

AGENDA
BENBROOK CITY COUNCIL
THURSDAY, JANUARY 6, 2022
911 WINSOTT ROAD, BENBROOK, TEXAS
PRE-COUNCIL WORKSESSION 7:15 P.M.
Review and discuss agenda items for regular meeting.
REGULAR MEETING 7:30 P.M.
COUNCIL CHAMBERS
ALL AGENDA ITEMS ARE SUBJECT TO FINAL ACTION

I. CALL TO ORDER

II. INVOCATION

Invocation To Be Given By Pastor Matt Kendrick With Redemption City Church

PLEDGE OF ALLEGIANCE

III. CITIZEN COMMENTS ON ANY AGENDA ITEM (Citizen Comments Are Limited To 3 Minutes)

IV. MINUTES

1. Approve Minutes Of The Regular Meeting Held December 16, 2021

Documents:

[CC MINUTES-12-16-21.PDF](#)

V. REPORTS FROM CITY MANAGER

A. GENERAL

G-2547 Adopt Ordinance Amending Title 8-Health And Safety Of The Benbrook Municipal Code (1985), As Amended, By Establishing Chapter 8.06-Portable Storage And Shipping Containers, Regulating The Use Of Portable Storage And Shipping Containers On Any Residential Property, Excluding Multi-Family Developments, Within The City Of Benbrook

Documents:

[G-2547 PORTABLE STORAGE AND SHIPPING CONTAINERS.PDF](#)
[G-2547 POD ORDINANCE.PDF](#)

VI. INFORMAL CITIZEN COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in informal citizen comments. City Council may only make a statement of specific information given in response to the inquiry; recite an existing policy; or request staff place the item on an agenda for a subsequent meeting. The exception to informal comments is that once an election date has been set by City Council comments relative to elections will not be broadcast on the City's cable channel. However, a copy of the tape containing citizens' comments will be available at city hall for review or purchase by interested citizens.

(Citizen comments are limited to 3 minutes)

VII. COUNCIL MEMBER AND STAFF COMMENTS

Pursuant to the Texas Government Code, Chapter 551, Open Meetings, Section 551.0415, announcements from City Councilmembers and City Staff are limited to expressions of thanks; congratulations; condolences; recognition of public officials, employees or citizens; information regarding holiday schedules; reminders of community events or announcements involving an imminent threat to the public health and safety of the municipality that has arisen after the posting of the agenda. No discussion or formal action may be taken on these items at this meeting.

VIII. ADJOURNMENT

WORKSESSION

1. Cyber Security Training
2. Discuss vision and direction of EDC-related projects



**MINUTES
OF THE
MEETING OF THE
BENBROOK CITY COUNCIL
THURSDAY, DECEMBER 16, 2021**

The regular meeting of the Benbrook City Council was held on December 16, 2021 at 7:30 p.m. in the Council Chambers with the following Council members present:

Larry Marshall, Mayor Pro-Tem
Renee Franklin
Dustin Phillips
Gary Addison
Laura Mackey
Keith Tiner

Also Present:

Andy Wayman, City Manager
Jim Hinderaker, Assistant City Manager
Joanna King, City Secretary
Beth Fischer, Deputy City Secretary
Bennett Howell, Public Services Director
Rick Overgaard, Finance Director
Jared DeVries, Management Analyst
Tommy Davis, Fire Chief

Others:

Pastor Seth Wigington
Joanne Marshall
Kent Williams
Phyllis Harkins
Josh Harville
Chad Skinner
Michael Barber

I. CALL TO ORDER

Meeting called to order at 7:30 p. m. by Mayor Pro-Tem Marshall

II. INVOCATION/PLEDGE OF ALEGIANCE

Invocation was given by Pastor Seth Wigington with Restoration Family Church
The Pledge of Allegiance was recited.

