

**CITY OF FARMERSVILLE  
PLANNING AND ZONING COMMISSION AGENDA  
REGULAR CALLED MEETING  
May 20, 2013  
6:30 P.M., COUNCIL CHAMBERS, CITY HALL**

**I. PRELIMINARY MATTERS**

- Call to Order, Roll Call, Prayer and Pledge of Allegiance
- Welcome guests and visitors and Citizen Comments: Anyone wanting to speak on any items that are not the subject of a Public Hearing on this agenda is asked to speak at this time, with an individual time limit of 3 minutes. This forum is limited to a total of 30 minutes. *(Please note that the Planning and Zoning Commission cannot respond to, discuss or take any action regarding citizen comments made hereunder because of the limitations established by the Texas Open Meetings Act, Texas Government Code Chapter 551, violations of which Act carry criminal penalties.)*
  - Planning and Zoning Commission is invited to attend the Council Meeting on June 25, 2013 for a Work Session regarding impact fees

**II. ITEMS FOR DISCUSSION AND POSSIBLE ACTION**

- A. Consider, discuss and act upon minutes from April 15, 2013 P&Z Meeting
- B. Discussion regarding revising the Specific Use Permit process

**III. PUBLIC HEARING**

- A. Public Hearing to consider, discuss and act upon amending the Sign Ordinance regarding electronic messaging center signs

**IV. ADJOURNMENT**

- No action may be taken on comments received under "Recognition of Visitors".
- The Commission may vote and/or act upon each of the items listed in the Agenda.

***The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).***

*Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2) working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.*

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on May 17, 2013, by 5:00 P.M. and remained so posted continuously at least 72 hours preceding the scheduled time of said meeting.

*Tom Waitschies*

**Tom Waitschies, Chairman**

**Dated this the 17<sup>th</sup> day of May, 2013.**

*Eddie Sims*

**Eddie Sims, City Secretary**





**TO:** Planning and Zoning Commission  
**FROM:** Edie Sims, City Secretary  
**DATE:** May 20, 2013  
**SUBJECT:** Discuss, approve or disapprove minutes from April 15, 2013 Planning and Zoning Meeting

Minutes can be found at the -following website:

[http://www.farmersvilletx.com/government/agendas\\_and\\_minutes/planning\\_and\\_zoning/index.jsp](http://www.farmersvilletx.com/government/agendas_and_minutes/planning_and_zoning/index.jsp)

**ACTION:** Approve, make changes or disapprove minutes

FARMERSVILLE PLANNING & ZONING COMMISSION  
REGULAR SESSION MINUTES  
April 15, 2013

The Farmersville Planning and Zoning Commission met in regular session on April 15, 2013 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Bill Nerwich, Mark Vincent, Craig Overstreet, Betty Sergent, Lee Warren, Tom Waitschies and Bryce Thompson. Staff members present was City Manager Ben White, City Attorney Alan Lathrom and City Secretary Edie Sims. Council Liaison Michael Carr was not present.

CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Chairman Tom Waitschies called the meeting to order at 6:32pm. Edie Sims called roll and announced that a quorum was present. Craig Overstreet offered the invocation and the Pledge of Allegiance.

Item II – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM MARCH 18, 2013 P&Z MEETING

Lee Warren motioned to approve the minutes as presented with Bryce Thompson seconding the motion. Motion carried unanimously.

Item II – B) CONSIDER, DISCUSS AND ACT TO AMEND SECTION 56-31 OF THE SIGN ORDINANCE PERTAINING TO DIGITAL SIGNS

City Manager Ben White came before the Commission stating he has presented the potential electronic messaging sign ordinance to existing businesses that would be affected by the changes made. Brookshire's has 3 electronic messaging signs. Mr. White stated he looked at the ordinance and interpreted as being restrictive on a per instance basis. However, City Attorney Alan Lathrom stated the Sign Ordinance does not allow for more than 1 sign per business per lot.

