

ORDINANCE NO. 118

AN ORDINANCE PROVIDING FOR THE ORDERLY, SAFE AND HEALTHFUL DEVELOPMENT OF THE AREA WITHIN THE TERRITORIAL AND EXTRA-TERRITORIAL JURISDICTION OF THE TOWN OF WILLOW PARK, TEXAS; REQUIRING THAT SUBDIVISION PLATS BE SUBMITTED TO THE CITY FOR APPROVAL AS A PREREQUISITE TO PLAT RECORDATION AND RECOGNITION BY THE CITY; STIPULATING THE CONDITIONS UNDER WHICH PERMITS AND AUTHORIZATIONS SHALL BE WITHHELD; STIPULATING SUBMITTAL PROCEDURE AND FEES; ESTABLISHING FORM AND CONTENT OF PLATS; REQUIRING STANDARDS AND SPECIFICATIONS BE MET; REQUIRING DEDICATIONS AND PROVISIONS FOR PUBLIC SPACES; ESTABLISHING PENALTIES; AND DECLARING AN EMERGENCY.

PREAMBLE

WHEREAS, the City has had under consideration the matter of subdivision regulations for an extended period of time; and

WHEREAS, the City has issued public notice of a hearing to be held on a proposed ordinance concerning the regulation of subdivisions;

and

WHEREAS, said hearing was held and all present were given full opportunity to express their views for and against the passage of said ordinance; and

WHEREAS, the Commission deems it in the best interest of the people who are now, and who will be, living within the jurisdiction of the City, that an ordinance be passed to ensure the orderly, economical development of the City, to provide for adequate Municipal facilities and services, and to protect and promote the general welfare, health and safety of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF WILLOW PARK, TEXAS:

ARTICLE I

PURPOSE

The purpose of this Ordinance is to provide for the orderly, safe and healthful development of the area within the City and within the one-half mile extra-territorial

jurisdiction of the City and to promote the health, safety, morals and general welfare of the community. Accordingly, all property under the jurisdiction of the City and not previously subdivided shall hereafter be laid out under the general direction of the City Planning Board and approved by the City Commission, and no other subdivision will be recognized by the City.

ARTICLE II

DEFINITIONS

Block: Any single row of contiguous lots or tracts fronting on one side of a street and extending from one dedicated side street, or other such dividing boundary intersecting the front street, to the next such dedicated street or boundary.

Board: The Planning Board of the City, appointed by the Commission, that performs overall City planning and administers the planning of subdivisions by subdividers in accordance with the requirements of this ordinance. In the absence of an appointed Board, the Commission shall constitute the Board.

City: The Town of Willow Park, Texas.

Commission: The Governing body of the City.

Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed for record.

Person: Any individual, association, firm, corporation, governmental agency, or political subdivision.

Subdivider: Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owners of land sought to be subdivided.

Subdivision: The division of any tract of land situated within the corporate limits, or within one-half (1/2) mile of such limits, into two or more parts for the purpose of laying out any development of any tract of land or any addition of any town or city, or for laying out suburban lots or building lots, or any lots, streets, alleys, or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes re-subdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of ten acres or more and not involving any new street, alley or easement of access.

ARTICLE III

ISSUANCE OF BUILDING, MOVING AND OCCUPANCY PERMITS

General: Within any subdivision for which a final plat has not been approved by the City and filed for record, or within any subdivision in which the City has not acknowledged completion of all improvements on which final plat approval has been made conditional, or within any subdivision in which any other requirements and standards contained or referred to herein have not been complied with in full:

1. The City shall not issue any building permit, moving permit or occupancy permit;
2. The City shall neither do, nor cause to have done, any repair, maintenance or installation of any street or public utility service;
3. The City shall not sell or supply, nor cause to be sold or supplied, any water, gas, electricity, sewerage or other utility service.

The provisions of this Article shall not be construed to prohibit:

1. The issuance of a permit for any lot upon which a residence building exists and was in existence at the time of passage of this subdivision ordinance;
2. The issuance of a permit for any lot fronting on a dedicated, improved street within any recorded subdivision existing at the time of passage of this Ordinance, wherein said improved, dedicated street existed at the time of passage of this Ordinance;
3. The repair, maintenance, or installation of any street or public utility service for, to, or abutting any lot, the last recorded conveyance of which prior to passage of this Ordinance was by metes and bounds;
4. The repair or maintenance of any street or public utility service for, to, or abutting any lot in any subdivision existing at the time of incorporation of the City, or approved by the City and filed for record prior to the passage of this Ordinance.