III. CITIZEN COMMENTS ON ANY AGENDA ITEM

IV. MINUTES

1. Approve minutes of the regular meeting held December 2, 2021

Motion by Ms. Mackey, seconded by Mr. Tiner to approve the minutes of the regular meeting held December 2, 2021.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Dr. Marshall, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

V. PROCLAMATION/AWARDS/RECOGNITION

1. Receive Planning Excellence Award from the Texas Chapter of the American Planning Association

Jim Hinderaker gave the following report: In 2021, Benbrook again received the Certificate for Planning Excellence from the Texas Chapter of the American Planning Association. This award recognizes municipalities that demonstrate professional planning standards, increase awareness of professional planning, and aide in economic development and community image.

Evaluation criteria include the level of training of Planning Commissioners and professional staff, professional qualifications of the planning staff, breadth and currency of master plan components and completion of other planning related projects.

The goals of the program include:

- Increasing community awareness of the importance of planning,
- Recognizing planning departments which meet certain professional requirements,
- Recognizing planning efforts that have achieved community support,
- Encouraging the funding of professional training for Planning Commissioners and staff, and
- Aiding economic development and community image.

2. Receive DFW Clean Cities Coalition Bronze Fleet Recognition

Bennett Howell gave the following report: The Dallas-Fort Worth (DFW) Clean Cities Coalition works with local fleets to promote practices and decisions to reduce petroleum consumption and improve air quality. DFW was one of the first regions to be designated as part of the Department of Energy Clean Cities initiative in 1995. DFW Clean Cities stakeholders have reduced petroleum use by over 20 million gallons annually by using alternative fuel vehicles, reducing idling and saving fuel through other best practices.

Each year the coalition recognizes public-sector fleets for their efforts to reduce petroleum use and improve air quality as part of its annual Fleet Recognition Awards. This year's winners include nine Gold Level, four Silver Level and nine Bronze Level recipients. To be eligible for the recognition, a city must submit a survey to the North Central Texas Council of Governments (NCTCOG) and the City Council must adopt a Clean Fleet Policy approved by NCTCOG. The survey is then scored based on the following categories: Partnership with the coalition, emissions reduction and fuel consumption reduction.

The City of Benbrook was recognized as a Bronze Level recipient based on reduced fuel consumption, idle reduction policies and fuel economy improvements by replacing the aging fleet with more fuel-efficient vehicles. The recognition includes a certificate and Bronze Fleet stickers that can be placed on City vehicles.

VI. REPORTS FROM CITY MANAGER

A. GENERAL

G-2544 Accept Finance Report for period ending November 30, 2021

Rick Overgaard gave the following report: General Fund revenues for the month of November were \$1,434,884. Major revenues collected for the month include Property taxes of \$848,376, Franchise taxes of \$95,033, Permits of \$28,502, Fines and Forfeitures of \$43,260, Charges for Services of \$85,091, and Other Agency of \$49,122. Sales tax collected and recognized as revenue in November was \$280,571. Fiscal year to date sales tax is \$615,817, an increase of 11.25% over last year at this time. General Fund revenues collected through the end of November were \$2,280,854 and 10.7% of the budget.

General Fund expenditures for the month of November were \$1,576,141. Fiscal year to date expenditures were \$2,725,764 and 12.8% of the adopted budget.

Total General Fund revenues of \$2,280,854 were less than total General Fund expenditures of \$2,725,764 by \$444,910.

Debt Service revenues for the month of November totaled \$53,297 and were all from property tax. There were no expenditures in November. The next debt service payments will occur in February 2022.

EDC revenues through November 30, 2021, were \$310,816. EDC expenditures through the end of November were \$64,137. Total revenues exceeded total expenditures by \$246,679.

Total revenues received through November 30, 2021 were \$152,592 from stormwater utility fees, mineral lease revenue, and interest earnings. Total expenditures for the Capital Projects Fund were \$36,496 through the end of November. Total revenues exceeded total expenditures by \$116,096. Sufficient funds are available in the current fund balances of the Capital Projects Fund. This fund operates on a project basis rather than a specific fiscal year.

