

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING SECTION 40-455 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SIZE REQUIREMENTS FOR NEWSRACKS; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That Subsection (a) of Section 40-455 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) *Size requirements.* Any newsrack requiring a permit under this article shall have a height of not less than 36 inches and not more than 54 inches (excluding the base); a width of not less than 15 inches and not more than 25 inches; and a depth of not less than 12 inches and not more than 21 inches."

Section 2. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 3. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign

this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2007.

APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dept. _____

KO:asw 08/07/2007 Assistant City Attorney

Requested by Dawn R. Ullrich, Director, Convention and Entertainment Facilities Department

L.D. File No. 0190400002002