Occupancy Permit Required: No building hereafter erected or structurally altered shall be used, occupied or changed in use until an Occupancy Permit has been issued by the Town Secretary, stating that the building or proposed use of the building or premises complies with the detailed statement and plan submitted to and approved by the Commission, and all other regulations pertaining to construction in the Town of Willow Park, Texas. A change in use shall be construed to mean any change in occupancy or type of business.

Improvements Required Prior to Occupancy Permit: No occupancy permit shall be issued for a building or structure on a lot or tract not readily accessible by paved public street, or to which sewerage services (on-lot or off-lot type) are not actually and operationally available to the extent needed for the type occupancy intended.

Providing Utility Services: No person, firm or corporation having a franchise in the Town of Willow Park, Texas shall furnish light, power, water, sewer, gas and/or telephone services to any building hereafter erected or structurally altered unless and until a Building Permit and an Occupancy Permit have been issued by the Town Secretary.

ARTICLE IV

PRELIMINARY PLAT

General: The subdivider shall cause to be prepared a preliminary plat properly certified by a Texas State licensed surveyor or a Texas State registered professional engineer, in accordance with this Ordinance. The preliminary plat with its accompanying data are to show the intentions of the subdivider for the development of the subdivision, and the feasibility of that development. This work, as well as the preparation of the data to accompany the plat, shall be done under the general direction of the City Planning Board.

Filing of Preliminary Plat: The subdivider shall file three positive copies of the plat and accompanying data, together with a reproducible copy and the plat filing fee, with the Board at least 10 days prior to the date of the City Commission meeting at which formal application for Commission approval of the preliminary plat will be made.

Formal Application for Commission Approval: The subdivider shall present, in person or by mail, a written request for preliminary plat approval to the Commission at an official meeting of the Commission.

Filing Fee: At the time of filing, the preliminary plat shall be accompanied by a filing fee of \$15.00 per plat, plus \$1.00 per lot, plus \$1.00 per acre for each acre within the subdivision. Said fee shall be payable by check drawn to the order of the Town of Willow Park. No action by the Commission shall be valid unless the filing fee has been paid. This fee shall not be refunded.

Form and Content of Preliminary Plat: The plat shall be drawn to a scale of 200 feet to one inch, or larger. The required information on or accompanying the plat shall include the following:

1. Name of subdivision
2. Names of the record owner, subdivider and engineer or surveyor responsible for the survey and design.

3. Boundary lines, building set-back lines, and width, location and name of platted streets and alleys within and adjacent to the property. Key points on the subdivision boundary line shall be described in terms of North Central Texas Zone Lambert Projection coordinates.
4. Width, depth and location of proposed lots, and the computed acreage of the subdivision.
5. Contours sufficient to show the topology. Contours and all grades in the subdivision shall be referred to a U.S.G.S. Bench Mark. Contours at one- or two-foot intervals are preferred.
6. Map showing existing physical features of the property, including location of easements, reservations, water courses, culverts, bridges, roads, streets and other structures.
7. Designation of the proposed uses to which the land within the subdivision will be dedicated.
8. Proposed location of all intended features such as streets, alleys, easements, parks and reservations; proposed location of storm drain lines, ways and structures, and other such sites or structures.
9. Off-street parking provisions on those lots designated for business or commercial purposes.
10. Information showing how the streets, alleys, easements, storm sewers, sanitary sewers and water supply systems in the subdivision submitted may connect with those in the nearest subdivisions, and how they may be extended to serve adjacent areas when subdivided or otherwise developed.
11. The protective covenants proposed for the subdivision. Such covenants shall be designed to regulate land use in the subdivision, ensure off-street parking for non-residential purposes, prohibit nuisances, and otherwise provide for the protection of the proposed development. Covenants shall also include enforcement provisions.

Commission Approval or Disapproval of Plat: Within thirty (30) days after formal application for preliminary plat approval is filed with the City Commission, and provided the preliminary plat filing fee has been paid, the Commission shall approve the plat, shall approve the plat subject to the Commission's proposed modifications to the plat, or shall disapprove the plat. Approval of the preliminary plat shall not constitute or imply approval of the final plat when presented, but is merely an authorization to proceed with the preparation of the final plat.

