

ORDINANCE NO. 2006-8

AN ORDINANCE OF THE CITY OF CUMBY, TEXAS, PROVIDING FOR A COMMERCIAL ZONING AREA; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SAVING AND SEVERABILITY CLAUSE; PROVIDING FOR AN EMERGENCY EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

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

SECTION 1: COMMERCIAL ZONING AREA.

The following area of Cumby, Texas is zoned as a Commercial area in accordance with previously established purpose and goals:

Beginning along Interstate 30 in the center of each service road on the north and south of the interstate a distance of 250 feet from the center the entire length of the Cumby city limits.

Thence beginning on the south side of Main Street beginning at 105 East Main Street, west to Depot Street.

Thence beginning at the corner of Depot Street traveling south to Barker Street, west to Mill Street, north to Main Street, and west side of 203 ½ West Main Street.

Thence beginning on the North side of Main Street, beginning at Gin Alley, west to Commerce Street, north to Tarrant Street, and east to Gin Alley, and south to the point of the beginning.

SECTION 2: PENALTY PROVISION. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00), unless the violation related to fire safety, zoning or public health and sanitation, including dumping and refuse, in which the fine shall not exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Cumby from filing suit to enjoin the violation. Cumby retains all legal rights and remedies available to it pursuant to local, state and federal law.


SECTION 3: SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but

such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: SEVERABILITY. Should any section, subsection, sentence, cause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Cumby hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5: DECLARING AN EMERGENCY. Whereas an emergency is apparent for the immediate preservation of order, health, safety, and general welfare of the public, all rules and regulations requiring the reading or Ordinances more than one time on more than one occasion are hereby suspended.

PASSED AND APPROVED THIS 3RD DAY OF OCTOBER, 2006.



Mayor
City of Cumby

ATTEST: