHAPTER 14, SECTION 35.2.D; AND CHAPTER 14, SECTION 38.5.E. OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS

- (a) CHAPTER 6, ARTICLE 6, SECTION 6.05.008 of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended to read as follows:

Screening of waste containers/dumpsters.

Waste containers/dumpsters shall be located on the side or rear of the building and screened from public view or any public street.

Waste containers/dumpsters shall be located outside of the required building setback areas and when adjacent to residentially zoned property, must be located at least fifty (50) feet away from residential property lines.

Waste containers shall be screened on three (3) sides, using an enclosure that is seven (7) feet tall or of a height that is a minimum of one (1) foot above the top of the dumpster, whichever is taller. Screening shall be comprised of:

Brick, stone, decorative concrete block, reinforced concrete, or other similar masonry materials that have a similar finish to the primary building facade finish; or

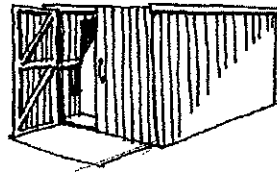
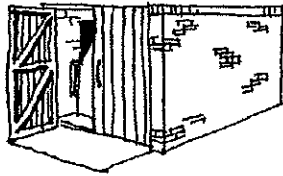
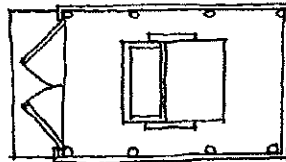
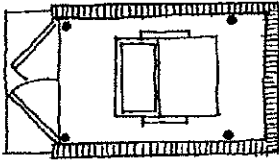
Redwood, cedar, preservative pressure treated wood, or other similar materials;

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Fence posts shall be rust-protected metal, masonry or concrete; and six-inch concrete filled steel pipes, painted in a neutral color, shall be located to protect the enclosure from truck operations;

Gates are not required to be installed.

Enclosures shall be maintained in accordance with Article 3.05 Fences, Section 03.05.010 of the City of Ovilla Code of Ordinances.



Wall Enclosure

Fence Enclosure

- (b) CHAPTER 19, SECTION 19.12.C of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended to read as follows:

Screening of waste containers/dumpsters.

Waste containers/dumpsters shall be located on the side or rear of the building and screened from public view or any public street.

Waste containers/dumpsters shall be located outside of the required building setback areas and when adjacent to residentially zoned property, must be located at least fifty (50) feet away from residential property lines.

Waste containers shall be screened on three (3) sides, using an enclosure that is seven (7) feet tall or of a height that is a minimum of one (1) foot above the top of the dumpster, whichever is taller. Screening shall be comprised of:

Brick, stone, decorative concrete block, reinforced concrete, or other similar masonry materials that have a similar finish to the primary building facade finish; or

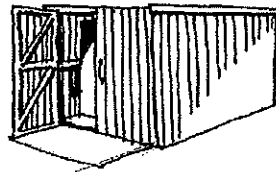
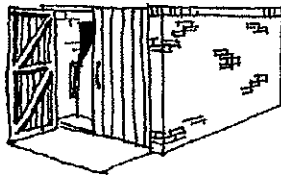
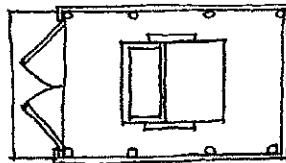
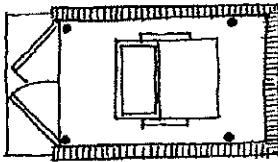
Redwood, cedar, preservative pressure treated wood, or other similar materials;

ORDINANCE NO. 2018-01

Fence posts shall be rust-protected metal, masonry or concrete; and six-inch concrete filled steel pipes, painted in a neutral color, shall be located to protect the enclosure from truck operations;

Gates are not required to be installed.

Enclosures shall be maintained in accordance with Article 3.05 Fences, Section 03.05.010 of the City of Ovilla Code of Ordinances.



Wall Enclosure

Fence Enclosure

- (c) CHAPTER 14, SECTION 35.2.D of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended to read as follows:

Screening of waste containers/dumpsters.