Expiration of Preliminary Plat Approval: Approval of a preliminary plat shall expire at the end of six months unless the final plat has been submitted, approved by the Commission and recorded. At the end of this period, and provided no developments have occurred which would affect the continued acceptability of the approved preliminary plat, the Commission may, upon application by the subdivider, extend the approval an additional six (6) months.

ARTICLE V

FINAL PLAT

General: The subdivider shall cause to be prepared a final plat properly certified by a Texas State licensed surveyor or a Texas State registered professional engineer, in accordance with this Ordinance. The final plat with its accompanying data are to show the complete engineering design and specifications for the subdivision at least to the extent described herein. The final plat and accompanying data shall conform to the preliminary plat as approved by the Commission and incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the Commission.

Filing of Final Plat: The subdivider shall file three positive copies of the final plat and accompanying data, together with a reproducible copy and the plat filing fee with the Board at least 10 days prior to the date of the City Commission meeting at which formal application for Commission approval of the final plat will be made. Where fewer copies are required, it is so noted below.

Formal Application for Commission Approval: The subdivider shall present, in person or by mail, a written request for final plat approval to the Commission at an official meeting of the Commission. The final plat filed for approval shall be considered for approval by the Commission only in the event it meets the submittal requirements of this Article at the time of formal application and prior to the expiration date of the preliminary plat approval.

Filing Fee: At the time of filing, the final plat shall be accompanied by a filing fee. Except as noted below, the filing fee shall be \$100.00 per plat, plus \$1.00 per lot, plus \$1.00 per acre for each acre within the subdivision. Exception: in the event a single tract consisting of less than 10 acres and located within a recorded subdivision is to be resubdivided into no more than two (2) lots, or is to be dedicated in whole or in part for street easement or any other public use, a final plat filing fee of \$10.00 shall be required. The filing fee shall be payable by check drawn to the order of the Town of Willow Park. No action by the Commission shall be valid unless the filing fee has been paid.

Form and Content of Final Plat: The plat shall be drawn to a scale of 200 feet to one inch or greater. The final plat and accompanying data shall contain all of such features as are required for the preliminary plat; in addition it shall include or be accompanied by the following:

1. All data required for the Preliminary plat, plus the accurate location, dimensions, bearing or deflecting angles and radii area, and central angle, degree of curvature, tangent distance, and length of all curves where appropriate, for all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, monuments, and other sites in the subdivision.
2. The following site improvement data;
 - a. Construction plans for all proposed streets, alleys and sidewalks;
 - b. Construction plans for all proposed sanitary sewer lines and structures, all proposed water lines and fire hydrants, all proposed storm drainage sewers, channels, and easements;
 - c. Plans for proposed installation of street signs and other such features.
3. The following written and notarized statements:
 - a. A statement describing the minimum improvements which the subdivider agrees to provide, conditional upon City approval of the final plat.
 - b. A statement that all property taxes and assessments have been paid for past years and up to current date. This statement shall be signed by the owner or owners. (Original and one copy)
 - c. An acknowledgment of the dedication to public use of streets, alleys, parks, water courses, drains, easements and other such public places as shown on the plat, and of payments in lieu of certain public dedications. Property designated for schools, churches, hospitals, municipal purposes, and other such uses, shall be noted, as well as the conditions and procedures by which such property and moneys shall be made available to prospective purchasers or governing bodies. This statement shall be signed by the owner or owners, and all persons having a mortgage or lien interest in the property.

Commission Approval or Disapproval of Final Plat: Within thirty (30) days after formal application for final plat approval is filed with the City Commission, and provided all submittal requirements of this article are met, the Commission shall approve or disapprove said plat.

1. Approval of the final plat by the Commission constitutes authorization for the subdivider to record the plat and to proceed with the installation of subdivision improvements.

2. If the final plat is disapproved, the Commission shall inform the subdivider in writing of the reasons at the time such action is taken, and shall return that portion, if any, of the filing fee paid in excess of \$100.00.

ARTICLE VI

SUBDIVISION STANDARDS AND SPECIFICATIONS

1. Plat Approval: No preliminary or final subdivision plat shall be approved by the Commission unless it conforms to the standards and specifications contained or referred to in this Article.

2. Resubdivision: Property shall not be replatted which has been previously platted by a common dedication, except with the consent of all directly affected property owners.

3. Streets: Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, contour, curve radii and location of each shall be planned in consideration of existing and planned streets, topographical conditions, public safety and convenience, and the proposed uses of land to be served by such streets.

Whenever possible, street jogs with centerline offsets of less than 150 feet shall be avoided. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. The platting of half streets shall be prohibited. Dead-end streets shall be prohibited except as short stubs to allow for the future development of adjacent property. In general, cul-de-sacs shall not exceed 500 feet in length, and shall have a right-of-way turnaround of not less than 120 feet in diameter.

4. Street Right-of-Way Width: The Right-of-Way for a street shall be as specified in the City's Comprehensive Plan but, in any case, it shall be at least twenty (20) feet greater than the width of the included street specified by the Board.

5. Streets as a Part of Storm Drainage System: All streets and street rights-of-way shall be designed to provide for the discharge of surface water from the pavement and from the right-of-way by grading and drainage. Such designs shall provide for the discharge of water from the street into the storm drainage system at strategic points.

6. Curbs: Curbs shall be installed by the subdivider on both sides of all streets except in those areas where, in general, lots are larger than five-tenths of an acre, or lot frontages are greater than 125 feet. Curb radii at street intersections shall not be less than fifteen feet; where necessary, property lines shall be adjusted accordingly.

7. Street Signs: Street signs shall be installed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a durable type acceptable to the Board.

8. Alleys: Alleys of not less than twenty feet in right-of-way width and pavement width, or in lieu thereof adequate offstreet loading space, shall I be provided by the subdivider in business and industrial areas. Alleys that are dedicated shall be paved in accordance with City standards for street improvements, or better, depending on the usage anticipated by the Board. Alleys shall not be permitted in residential areas.

9. Utility Easements: Utility easements shall be provided for the use of public utility lines, conduits, and equipment. These shall be in the form of streets, alleys, or special easements along lot lines, as desired by utility firms operating within the City or as required by the Board. In general, it is desired that rear lot line easements be used to supply telephone and electrical services. Normally, water distribution lines shall be laid behind the curb line on the north and west sides of street easements; normally sewer and gas lines shall be laid on the south and east sides of street easements, with gas lines being behind the curb lines and sewer lines being along the outer edge of street easements.

10. Reserve Strips or Provisions: There shall be no reserve strips or other restrictions acting to inhibit access to land dedicated to public use.

11. Blocks: Block lengths shall be consistent with good street design. Irregular rather than grid patterns are encouraged to enhance and control land utilization.

12. Lots: Lots shall be of a size dependent upon land conditions, proposed usage, and sewerage provisions.

13. Unsewered Lots: Where off-lot sewerage is not provided, lots shall have an area of at least 40,000 square feet, a depth of at least 200 feet and a width of at least 150 feet. The Board may require the minimum area to be increased by as much as an additional 80,000 square feet where land proposed for subdivision appears to be adversely affected by water seepage or surface drainage problems. Deviations from the requirements for such additional minimum area may be granted by the Board on the basis of percolation tests performed by a registered professional engineer in accordance with standards acceptable to the Texas State Health Department and under ground conditions and at locations acceptable to the Board.

14. Sewered Residential Lots: Residential lots served by an off-lot sewerage system may have an area no smaller than 10,000 square feet, a depth of no less than 125 feet, and a width of no less than 75 feet.

15. Sanitary Sewers: All subdivisions shall have provisions for handling the disposal of sewerage that are acceptable to the Board. Where a sanitary sewage disposal system is to be installed, or an existing system extended, the plans for such system must be approved by the Texas State Health Department, prior to approval of the final plat by the Commission. Individual, on-lot, septic tank systems shall be permitted in subdivisions where lot sizes and ground conditions appear to the Board to be generally adequate for such systems.

16. Water System: Subdivisions provided with a water supply and distribution system shall also be provided fire hydrants. The plans for such systems must be approved by the Texas State Board of Insurance and the Texas State Health Department prior to approval of the final plat by the Commission.

17. Storm Drainage Provisions: Where a subdivision is traversed by a water course, drainage way, natural channel or stream, there shall be provided, at the discretion of the Board, an easement or right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate future access and possible drainage structures. Storm drainage structures may be required by the Board to accommodate the runoff of storm water and to control undesirable erosion.

18. Street Improvements: To the extent that the thoroughfare portion of the City's Comprehensive Plan indicates paving width, curb requirements and shoulders, said plan shall be used as a guide in the design and installation of street improvements. In any event, the following minimum specifications shall apply:

- (1) Minimum width of streets shall be computed on the basis of eleven (11) feet per traffic lane and eight (8) feet per parking lane. All streets shall be at least twenty-two (22) feet in width; however, streets with curbs shall have a width of at least thirty (30) feet between curb faces. Within these limitations, the Board shall specify the number of lanes of each type required and where curb and gutter shall be required. When no curb and gutter is required, shoulders extending a minimum of five (5) feet beyond the pavement edge shall be provided.
- (2) Clearing and grubbing beneath street, curb and shoulder shall be performed to remove all organic material to a minimum depth of one (1) foot and to remove all clay and spongy material to a minimum depth of two (2) feet.
- (3) Sub-grade surface shall be scarified to a minimum depth of three inches (3") and recompact to a minimum density of 95% standard proctor.
- (4) All fill sections required in establishing sub-grade surface shall be compacted to a minimum density of 95% standard proctor. The top of all fills shall extend at least two feet beyond the edge of curb or outer shoulder line; fills requiring side slopes shall have slopes that are no greater than 25° from horizontal.
- (5) Flexible base material shall be applied to street and shoulder in a minimum thickness of six inches (6) when fully compacted to a minimum density of 95% standard proctor. All base material used shall meet the requirements of Texas Highway Department

specifications 1962, Item 236 or 242. The plasticity index shall not exceed 12.

- (6) An asphaltic prime coat of MC-1 asphalt shall be applied to the street base work at the rate of 0.2 to 0.4 gallons per square yard.
- (7) Street surfacing shall be performed, after the prime coat has been absorbed by the base, with one and one-half inches (1½") to two inches (2") of Hot Mix Asphaltic Concrete Type D. The Hot Mix Asphaltic Concrete shall meet the requirements of Texas Highway Department specifications 1962, Item 340.
- (8) Shoulders abutting pavement shall be raised to level of pavement surface, compacted to a minimum density of 95% Standard proctor, and sloped away from pavement. Shoulders abutting curbs shall be at such a level and slope as to ensure proper drainage of surface water.
- (9) Curbs and gutters, where required, shall have two #5 bars of reinforcing steel running longitudinally, the two bars shall be in the gutter section. Curbs and gutters shall be installed on a two inch minimum sand cushion.

19. Utility Lines under Streets: All services for utilities shall be made available for each lot in such manner as will obviate the necessity for disturbing the street pavement, curb, gutter and drainage structures when connections are made.

20. Street Cuts: When street cuts, excavations, or other disturbances directly or indirectly affecting street surface are made, the sub-base, base and surface shall be returned to such a condition as to provide a durable surface that without further maintenance, will be smooth and continuous with the adjacent undisturbed surface.

21. Monuments: Permanent survey reference monuments shall be installed at major corner points on the boundary of the subdivision and at suitable interior points with no such monument more than 1500 feet from any other such monument. Permanent survey reference monuments shall be of concrete, eight inches (8') in diameter by twenty-four inches (24") in length; the exact intersection point on such monument, when installed, shall be marked by a copper pin one-fourth inch (¼") in diameter embedded at least three inches (3") in the monument. Other monuments shall be required as necessary to establish lot, block, and street right-of-way boundaries, and such other monuments shall be iron pins not less than three-quarter inch (¾") in diameter and no less than eighteen inches (18") in length. Monuments shall be installed flush with or slightly below the finished grade.

22. Supervision and Inspection: All work done on subdivision improvements shall be done under the City's supervision or by a person or firm so designated by the City. Inspection and test reports shall be furnished to the City Commission by an independent

state licensed engineer showing compliance with requirements of construction and materials in this Ordinance. The cost incurred by the above requirement shall be borne by the person, subdivider or corporation proposing the street construction.

ARTICLE VII

CITY ACKNOWLEDGEMENT OF COMPLETION OF IMPROVEMENTS

After completion of all the improvements which the subdivider has agreed in writing to make, the subdivider shall submit to the Board a written request for City acknowledgment of the satisfactory completion of said improvements and a surety bond indemnifying the Town of Willow Park, Texas against the cost of repairs which may become necessary to any street improvements made by subdivider and arising out of defective workmanship or materials used therein for a period of two (2) years after final completion of such street improvements. Failure of the subdivider either to submit this request and indemnification, or to complete the aforementioned improvements as agreed, within eighteen (18) months of final plat approval shall result in automatic revocation of the City's approval of the final plat.

Following the request for City acknowledgment of improvements, the Board shall determine whether or not the subdivider did, at the least, complete the improvements in accordance with his written agreement to provide. The Commission shall then issue a written statement to the subdivider acknowledging completion, or the failure to complete, the required improvements. The City shall not be liable for the maintenance of any public facility in a subdivision until the Commission has issued a written statement acknowledging completion and acceptance of said facility.

ARTICLE VIII

RECREATIONAL, MUNICIPAL, EDUCATIONAL, AND OTHER PUBLIC SPACE DEDICATIONS AND PROVISIONS

The Board may require that adequate, convenient and suitable areas be set aside for parks, playgrounds, municipal purposes, schools, hospitals, and other such public uses. These areas required shall be shown on the plat as dedicated or as reserved for such uses, whichever is appropriate. Areas reserved for school districts, hospital districts, the City, or other such governing bodies granted an option to purchase shall have that option for a period of at least two years after recordation of final plat.

To provide adequate areas for parks, playgrounds, other recreational purposes and municipal purposes, and for only these purposes, land shall be dedicated at least in the amount of one-thirtieth (1/30) of an acre per lot within the subdivision plus one percent (1%) of the total subdivision acreage. Such lands shall be located suitably, in the opinion of the Board, for their intended purposes, and lands intended for recreational purposes shall be in blocks preferably not less than four (4) acres each. In lieu of such dedication, a fee in the amount of \$40.00 per lot plus \$10.00 per acre within the entire subdivision may

be required of the subdivider. Complementary portions of the required land dedication and the monetary fee (for example, 65% land dedication and 35% fee) may also be arranged with the Board. In general, a fee should be expected in a subdivision involving less than 30 lots or 30 acres. In a larger subdivision, land dedication or some combination of land dedication and fee should be expected more often than fee. A monetary fee may be paid to the City for the subsequent purchase of needed public sites; alternatively, a fee may be applied directly by the subdivider toward the procurement of land more suitably sized or located for the intended purpose and dedication. The Board shall retain the right of final decision, within the guidelines and limitations herein stated, concerning the proportion between the amounts of fee and dedicated land to be required of the subdivider. Fees are payable by check drawn to the order of the Town of Willow Park.

ARTICLE IX

DEVIATIONS

Deviations from the specific rules and regulations stated in Ordinance may be granted by the Commission when, in its judgment, conditions warrant such deviations; however, such actions by the Commission shall not have the effect of subverting the spirit or intent of the aforementioned requirements. Financial hardship to an applicant shall not be deemed sufficient reason for granting a deviation. Any deviation granted shall be described in a statement which shall also contain all the specific facts upon which the deviation was based, and that statement will be recorded in the official minutes of the Commission.

ARTICLE X

SEPARABILITY AND CONFLICT

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

All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they conflict herewith.

ARTICLE XI

PENAL PROVISIONS

Any person violating any provision of this Ordinance within the corporate limits or the extra-territorial jurisdiction of the City of Willow Park, Texas, shall be deemed guilty of a misdemeanor, and, upon conviction shall, for each and every violation, be fined an amount not exceeding two hundred dollars (\$200.00), and each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of the

Ordinance.

ARTICLE XII

EFFECTIVE DATE.

The fact that there now exist inadequate regulations governing the subdivision of lands under the jurisdiction of the Town of Willow Park, Texas, creates an urgency and emergency for the immediate preservation of the public peace, health, safety and general welfare, and requires that this Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED, this the 13th day of November, 1967.

G W Stevens

Mayor, Town of Willow Park, Texas

ATTEST:

Hover G. Knutson

Town Secretary