The biggest change to the ordinance as presented is Section 2, Item 3(7). Previously, the ordinance prohibited allowing electronic message center signs; however with Item 3(7), an electronic message sign will be grandfathered if the sign has been in continuous use for at least 6 months prior to this ordinance.

Questions were raised about the dimming technology for existing signs prior to this ordinance. Item 3(9) states all signs must conform either manually or automatically if changed, upgraded or retrofit.

Craig Overstreet stated that Section 2, Item 1 does not define projecting sign. Also clarification needs to be written in regarding the size of an electronic message sign which sets atop a monument sign. City Attorney Alan Lathrom indicated these measurements exist in the Sign Ordinance being 64 square feet for a 5 acre lot and 150 square foot maximum for lots of less size. With the ordinance presented, the 50 square feet allowed for the electronic message sign would be incorporated into the overall square footage of the allowed sign size.

A discussion ensued regarding double faced signs and signs that meet at an angle. As long as one face of the sign can be looked upon, it is considered to be allowed 50 square feet per side. Each side should be measured separately. If both sides can be visualized at the same time, then 50 square feet will apply to the total sign.

Based on a detailed discussion, Section 2, Item 3(9) is to be deleted then interpretation will be clear. Craig Overstreet stated thought the ordinance presented was too restrictive and the square footage was too large. With further discussions, the Commission gave the consensus to delete Item 3(9), leaving the scrolling and all other items as presented.

**Item II – C) CONSIDER, DISCUSS POSSIBLE AMENDMENT OF THE SPECIFIC USE PERMIT PROCESS WITHIN THE CITY OF FARMERSVILLE CODE OF ORDINANCES IN REGARD TO USES REQUIRING A SPECIFIC USE PERMIT**

City Attorney Alan Lathrom came before the Commission with a draft that will need modification, but an example that will help create a process for a standard Specific Use Permit and separate game rooms from the existing policy. SUP's usually have a negative impact on uses in the area which is why they are specific to a certain type of use and location. The SUP is to make sure the use is compatible with the location and safeguards the adjoining properties.

An SUP will still be required for a game room at a particular location and must meet spacing requirements; but the whole process is to have a permit for game rooms. A provision should be added to suspend game room licenses when can then lead to revocation of the license. The permitting process will handle restrictions of game rooms. This process is more appropriate for permitting than having an Specific Use Permit. Also the need of buffering residential areas is another important factor to be considered.

Bill Nerwich stated we should handle tattoo parlors simultaneously.

Craig Overstreet recognized Ben White as Citizen of the Year and gave congratulations.

**Item III) ADJOURNMENT**

Bryce Thompson motioned to adjourn with Lee Warren seconding the motion. P&Z Commission adjourned at 7:33 p.m.

ATTEST:

\_\_\_\_\_  
Tom Waitschies, Chairman

\_\_\_\_\_  
Edie Sims, City Secretary



TO: Planning and Zoning Commission  
FROM: Edie Sims, City Secretary  
DATE: May 20, 2013  
SUBJECT: Discussion regarding revising the Specific Use Permit process

- Staff recommended Preferred SUP Ordinance attached for review

**ACTION: Discuss, approve or disapprove recommending amendments of the Specific Use Permit process with an Ordinance and schedule Public Hearings for same**

**CITY OF FARMERSVILLE  
ORDINANCE # O-2013-0625-001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 77, "ZONING," THROUGH THE AMENDMENT OF ARTICLE III "NEW TYPES OF LAND USE; DISTRICTS," BY DELETING EXISTING SECTION 77-138, "SPECIFIC USE PERMITS," IN ITS ENTIRETY AND REPLACING SECTION 77-138 WITH A NEW SECTION 77-138 THAT IS ALSO ENTITLED "SPECIFIC USE PERMITS"; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Farmersville adopted Ordinance No. 2004-01 establishing a Comprehensive Zoning Ordinance ("Zoning Ordinance") on February 10, 2004, in accordance with the requirements of the Texas Zoning Enabling Act, Texas Local Government Code Chapter 211; and

**WHEREAS**, the City desires to amend the provision regarding the consideration and granting of Specific Use Permits for certain uses identified in the Use Charts to the Zoning Ordinance as being permitted within a particular zoning classification upon the approval of a Specific Use Permit by the City Council of the City of Farmersville, Texas; and

**WHEREAS**, after notice and public hearing the Planning and Zoning Commission has recommended approval of the text amendment regarding Specific Use Permits to the City Council; and,

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this recommended text amendment coming before the City Council of the City of Farmersville; and

**WHEREAS**, the City Council of the City of Farmersville, after notice and public hearing as required by law and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission of the City of Farmersville and of all testimony and information submitted during said public hearings, has determined that, in the public's best interest and in support of the health, safety, morals, and general welfare of the citizens of the City, the text amendment to the Zoning Ordinance regarding Specific Use Permits described herein is hereby adopted and the Zoning Ordinance is hereby amended to reflect the adoption of such changes in all things; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:**

**SECTION 1. INCORPORATION OF FINDINGS**

All of the above premises are hereby found to be true and correct legislative and factual determinations of the City of Farmersville and are hereby approved and incorporated

into the body of this Ordinance and made a part hereof for all purposes allowed by law as if fully set forth herein.

**SECTION 2. AMENDMENT OF CHAPTER 77, "ZONING," THROUGH THE AMENDMENT OF ARTICLE III "NEW TYPES OF LAND USE; DISTRICTS," BY DELETING EXISTING SECTION 77-138, "SPECIFIC USE PERMITS," IN ITS ENTIRETY AND REPLACING SECTION 77-138 WITH A NEW SECTION 77-138 THAT IS ALSO ENTITLED "SPECIFIC USE PERMITS."**

From and after the effective date of this Ordinance, Chapter 77, "Zoning," is amended through the amendment of Article III "New Types of Land Use; Districts," by deleting existing Section 77-138, "Specific Use Permits," in its entirety and replacing Section 77-138 with a new Section 77-138 that is also entitled "Specific Use Permits" to read as follows:

**"Sec. 77-138. Specific Use Permits.**

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Planning and Zoning Commission that the use is in general conformance with the Master Plan of the City and containing such requirements and safeguards as are necessary to protect adjoining property, authorize the granting of a Specific Use Permit for those uses indicated by "S" in the schedule of uses to this Zoning Ordinance, according to the following criteria:

- (1) An application for a Specific Use Permit shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions. A Specific Use Permit that will require the construction of a new structure shall be accompanied by said site plan. A site plan may not be required if a Specific Use Permit is applied for that will locate in an existing structure, if the City Manager or his designee determines that the existing site adequately addresses the above elements and a site plan is not necessary to evaluate the Specific Use Permit.
- (2) In recommending that a Specific Use Permit for the premises under consideration be granted, the Planning and Zoning Commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets,



provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and whether the building is compatible for the use under consideration.

- (3) Every Specific Use Permit granted under these provisions shall be considered as an amendment to the Zoning Ordinance and shall remain applicable to the property so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premises, or land use under the Specific Use Permit is voluntarily vacated for a period in excess of 180 days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate Specific Use Permit is granted for continuation of the same.
- (4) In granting a Specific Use Permit, the City Council may impose conditions that shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the City for use of the building on such property pursuant to such Specific Use Permit. Such conditions are not precedent to the granting of a Specific Use Permit, but shall be construed as conditions precedent to the granting of the certificate of occupancy.
- (5) No Specific Use Permit shall be granted unless the applicant, owner, and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the site plan drawings and approved by the City Council.
- (6) A building permit shall be applied for and secured within six months from the time of granting the Specific Use Permit; provided, however, that the City Council may authorize an extension of this time upon recommendation by the Planning and Zoning Commission, except in the case of a private street development, which shall have no limit regarding the application and securing of a building permit. If a building permit has not been secured within six months from the time of granting the Specific Use Permit, or if a building permit has been issued but subsequently allowed to lapse, a City-initiated zoning change will be placed on the agenda of the Planning and Zoning Commission and City Council to consider the revocation of the Specific Use Permit.
- (7) No building, premises, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alterations, or change.
- (8) The board of adjustment shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect

to the granting, extension, revocation, modification or any other action taken relating to such Specific Use Permit.