Waste containers/dumpsters shall be located on the side or rear of the building and screened from public view or any public street.

Waste containers/dumpsters shall be located outside of the required building setback areas and when adjacent to residentially zoned property, must be located at least fifty (50) feet away from residential property lines.

Waste containers shall be screened on three (3) sides, using an enclosure that is seven (7) feet tall or of a height that is a minimum of one (1) foot above the top of the dumpster, whichever is taller. Screening shall be comprised of:

Brick, stone, decorative concrete block, reinforced concrete, or other similar masonry materials that have a similar finish to the primary building facade finish; or

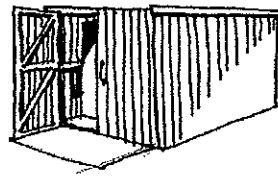
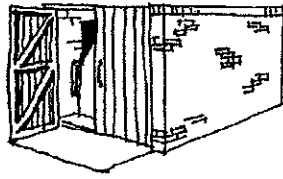
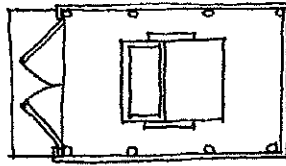
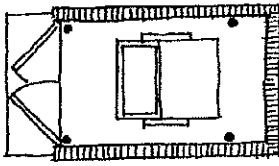
Redwood, cedar, preservative pressure treated wood, or other similar materials;

Fence posts shall be rust-protected metal, masonry or concrete; and six-inch concrete filled steel pipes, painted in a neutral color, shall be located to protect the enclosure from truck operations;

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Gates are not required to be installed.

Enclosures shall be maintained in accordance with Article 3.05 Fences, Section 03.05.010 of the City of Ovilla Code of Ordinances.



Wall Enclosure

Fence Enclosure

- (d) CHAPTER 14, SECTION 38.5.E of the Code of Ordinances of the City of Ovilla, Texas, is hereby amended to read as follows:

Screening of waste containers/dumpsters.

Waste containers/dumpsters shall be located on the side or rear of the building and screened from public view or any public street.

Waste containers/dumpsters shall be located outside of the required building setback areas and when adjacent to residentially zoned property, must be located at least fifty (50) feet away from residential property lines.

Waste containers shall be screened on three (3) sides, using an enclosure that is seven (7) feet tall or of a height that is a minimum of one (1) foot above the top of the dumpster, whichever is taller. Screening shall be comprised of:

Brick, stone, decorative concrete block, reinforced concrete, or other similar masonry materials that have a similar finish to the primary building facade finish; or

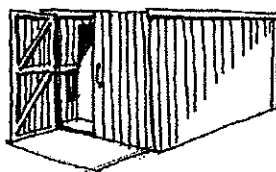
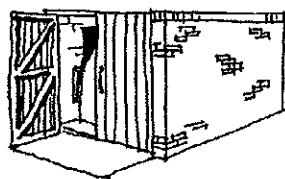
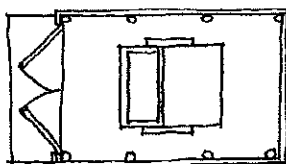
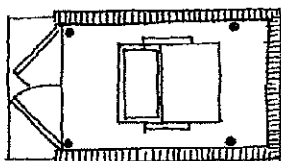
Redwood, cedar, preservative pressure treated wood, or other similar materials;

Fence posts shall be rust-protected metal, masonry or concrete; and six-inch concrete filled steel pipes, painted in a neutral color, shall be located to protect the enclosure from truck operations;

Gates are not required to be installed.

ORDINANCE NO. 2018-01

Enclosures shall be maintained in accordance with Article 3.05 Fences, Section 03.05.010 of the City of Ovilla Code of Ordinances.



Wall Enclosure

Fence Enclosure

SECTION 2. SAVINGS CLAUSE

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered, if necessary, to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

Because of the nature of the interests and safeguards sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

ORDINANCE NO. 2018-01

PASSED, ADOPTED and APPROVED by the City Council of Ovilla, Texas, on this the 8th day of January, 2018.



Richard Dormier, Mayor

ATTEST:

Pamela Woodall, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney