



Maya Sanchez
Mayor

Leticia Miranda
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David Cantu
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ORDINANCE No. 1815.13

LANDSCAPE ORDINANCE

AN ORDINANCE ENACTING THE “LANDSCAPE ORDINANCE” FOR THE CITY OF SAN ELIZARIO; PROVIDING FOR THE FOLLOWING: LANDSCAPE REQUIREMENTS; TREE PRESERVATION; WATER CONSERVATION REQUIREMENTS; ENFORCEMENT; CRIMINAL PENALTIES NOT TO EXCEED \$2,000 AND CIVIL PENALTIES; AND AN EFFECTIVE DATE

WHEREAS, the City Council (“City Council”) of the City of San Elizario (“City”) seeks to improve the community through long-term environmental care and stewardship; and

WHEREAS, the Council finds that to protect, preserve, and promote nature in the City, in turn, protects the public health, safety, and welfare of the community’s residents; and

WHEREAS, the Council seeks to attract residents and retain business by ensuring the City’s atmosphere includes attractive landscaping and the comfort of native shade trees; and

WHEREAS, the Council has determined that landscaping preserves erosive slopes, reduces surface water runoff, provides for native habitats, and provides privacy thus ensuring and sustaining a healthy environment; and

WHEREAS, the Council finds that landscape regulation protects the health, safety, and welfare of the community in an environmentally, historically, geographically, and aesthetically sensitive manner; and

WHEREAS, pursuant to Texas Local Government Code Chapter 212, a municipality may adopt rules governing plats and subdivision of land within the municipality’s jurisdiction to promote the healthy, safety, morals, and general welfare of the municipality and promote healthful development; and

WHEREAS, pursuant to Texas Local Government Code Section 217.002, the City has the authority to adopt ordinances that define, declare, abate, and remove nuisances; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City finds that an ordinance for landscape regulation is for the good government, peace or order of the City and is necessary and proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

ARTICLE I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and are incorporated fully herein.

ARTICLE II. ENACTMENT

The City Council hereby adopts and enacts the “**City of San Elizario Landscape Ordinance**”, contained in *Attachment A*, attached hereto and incorporated fully herein.

ARTICLE III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

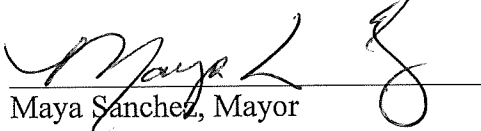
SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

PASSED AND APPROVED this, the 21st day of February, 2018, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Maya Sanchez, Mayor

CITY OF SAN ELIZARIO

LANDSCAPE ORDINANCE

Approved February 27th, 2018

CITY OF SAN ELIZARIO
LANDSCAPE ORDINANCE

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Section 1. Purpose and Scope

(a) Purpose. The purpose of this Ordinance is to improve and protect the public health, safety and welfare by improving the design, quality and character of new development, ensuring that development proposals are sensitive to natural areas and features, ensuring significant canopy shading to reduce glare and heat buildup, encouraging water conservation, enhancing outdoor spaces, reducing erosion and stormwater runoff, and mitigating air pollution.

(b) Scope. This Ordinance applies to all residential and non-residential property within the incorporated city limits for which site plan approval or a building permit is required. This Ordinance applies to actions taken after the date of enactment.

Section 2. Definitions

For the purpose of this Ordinance only, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Buffering means the use of landscaping (other than mere grass on flat terrain), either alone or in conjunction with berms, walls, or decorative fences, that obstructs the view from the street of vehicular use areas, parking lots and their parked cars, and detention and water quality ponds.

Caliper means the diameter of a tree measured four feet, six inches above the natural grade level (DBH). Trees that split into multiple trunks below four feet, six inches shall use the sum of the largest trunk and one-half of the diameter for each additional trunk measured four feet, six inches above the natural grade level to determine the caliper.

Corner lot means a lot which is situated at the junction of two or more streets or of two segments of a curved street, forming an angle of not more than 135 degrees.

Critical root zone means the area within the drip line of a tree.

Decorative ground cover means assorted aggregate materials that are intended to create decorative, pervious, or semi-pervious areas within the landscape. Typical materials used as decorative ground cover include, but are not limited to, decomposed granite, crushed granite gravel, river rock, pea gravel, tumbled glass, and bark mulch. Decorative ground cover shall be shown graphically on landscape plans by a delineated boundary of the area to be covered and an associated call-out that includes the name of the material, depth of material, and the square footage of the area to be covered.

Diameter at breast height (DBH) means the diameter of the tree trunk at 4½ feet above the natural grade level.

Dripline means the periphery of the area underneath a tree which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the tree.

Drought tolerant grasses means grass varieties and mixes that have been developed to minimize, once established, the requirements for the irrigation, mowing, weeding, and fertilizer. The term "drought tolerant grasses" includes species such as Buffalo and Bermuda, but does not include St. Augustine.

Ground cover means a ground cover consisting of live plant material that is low growing and spreading and is generally maintained at a height of six inches to 18 inches and is intended to completely cover the area with no bare earth visible between plants when established.

Landscape area means the area within the boundaries of a given lot or, where applicable, the adjoining street right-of-way, which is devoted to and consist of plant material, including but not limited to grass, trees, shrubs, flowers, vines, and other ground cover, native plant materials, planters, brick, stone, natural forms, water forms, decorative ground cover and other landscape features. It does not include the use of smooth concrete or asphalt.

Landscape berm means a raised earthen barrier separating two areas. Berms shall have a slope not greater than the slope created in three horizontal feet with a one-foot vertical rise (3:1). The surface of the berm that is not planted with trees and shrubs shall be covered with drought tolerant grass, perennial ground cover, vines, woody and herbaceous perennials, and/or mulch.

Lot means the land consisting of one or more legal lot of record or a part of a legal lot being developed as a single development or as a part of a phased development.

New development means new plats, replats, and new subdivisions.

Nonresidential means all uses other than one and two family residences and their customary accessory uses, including, but not limited to, garages, carports, driveways, sidewalks, storage buildings, swimming pools, etc. Multifamily development, such as apartment complexes and condominiums, is considered to be nonresidential for the purposes of this Ordinance.

Owner or landowner means the person or entity who has legal title to the property, or a lessee, agent, employee or other person acting on behalf of the titleholder with authorization to do so.

Pervious means the ability of a substance to allow the passage of water. Pervious areas shall be considered as pervious cover.

Private view means an unobstructed view by the public standing at natural grade level as measured from an adjacent property at a distance of 200 linear feet.

Public view means an unobstructed view by the public standing at natural grade level as measured from public property or right-of-way at a distance of 200 linear feet.

Shrub, large, means a woody ornamental landscape plant whose natural form is generally maintained at a height and spread of more than three feet and is a species that is native or adapted to the West Texas region.

Street yard means the area of a lot which lies between the street right-of-way and the actual front wall line of the building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extension of such front building wall line intersects the side property lines. In determining the actual building wall of the building for the purposes of this definition, steps and unenclosed porches shall be excluded, but such building wall line shall follow and include the irregular indentions of the building. A front building wall is a building wall fronting on a street.

Tree, large, or large tree means any species of tree that typically reaches a height of 40 feet or more upon maturity, is included in the city's list of approved tree species, and is a species that is native or adapted to the West Texas region.

Tree, medium, or medium tree means any species of tree that typically reaches a height of between 25 feet and 40 feet or more upon maturity, is included in the city's list of approved tree species, and is a species that is native or adapted to the West Texas region.

Tree, small, or small tree means any species of tree that typically reaches a height of 12 feet to 25 feet or more upon maturity, is included in the city's list of approved tree species, and is a species that is native or adapted to the West Texas region.

Turf means artificial grass that is used for landscaping in place of natural plant features.

Understory means an underlying layer of vegetation or plants; specifically the vegetative layer or plants and especially the trees and shrubs between the forest canopy and the ground cover.

Xeriscaping means a landscaping technique used to minimize irrigation needs through using various natural features that require little water to survive.

Section 3. Landscape Plan Requirement

(a) Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached dwellings, a landscape plan shall be submitted for approval.

(b) To the extent that it can be obtained and provided, landscaping plans shall contain information as follows:

(1) Minimum scale of one inch equals 50 feet.

(2) Location, size and species of all trees to be preserved indicating trunk diameter measured at 24 inches above ground level.

(3) Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.

- (4) Species of all plant material to be used, including common names.
- (5) Size of all plant material to be used at time of planting.
- (6) Spacing of plant material where appropriate.
- (7) Layout and description of irrigation, sprinkler, or water systems including placement of water sources.
- (8) Description of maintenance provision.
- (9) Persons responsible for the preparation of the landscape plan and contact information.
- (10) North arrow.
- (11) Date of the landscape plan.

*2 commercial
businesses*

*except for minor residential
plats + amended plats.*

(c) Plans for large commercial development and subdivision plats shall require a landscape plan signed and sealed by a Landscape Architect. The architect shall also conduct a tree survey of the area to be landscaped valid for a period of three years.

Section 4. Certificate of Use and Occupancy

(a) Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan. All permits shall be issued in conformance with the provisions of this Ordinance and shall be valid for a period of time not exceeding one year from the date of issuance.

(b) In any case in which a certificate of occupancy is sought at a season of the year in which the code enforcement officer or his/her authorized representative determines that it would be impractical to plant trees, shrubs, grass, or to lay turf, a temporary certificate of occupancy may be issued provided the applicant has proof that a landscape installation company has been retained to install the required landscaping when the planting season is appropriate. Such temporary permit shall be conditioned upon the installation of all landscaping required by the landscaping plan within six months of the date of the approval of the landscape plan.

Section 5. Maintenance

The property owner, tenant or agent, if any, shall be jointly and severally responsible for the maintenance of all required landscaping in a healthy, neat, orderly and live-growing condition at all times (grass may not exceed a maximum height of six inches). This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other

such materials not a part of the landscaping. Plant materials, which die, shall be replaced with plant materials of similar variety and size according to these regulations.

Section 6. Tree Preservation

Preservation of existing trees shall be heavily encouraged whenever possible.

(a) Within the City’s zoning districts, a minimum of ten percent (10%) of existing trees shall be preserved, where they are six or more inches in diameter as measured 24 inches above ground. Trees in each district shall be preserved in accordance with the table below:

Tree Preservation Table

Zoning District	Tree Preservation Required (percent)
SF Single-Family	10 %
MF Multi-Family	10 %
M Manufactured Home	10 %
C-1 Commercial 1	25 %
C-2 Commercial 2	25%
I Industrial	10%
HD Historic Overlay	25%

(b) A tree survey shall be submitted with site plans when a site plan is required. The survey shall include all existing, healthy trees with an 8 inch DBH in diameter or larger, indicating the species of the tree. Distressed trees should be marked with an asterisk. The tree survey shall include photos of existing trees on the site.

(c) A site plan shall also include a tree preservation plan, which includes more extensive information on specific existing trees to be preserved. To determine which trees to preserve, the following should be considered: life expectancy and present age, aesthetic value, comfort, wildlife, health and disease susceptibility, structure, adaptability to the proposed development, survival needs of the tree, and relationship to other trees.

(d) If healthy trees 18 inches in diameter or larger are required to be removed to allow for development, they must be replaced, at a 1:1 ratio. The replacement trees must be a minimum of 1 1/2 caliper. The replacement trees must be one of the species listed in this Ordinance. Replacement trees are in addition to, not in lieu of, any other landscaping features required for screening and buffering.

(e) If it is not feasible to add replacement trees to the site, then the requirement for replacement trees can be satisfied through an impact fee to the City. The fee will be applied toward the costs

of planting replacement trees in a separate location. Such fee is set at \$150 / per caliper inch / \$6,000 / acre.

(f) During construction, trees must be protected with fencing, shielding, and/or signage, as necessary.

Section 7. General Standards

(a) Landscapes and screening buffer.

(1) Nonresidential uses. When a nonresidential use is located adjacent to any residential zoning district, a ten-foot-wide landscape buffer strip shall be provided by the owner, developer or operator of the nonresidential use property between such nonresidential use and the adjacent residentially zoned property. In addition, a screening fence or wall shall be erected along the property line to provide visual screening. The screening fence or wall required herein shall be a minimum of six feet in height and must be constructed of a continuously solid material. No less than one tree shall be planted and maintained for each 25 linear feet or portion of said landscape buffer strip.

(2) Multifamily residential use. When any townhouses, condominiums, apartments or other multiple-family dwellings are established on a lot adjacent to any property located in a single-family district, a ten-foot-wide landscape buffer strip shall be provided by the owner, developer or operator of the multifamily residential use property between such use and the adjacent single-family zoned property. Not less than one tree shall be planted and maintained for every 40 linear feet of said landscape buffer strip.

(b) Street landscape setback.

(1) In any commercially zoned district, a ten-foot landscape setback shall be provided along the entire boundary of the lot that abuts a public street, exclusive of driveways and access ways at points of ingress and egress to and from the lot.

(2) No portion of the required landscape setback shall be located within the street right-of-way.

(c) Equipment screening.

(1) Roof-mounted equipment or other permanent fixtures that rise above the roof line or are visible from the adjacent property or public right-of-way shall either be housed in an enclosed building of the same character as the primary structure or they must be completely screened from a horizontal plane of view. Developments in a single-family district are exempt from this restriction.

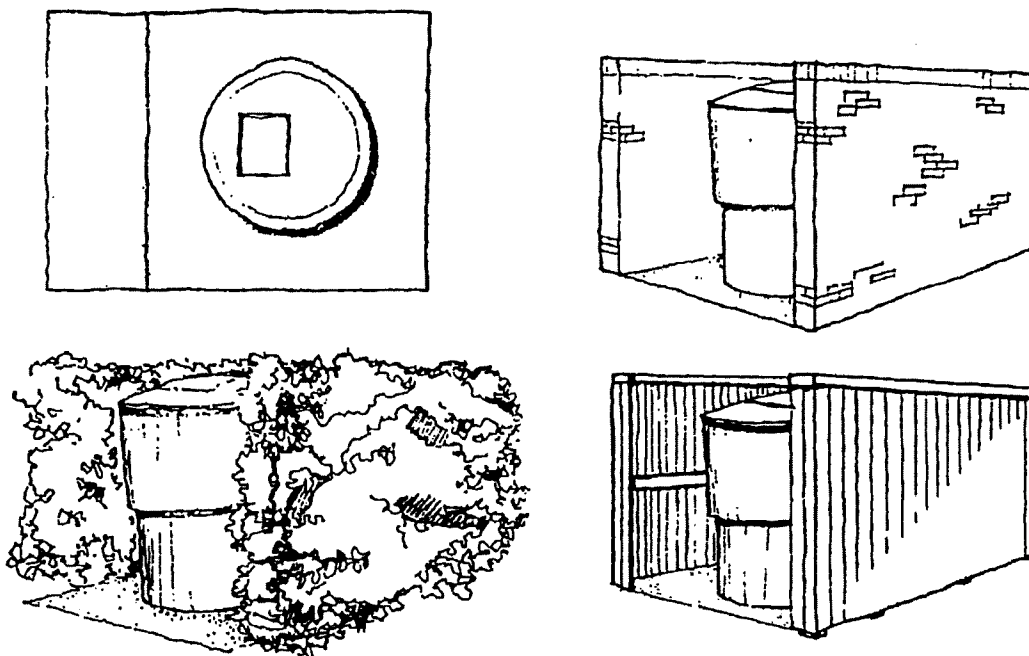
(2) In all multifamily developments, mechanical equipment, air conditioning equipment, utility boxes and banks of meters shall either be located so as not to be seen from a public

right-of-way or any abutting single-family district, or they must be screened to a maximum height of six feet. Such screening shall include a solid fence, wall or plant material that creates a maximum six-foot high visual barrier.

(d) No equipment, fencing or walls are permitted within any landscape buffer yard, street landscape setback or any designated landscape islands or areas.

(e) Trash containers and storage areas for refuse or materials awaiting disposal or recycling shall be visually screened by an opaque screening fence or wall not less than six feet in height on all sides, except when one side is adjacent to an alley or easement used for garbage pickup services, no screening fence shall be required on that side. Examples of appropriate screening are depicted below.

Refuse Storage Screening Examples



Section 8. Landscape Requirements

(a) The landscape requirements for zoning districts in the City are as depicted in the table below:

Landscape Requirements

DISTRICT	TREES	SHRUB OR UNDERSTORY TREE	STREET FRONT
SF	4* recommended	N/A	2 trees
M	4* recommended	N/A	2 trees
C-1	1 per 750 square feet	1 or 2	1 per 25 feet, 10 per 500 sf of floor area
C-2 & HD	1 per 500 square feet	1	1 per 25 feet, 10 per 500 sf of floor area
I	1 per 1,500 square feet	1 or 2	1 per 25 feet, 5 per 1,500 sf of floor area

(b) In single-family districts, any newly planted tree must be a desert species, and shall be planted in a pervious area no less than three feet wide in any direction.

(c) Existing trees may be counted as part of the landscape requirements. For example, if twenty-five percent (25%) of trees required to be preserved for a commercial lot are located in the rear yard of a lot in a commercial district, these existing trees may be counted toward meeting the one tree required per 500 square feet of floor area. However, trees that are preserved but not located in the street frontage may not count towards the street tree requirement.

Section 9. Plant List

The following plants are recommended for use in the city. Other plant materials may be substituted if approved by the code enforcement officer or his/her authorized representative.

- (a) Large Trees
 - (1) Palo Verde “Desert Museum”
 - (2) Desert Willow
 - (3) Littleleaf Ash
 - (4) Honey Mesquite
 - (5) Mexican Blue Oak
 - (6) Excarpment Live Oak
 - (7) Western Sobjerry

- (b) Shrubs
 - (1) Woolly Butterfly Bush
 - (2) Fairy Duster
 - (3) Black Dalea
 - (4) Texas Sage/ Ranger
 - (5) Evergreen Sumac
 - (6) Yellow Bells
 - (7) Arizona Rosewood

- (c) Ground Cover
 - (1) Centennial Coyote Bush
 - (2) Orange Zexmenia
 - (3) Trailing Yellow Dalea
 - (4) Muhly Grass “Regal Mist”

- (d) Vines
 - (1) Coral Vine
 - (2) Western Virgin’s Bower
 - (3) Virginia Creeper
 - (4) Silver Lace Vine

- (e) Flowers
 - (1) Desert Marigold
 - (2) Chocolate Daisy
 - (3) Damianita
 - (4) Gazania
 - (5) “New Gold” Lantana
 - (6) Blackfood Daisy
 - (7) Penstemon