- (9) When the City Council authorizes granting of a Specific Use Permit, the official zoning district map shall be amended according to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approved use and suffixed by an "S" designation.
- (10) A Specific Use Permit issued by the City shall be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property, and Subsection (5) of this Section shall be applicable to the new owner or occupant of the property. However, a Specific Use Permit issued for a private club shall not be considered a property right but a personal privilege of the permit holder in accordance with the Texas Alcoholic Beverage Code, and thus shall not be transferable or assignable from one owner or owners of the permitted property to a new owner or occupant of the permitted property."

### **SECTION 3. PENALTY**

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Farmersville, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

### **SECTION 4. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

### **SECTION 5. REPEALER**

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

### **SECTION 6. PUBLICATION**

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

**SECTION 7. ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

**SECTION 8. SAVINGS**

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 9. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

**PASSED** on first reading on the 11<sup>th</sup> day of June, 2013, and second reading on the 25<sup>th</sup> day of June, 2013, at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

**APPROVED THIS 25<sup>th</sup> day of June, 2013.**

**APPROVED:**

BY: \_\_\_\_\_  
Joseph E. Helmberger, P.E., Mayor

**ATTEST:**

\_\_\_\_\_  
Edie Sims, City Secretary



TO: Planning and Zoning Commission

FROM: Edie Sims, City Secretary

DATE: May 20, 2013

SUBJECT: Public Hearing to consider, discuss and act upon amending the Sign Ordinance regarding electronic messaging center signs

- An Ordinance is presented for review

**ACTION:**

- a) Open the Public Hearing and call the time.**
- b) Ask for anyone to come forward and speak who is FOR the Sign Ordinance amendment .**
- c) Ask for anyone to come forward and speak who OPPOSES the Sign Ordinance amendment.**
- d) Close the Public Hearing and call the time.**
- e) Commission to discuss the matter and make recommendation to the City Council for final approval.**

**CITY OF FARMERSVILLE  
ORDINANCE O-2013-0611-001**

**AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 56, "SIGNS AND ADVERTISING," BY THE AMENDMENT OF SECTION 31, ENTITLED "DEFINITIONS; SIGN REGULATIONS AND REQUIREMENTS," BY DELETING THE EXISTING DEFINITION, REGULATIONS AND REQUIREMENTS OF AN "ELECTRONIC MESSAGE CENTER" IN ITS ENTIRETY AND REPLACING SAID DEFINITION, REGULATIONS AND REQUIREMENTS WITH A NEW DEFINITION, REGULATIONS AND REQUIREMENTS FOR AN "ELECTRONIC MESSAGE CENTER"; REPEALING ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR NOTICE AND IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City desires to promote growth and business opportunities in Farmersville; and

**WHEREAS**, the City Council of the City of Farmersville, Texas finds that all prerequisites to the adoption of this Ordinance have been met; and

**WHEREAS**, the City Council of the City of Farmersville, Texas finds that it is in the best interest of the public health, safety and welfare to amend the Sign Ordinance regarding Electronic Message Center signs;

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

**SECTION 1. INCORPORATION OF FINDINGS**

All of the above premises are hereby found to be true and correct legislative and factual determinations of the City of Farmersville and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2. AMENDMENT OF CHAPTER 56, "SIGNS AND ADVERTISING," BY THE AMENDMENT OF SECTION 31, "DEFINITIONS; SIGN REGULATIONS AND REQUIREMENTS"**

From and after the effective date of this Ordinance, Section 56-31, entitled "Definitions; Sign Regulations and Requirements," is hereby amended by deleting the existing definition, regulations and requirements of an "Electronic Message Center" in its entirety and replacing it with a new definition, regulations and requirements for an "Electronic Message Center" to read as follows:

*"Electronic message center* means any sign composed of lights, LEDs, or other form of illumination that displays a message or picture. An electronic message center is usually secondary to and part of the sign area of a larger freestanding sign for which a sign permit is required. Electronic message center signs shall be permitted subject to the

applicable provisions within the zoning districts in which the sign is located as well as the following additional requirements:

- (1) An electronic message center sign shall not exceed 50 square feet in area. If an electronic message center is secondary to, incorporated into, or a component part of another type of sign, the fact that an electronic message center sign is so included shall not act to permit the type of sign of which it is a part to be enlarged beyond the dimensions and sign area allowed for the other type of sign. For example, the incorporation of an electronic message center into a "projecting sign," defined herein-below, shall not act to increase the allowable maximum area of a projecting sign beyond 12 square feet.
- (2) Electronic message center signs shall display static images for a period of at least eight seconds. Electronic message signs shall not be animated, flash, travel, blink or fade. Electronic message signs may scroll from one image to the next image provided that the scrolling process is completed within two seconds and provided further that the images scrolled from and to remain static for a period of at least eight seconds. Otherwise, electronic message signs shall transition instantaneously from one static image to another static image. Rotary beacon lights, flashing lights, strobe lights, or similar devices shall not be attached to, nor be incorporated in, any sign.
- (3) An electronic message center sign shall not exceed a brightness level of 0.3 foot-candles above ambient light as measured by the guidelines below:
  - a. At least 30 minutes past sunset, use a foot-candle meter to record the ambient light reading for the area. This reading is performed while the electronic message center sign is off or displaying all black copy.
  - b. Take a reading using foot-candle meter at five feet above grade and 45 feet from the electronic message center sign.
  - c. The meter shall be aimed directly at the electronic message center sign.
  - d. Turn the electronic message center sign on and illuminate entirely in white or red.
  - e. Take a reading using a meter at five feet above grade and 45 feet from the electronic message center sign.
  - f. The meter shall be aimed directly at the electronic message center sign.
  - g. If the difference between the two readings taken above is 0.3 foot-candles or lower, then the electronic message center sign is in compliance. If the result is greater than 0.3 foot-candles, the electronic message center sign is out of compliance and must be

adjusted to meet standards or turned off until compliance can be met.

h. All measurements shall be taken in foot-candles.

(4) Letters shall be no less than 4 inches in height.

(5) Exception: Temporary signs required by government agencies for road and street repairs, public notifications, traffic control and similar activities.

(6) In all zoning districts, electronic message center signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.

(7) Electronic message center signs have previously been prohibited in the City of Farmersville, Texas. Notwithstanding that prohibition, a few electronic message signs have been installed with or without permits. Electronic message signs that have been in continuous use for at least six months prior to the adoption of this ordinance will be considered a lawful nonconforming sign, and may continue to be used for their current purpose and in their current dimensions only.

(8) Any change, upgrade, or retrofit of the previously existing electronic message center sign and/or sign cabinet shall require full compliance with the requirements of this provision.

### **SECTION 3. CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

### **SECTION 4. SAVINGS**

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 5. SEVERABILITY**

It is hereby declared to be the intention of the City Council of the City of Farmersville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by valid judgment or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining

phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6. GOVERNMENTAL IMMUNITY**

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Farmersville in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

**SECTION 7. INJUNCTIONS**

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Farmersville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Farmersville.

**SECTION 8. ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

**SECTION 9. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

**PASSED** on first reading on the 28<sup>th</sup> day of May, 2013, and the second reading on the 11<sup>th</sup> of June, 2013, at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

**APPROVED THIS 11<sup>th</sup> DAY OF JUNE, 2013.**

**APPROVED:**

\_\_\_\_\_  
Joseph E. Helmberger, P.E., Mayor

**ATTEST:**

\_\_\_\_\_  
Edie Sims, City Secretary