

ORDINANCE NO. 2022-03-14-D

AN ORDINANCE OF THE CITY OF RANGER, TEXAS REGARDING THE DESIGNATION FOR PRESERVATION AND RESTORATION OF BRICK STREETS PRESENTLY EXISTING IN THE CITY LIMITS OF THE CITY OF RANGER, TEXAS.

WHEREAS, the City Commission (the "City Commission") of the City of Ranger, Texas has determined that brick streets within the city limits of the City are historic landmarks in the City and as such are worthy of protection and conservation for future generations, and;

WHEREAS, the City Commission has determined that immediate action to protect and preserve the brick streets is necessary to prevent the further deterioration of the historic brick streets, and;

WHEREAS, through the passage of this Ordinance, the City Commission has determined the terms related to actions that are necessary to protect and preserve the historic brick streets.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS THAT:

SECTION 1. FINDINGS

That the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in its entirety.

SECTION 2. DESIGNATION OF BRICK STREET DISTRICT AND POLICY FOR PRESERVATION AND PROTECTION OF BRICK STREETS

1. It shall be the policy of the City of Ranger, Texas to preserve, protect and restore existing historic brick streets.
2. If previously unidentified, covered brick streets are identified in the future, the City of Ranger City Council will be notified and convened to discuss the possibility of restoring to the original brick.

SECTION 3. AVAILABLE BRICK

Brick streets shall be repaired and restored exclusively by City employees, contractors, or personnel directly hired and/or under the direction and supervision of the City. Should the City 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 Ranger Engineering Standards Manual as approved from time to time by the Public Works Director and the City Commission.

SECTION 4. POLICY AND PLAN FOR REPAIR OF DAMAGE TO EXISTING BRICK STREETS

1. Prior to the effective date of this ordinance, several brick streets located in the City have been repaired by patching the brick streets with asphalt and other materials.
2. 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 address all pavement patches in brick 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.

SECTION 5. 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 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 streets, in which case the City 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 6. PROHIBITED ACTIVITIES

After the effective date of this ordinance, it shall be the policy of the City 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 City shall have applied to it asphalt or any other materials which covers or partially covers the surface of any brick streets.
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 City except in accordance with the terms of this ordinance.

SECTION 7. 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 City, 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 Commission of the City identified in the City of Ranger Engineering Standards Manual and approved in writing by the Public Works Director of the City. 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 8. ENFORCEMENT

1. **PUBLIC WORKS DIRECTOR:** The Public Works Director of the City 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.
2. **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. REPEAL

All ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed to the extent of such conflict.

SECTION 10. SEVERABILITY

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect notwithstanding the validity of any part.

SECTION 11. PROPER NOTICE AND OPEN MEETINGS ACT

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required and that public notice, place, and

purpose of said meeting was given as required by the open meetings act, chapter 551, Texas Government Code.

SECTION 12. EFFECTIVE DATE

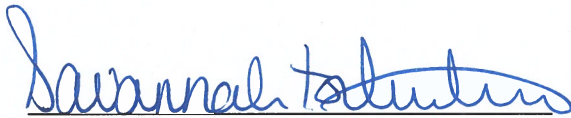
This Ordinance shall be in full force and take effect upon its passage and publication as provided by law, and it is so ordained.

FIRST READING PASSED AN APPROVED, this 28th day of February, 2022.

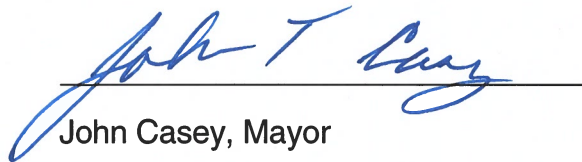
SECOND READING PASSED AN ADOPTED, this 14th day of March, 2022.

Attest:

THE CITY OF RANGER, TEXAS



Savannah Fortenberry, City Secretary



John Casey, Mayor