On November 30, 2021, the City had \$44,752,769 invested at varying interest rates; the EDC had \$5,398,165 available.

Motion by Mr. Phillips, seconded by Ms. Mackey to accept the finance report for the period ending November 30, 2021.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Dr. Marshall, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

G-2545 Make appointments to Boards and Commissions

Joanna King gave the following report: The odd numbered positions on the City's various Boards and Commissions will expire on December 30, 2021. There is also a one-year unexpired vacancy in Alternate D on the Zoning Board of Adjustments/Appeals Commission. That term will expire December 30, 2022.

City Council received applications at their November 18, 2021 meeting and conducted interviews with those candidates on December 6 and December 7, 2021.

Staff recommends City Council make appointments to the expiring terms on the various Boards and Commissions for a term to begin December 31, 2021 and expiring December 30, 2023. Staff also recommends City Council determine if an appointment will be made to the vacant position on the ZBA/Appeals Commission.

Motion by Ms. Franklin, seconded by Mr. Addison to make the following appointments for a term beginning December 31, 2021 and to expire December 30, 2023:

Planning and Zoning Commission

Place 1 David Ramsey
Place 3 Alfredo Valverde
Place 5 Matthew Wallis
Place 7 Beth Bodine-Jones
Place 9 Damon Farrar

ZBA/Appeals Commission

Place 1 Wes Myers
Place 3 Joshua Hayes
Place 5 Liz Sowell
Alternate A Joshua Harville
Alternate C Kristina West
Alternate D to remain vacant

Parks & Recreation Board

Place 1 Chad Skinner
Place 3 Tammy Fulcher
Place 5 Donna Smith
Place 7 John Adelman

Economic Development Corp.

Place 1 Gary Lindsay
Place 3 Michael Howard
Place 5 Kent Williams
Place 7 Omar Aguilar

Tax Increment Finance Zone

Place 1 Dr. Larry Marshall
Place 3 Jim Hinderaker

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Dr. Marshall, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

G-2546 Adopt Resolution authorizing participation with the State of Texas in the Global Opioid Settlement and approving the Texas Term Sheet

Jared DeVries gave the following report: The State of Texas and its communities have been harmed by the epidemic caused by opioid abuse and distribution. In response, the State of Texas and other political subdivisions have engaged in litigation seeking to hold those entities in the supply chain accountable.

On May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions, entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet approving the allocation of settlement funds within the State of Texas.

The proposed Resolution authorizes the City of Benbrook to participate in the opioid settlement.

The City is expected to receive approximately \$44,000. This settlement amount will be used by the Benbrook Police Department to mitigate the harms caused by the opioid crisis.

Motion by Mr. Tiner, seconded by Mr. Phillips to adopt Resolution No. 2021-12 authorizing participation in the settlement.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Dr. Marshall, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

Resolution No. 2021-12 being **“A RESOLUTION OF THE BENBROOK CITY COUNCIL AUTHORIZING PARTICIPATION WITH THE STATE OF TEXAS, THROUGH THE OFFICE OF THE ATTORNEY GENERAL, IN THE GLOBAL OPIOID SETTLEMENT AND APPROVING THE TEXAS TERM SHEET REGARDING SAME; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL**

NECESSARY DOCUMENTS IN CONNECTION WITH THE ABOVE ON BEHALF OF THE CITY OF BENBROOK; AND PROVIDING AN EFFECTIVE DATE.”

G-2547 Adopt Ordinance readopting Tax Abatement Guidelines and Criteria

Jim Hinderaker gave the following report: Chapter 312 of the Texas Tax Code enables the City of Benbrook to enter into a tax abatement agreement with an owner of taxable property located in a reinvestment zone if the City has adopted guidelines and criteria. In addition, the City must readopt these guidelines and criteria every two years.

