

**CITY OF HEATH, TEXAS
ORDINANCE NO. 251014B**

AN ORDINANCE OF THE CITY OF HEATH, TEXAS, AMENDING TITLE XV, "LAND USAGE," CHAPTER 158, "SUBDIVISIONS," SECTION 158.33, "EXEMPTIONS AND EXCEPTIONS," IN THE CODE OF ORDINANCES BY ADDING AN EXEMPTION FROM THE APPLICABILITY OF THE CITY'S TREE PRESERVATION ORDINANCE FOR THE NORTH TEXAS MUNICIPAL WATER DISTRICT; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Heath (hereinafter referred to as "City") is a Home Rule Municipality, acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City has adopted as part of its Code of Ordinances provisions governing tree preservation in the City, which ordinances are codified at §§ 158.35 through 158.48 of the City's Code of Ordinances; and

WHEREAS, the City wishes to clarify that the exemptions contained in § 158.44 of its tree preservation ordinances to include the North Texas Municipal Water District.

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

Section 1. Findings. The above and foregoing findings are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment to Section 158.44. That the Code of Ordinances, City of Heath, Texas, is hereby amended by adding subpart (A)(5) to § 158.44 of the City's Code of Ordinances as follows:

§ 158.44 EXEMPTIONS AND EXCEPTIONS

(A) *Exemptions*. This subchapter does not apply to:

* * *

(5) *North Texas Municipal Water District*. All property owned by the North Texas Municipal Water District, including easements, for the purpose of fulfilling the District's duties.

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 All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance.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, clause, 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. Heath hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, 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. Effective Date; Publication. This Ordinance shall take effect immediately from and after its passage and its publication if the law and Charter of the City in such cases provides.

Section 6. Open Meetings. It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

PASSED AND APPROVED by the City Council of the City of Heath, Texas, on this the 28th day of August 2025.

CITY OF HEATH, TEXAS:


Jeremiah McClure, Mayor

ATTEST:


Norma Duncan, City Secretary

APPROVED AS TO FORM:


Marie Johnson, Assistant City Attorney