Staff does not recommend any changes to the guidelines previously adopted by the City Council. The proposed ordinance continues to provide the option to negotiate tax abatements for new or expanded manufacturing facilities with more than \$3,000,000 in new investment, or ten or more new employees. The guidelines also allow for tax abatements for new hotels with more than 50 rooms.

Tax abatement agreements are limited to ten years in length and a maximum of 100 percent of the new appraised value. Businesses are still responsible for taxes on the pre-improved value of the property. Tax abatements are not allowed within the TIF District boundaries. Although the City has had guidelines for tax abatement agreements since 1992, the City has never granted a tax abatement. However, having the abatement policy provides an opportunity to attract commercial and industrial developments.

Motion by Ms. Franklin, seconded by Ms. Mackey to adopt Ordinance No, 1476 readopting the guidelines and criteria for tax abatement agreements.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Dr. Marshall, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

Ordinance No. 1476 being **“AN ORDINANCE READOPTING CHAPTER 3.20 (TAX ABATEMENT AGREEMENTS) OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, READOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT AGREEMENTS AND DESIGNATION OF REINVESTMENT ZONES, DEFINING QUALIFYING FACILITIES, ESTABLISHING THE TERM AND LIMITS OF ABATEMENT, REQUIRING AN APPLICATION, DELEGATING ADMINISTRATIVE AND NEGOTIATION; PROVIDING FOR ENFORCEMENT AND PENALTIES, PROVIDING FOR VARIANCES AND EXPIRATION; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.”**

**SECTION 3
PUBLICATION AND EFFECTIVE DATE**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

The City Secretary of the City of Benbrook is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance records of the City.

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

B. CONTRACT

**C-346 Approve Tarrant County Emergency Services District #1
Fire/EMS Services Contract**

Tommy Davis gave the following report: For a number of years, Tarrant County has engaged (via contract) the Benbrook Fire Department to provide fire and EMS services to portions of unincorporated Tarrant County (exhibit).

The City last renewed the annual fire and EMS services agreement with Tarrant County in October of 2020.

Contract continuation is beneficial to Benbrook for the following reasons:

- The 2021/22 rate of compensation (\$134,000) compensates the City for services rendered.
- The provision of the County provided tanker and brush truck precludes the purchase of this apparatus by Benbrook citizens.
- The 2021/22 rate of compensation from points is estimated to be \$260,000.
- The 2021/22 contract includes a grant from the district of \$25,000 for the purchase and replacement of firefighting equipment.
- The total cash reimbursement from Tarrant County to the City would be approximately \$419,000.

- Through a separate contract, Tarrant County ESD is also funding the purchase of a new ambulance (\$550,000).

As is standard for Tarrant County, they did not provide new contracts until after the new fiscal year began. The term of this contract is for one year, from October 1, 2021 to September 30, 2022.

Motion by Ms. Mackey, seconded by Mr. Tiner to approve the contract for fire and EMS services for the assigned area of Tarrant County Emergency Services District #1 for fiscal year 2021/22.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Dr. Marshall, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

C-347 Approve Tarrant County contract for replacement of ambulance and associated equipment

Tommy Davis gave the following report: For a number of years, Tarrant County has engaged (via contract) the Benbrook Fire Department to provide fire and EMS services to portions of unincorporated Tarrant County.

On August 24, 2021, the Tarrant County Commissioner's Court approved an Interlocal Agreement between the Tarrant County Emergency Services District (ESD) and Tarrant County ("COUNTY") allocating initial program funding to the ESD through the American Rescue Plan Act ("ARPA"). Funds allotted to the ESD are designated for use to aid and support municipal and volunteer emergency services providers that serve Tarrant County's unincorporated areas by meeting equipment replacement needs, personal protective equipment, and related expenses.

The Agreement will enable the City to purchase a new ambulance (replacing the City's 2014 model year ambulance), cardiac monitor, Lucas compression device, patient stretcher, and all necessary supplies and equipment fitted in every ambulance utilizing Tarrant County ESD ARPA funds for an amount not to exceed \$550,000.

The Agreement is the first of four agreements programed with the ESD for the replacement of four ambulances in the Benbrook Fire Department's fleet. Funding within the agreements is scheduled to increase by 6 percent each year to cover manufacturer cost increases.

Motion by Mr. Tiner, seconded by Ms. Franklin to approve the contract with Tarrant County Emergency Services District #1 for reimbursement of up to \$550,000 toward the replacement of an ambulance and all associated equipment.

Vote on the Motion

Ayes: Ms. Franklin, Mr. Phillips, Dr. Marshall, Mr. Addison, Ms. Mackey, Mr. Tiner

Noes: None

Motion carried unanimously.

VII. INFORMAL CITIZEN COMMENTS

Phyllis Harkins expressed appreciation to the City Council for providing the Christmas tree and decoration displays for the enjoyment of its citizens.

VIII. COUNCIL MEMBER AND STAFF COMMENTS

IX. ADJOURNMENT

Meeting adjourned at 7:58 p.m.

APPROVED:

Jason Ward, Mayor

ATTEST:

Joanna King, City Secretary



City of Benbrook

CITY COUNCIL COMMUNICATION

DATE: 01/06/2022	REFERENCE NUMBER: G-2547	SUBJECT: Adopt Ordinance amending Title 8-Health and Safety of the Benbrook Municipal Code (1985), as amended, by establishing Chapter 8.06-Portable Storage and Shipping Containers, regulating the use of portable storage and shipping containers on any residential property, excluding multi-family developments, within the City of Benbrook.	PAGE: 1 of 1
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Storage pods and similar containers are utilized to store and transport residential items like furniture, but some residents have begun storing the pods/containers on-property for extended periods of time. The proposed ordinance establishes regulations restricting the use of portable storage and shipping containers on residential properties, excluding multi-family developments. These regulations protect residential neighborhoods from unsightly conditions that threaten the enjoyment, harmony and value of surrounding properties.

Key elements of the ordinance include:

- Applies to any residential property except multi-family residential developments
- Provides for definitions of a portable storage container and a shipping container
- Requires a container to be in good condition and free from rodents, insects and graffiti
- Limits use of a container to no more than seven days, up to three times per year
- A container may not be placed in a road right-of-way, an access easement or sidewalk, or block visibility of the same
- A container may only be placed on a driveway or other approved surface
- A container may not exceed 1,280 square feet (volume) with the width, height and length not to exceed 8 feet x 8 feet x 20 feet, respectfully
- A container may not be used as an accessory building, storage building, or living unit
- Establishes penalty for non-compliance

A container may be placed on private property by right without a permit or other review from the City staff provided the requirements of the ordinance are met.

RECOMMENDATION

Staff recommends the City Council adopt the proposed ordinance amending Title 8 – Health and Safety of the Benbrook Municipal Code.

SUBMITTED BY: CITY MANAGER	DISPOSITION BY COUNCIL: <input type="checkbox"/> APPROVED <input type="checkbox"/> OTHER (DESCRIBE)	PROCESSED BY: CITY SECRETARY DATE:
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ORDINANCE NO. 1477

AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 8 – HEALTH AND SAFETY OF THE BENBROOK MUNICIPAL CODE, AS AMENDED, BY ESTABLISHING CHAPTER 8.06 – PORTABLE STORAGE AND SHIPPING CONTAINERS OF THE BENBROOK MUNICIPAL CODE; BY ESTABLISHING AN APPLICABILITY SECTION, DEFINITION SECTION, CONDITION AND MAINTENANCE SECTION, PLACEMENT AND DURATION OF USE SECTION, DIMENSIONAL LIMITATIONS SECTION, AND OTHER USES SECTION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Benbrook (the “City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 211 of the Local Government Code authorizes municipalities to regulate land use, structures, businesses, and related activities within its corporate limits for the purpose of promoting the public health, safety, and general welfare of the community and protecting and preserving places and areas of historical, cultural, and architectural importance and significance; and

WHEREAS, the unregulated use of portable storage and shipping containers on residential property produces unsightly conditions that threatens the enjoyment, harmony and value of surrounding property; and

WHEREAS, portable storage and shipping containers are not designed or intended for long term storage use and the use for such purposes to store combustible materials poses an increased risk of fire; and

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public.

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

SECTION 1

That Chapter 8.06 – PORTABLE STORAGE AND SHIPPING CONTAINERS of Title 8 – Health and Safety of the Benbrook Municipal Code, as amended, is hereby established to provide the following:

CHAPTER 8.06 – PORTABLE STORAGE AND SHIPPING CONTAINERS

8.06.010 - APPLICABILITY

The provisions of this chapter shall only apply to the use of a portable storage or shipping container (container) on any residential property, excluding multi-family developments, within the City of Benbrook.

8.06.020 - DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings described in this chapter. Where terms are not defined in this chapter, and are defined in other adopted ordinances, such terms shall have the meaning as described to them as in those ordinances. Where terms are not defined through the methods authorized by this chapter, such terms shall have ordinarily accepted meanings as the context implies.

- A. "Portable storage container" is a container, usually of metal or metal-framed construction, designed and used for the storage of personal or business property of a non-hazardous nature that can be moved from location to location. Containers are typically rented or leased to owners or occupants of property for their temporary use and are typically delivered and removed by truck. Sample proprietary portable storage container companies include PODS, PACK-RAT, UPack and SMARTBOX.
- B. "Shipping container" is an industrial container with a design strength suitable to withstand continuous shipment, storage, and handling for the movement of goods and products, in repetition, from one place to the next by ship, rail or truck.

8.06.030 - CONDITION AND MAINTENANCE

A container shall be delivered and maintained in good condition, free from rodents, insects, rust, graffiti, and obscene words or pictures. It shall be the responsibility of the property owner or occupant and the supplying company to maintain each container in accordance with the provisions of this chapter.

8.06.040 - PLACEMENT AND DURATION OF USE

A container may be placed on a driveway or other approved pavement for a period **not to exceed seven days**, provided the container is not located within or blocking any public right-of-way or access easement, public sidewalk, or impairing traffic visibility. A container may not be placed on the same property more than three non-consecutive times in a one-year period.

8.06.050 - DIMENSIONAL LIMITATIONS

The maximum allowable area of a container by volume may not exceed 1,280 square feet with the width, height and length not to exceed 8 feet x 8 feet x 20 feet, respectfully.

8.06.060 - OTHER USES

No person shall place, use, or permit the use of a container as an accessory building, storage building, or living unit on residential property within the City of Benbrook.

8.06.070 - VIOLATION - PENALTY

An operator, owner, manager, or other person who violates any provisions of this Chapter is guilty of a misdemeanor, and upon conviction is punishable as set forth in Section 1.08.010 for each violation and for each day or part of a day during which the violation is committed, continued, or licensed. Each violation of this Chapter shall constitute a separate offense.

Allegation and evidence of a culpable mental state is not required for proof of an offense defined by this Chapter, except where expressly required by this Chapter.

The provisions herein are cumulative of all other remedies including, but not limited to, abatement, injunctions, and other extraordinary writs. Section 1.08.010 shall govern all penalties for any violation of this Chapter, notwithstanding any language to the contrary contained in any other Section of this Chapter.

SECTION 2 PENALTY CLAUSE

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping of refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 3 CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council 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 shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or Section.

SECTION 5 SAVINGS CLAUSE

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating platting or Zoning 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 6
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 7
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the Ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the Ordinance in the Ordinance records of the City.

**SECTION 8
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause, and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 9
EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after its passage and publication as required by law.

PASSED AND APPROVED this 6th day of January, 2022.

Jason Ward Mayor

ATTEST:

Joanna King, City Secretary