- (f) Turf
 - (1) Common Bermuda
 - (2) Buffalograss
 - (3) Zoysia grasses

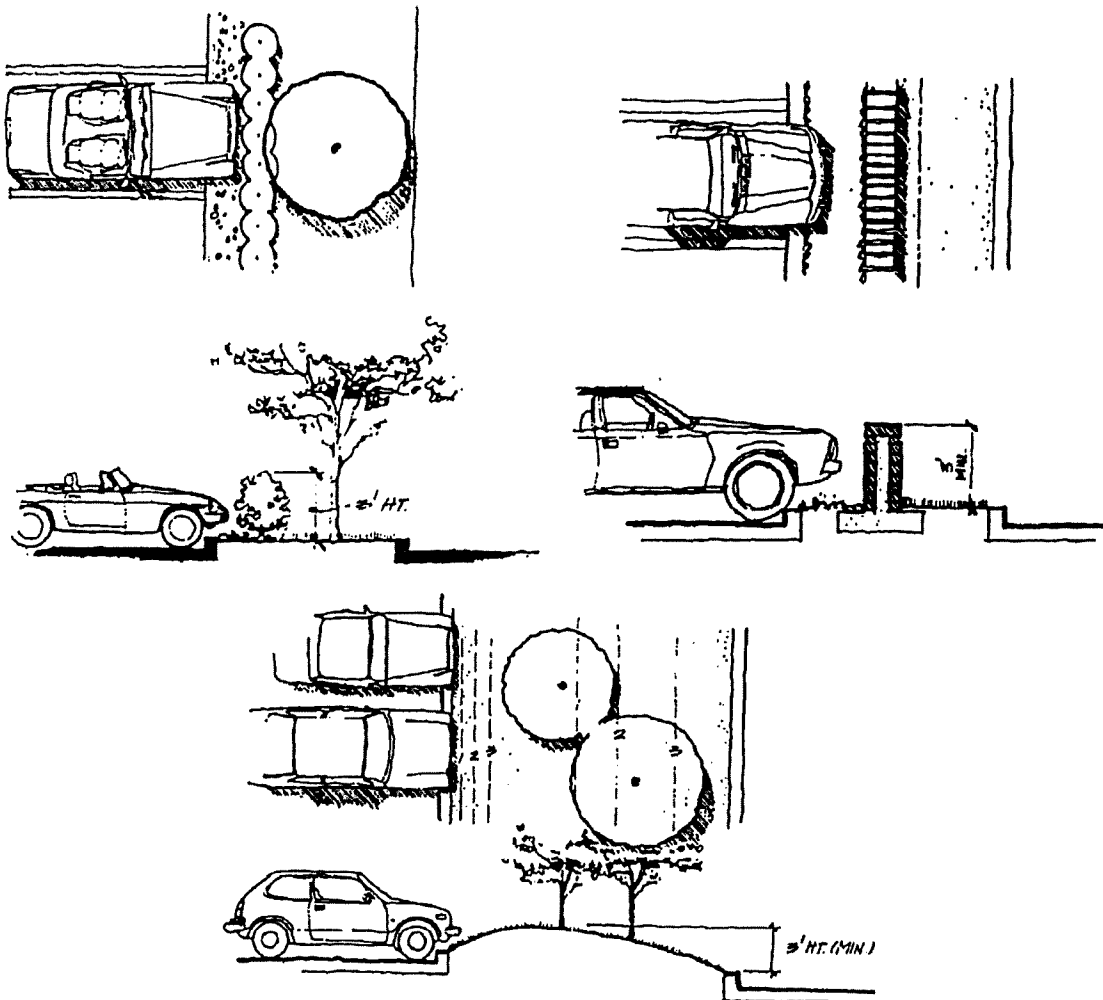
Section 10. Streetscape Requirement

- (a) Parking lot landscaping.
 - (1) Trees or shrubs shall be provided at a ratio of one per 40 linear feet along a side lot line, parking setback area. They may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. However, no parking space should be located further than 50 feet of a tree or shrub or landscaped median. Islands must be a minimum of 8 feet wide. The minimum total area in landscaped islands, peninsulas, or medians in parking lots in front of buildings should be 90

square feet per 12 parking spaces. Perimeter landscaping along a street may be located in and should be integrated with the streetscape in the street right-of-way. All property within 30 feet from public right-of-way should be landscaped except in single-family districts. Trees or shrubs must be located within 20 feet of the right-of-way. Alternative locations may be approved if they are in conflict with existing utilities. Existing plantlife features and plantlife features placed for screening and buffering may count toward this requirement. These features should be located evenly through parking areas, however the location of islands, peninsulas and medians may be adjusted to accommodate existing trees and natural features.

(2) Parking lots with six or more spaces shall be screened from adjacent uses and from the street public right-of-way. Screening from residential uses shall consist of a solid fence or wall six feet in height, in combination with plant material, and of sufficient opacity to block at least 75 percent (75%) of light from vehicle headlights. Screening from the street and all nonresidential uses shall consist of a wall, fence, planter, earthen berm, plant material or a combination of such elements, each of which shall have a minimum height of three feet. Such screening shall extend a minimum of 70 percent (70%) of the length of the street frontage of the parking lot and also 70 percent (70%) of the length of any boundary of the parking lot that abuts a nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainageway. Where screening from the street is required, plans submitted for review shall include a graphic depiction of the parking lot screening as seen from the street. Examples of appropriate screening are depicted as follows:

Parking Lot Buffering



(b) Parking lot interior landscaping.

(1) Six percent (6%) of the interior space of all parking lots with less than 100 spaces, and ten percent (10%) of the interior space of all parking lots with 100 spaces or more shall be landscaped areas. Uses located in the industrial park district are exempt from this provision.

(2) Landscape terminal islands (end islands) shall be located at the end of parking modules to allow for turning radii of intersecting aisles to protect parked vehicles, provide for visibility, confine moving traffic to aisles and driveways, and provide space for landscaping.

(3) All parking lot islands, connecting walkways through parking lots and driveways through or to parking lots shall be landscaped according to the following standards:

a. Visibility. To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than 24 inches in height shall be located within ten feet of a curb cut.

b. Maximized area of shading. Landscaped islands shall be evenly distributed to the maximum extent feasible. At a minimum, trees shall be planted at a ratio of at least one understory tree per 150 square feet of internal landscaped area with a landscaped surface of turf, ground cover perennials, or mulched shrub plantings.

c. Landscaped islands. In addition to any pedestrian refuge areas, each landscaped island shall include one or more understory trees, be of length greater than eight feet in its smallest dimension, include at least 80 square feet of ground area per tree to allow for root aeration, and have raised concrete curbs.

(4) Connecting walkways through parking lots shall have one understory tree per 40 linear feet of such walkway planted in landscape areas within five feet of such walkway. Driveways through or to parking lots shall have one understory tree per 40-foot linear feet and along each side of such driveway in landscape areas within ten feet of such driveway.

(5) Parking bays shall extend no more than 15 parking spaces without an intervening tree, landscape island or landscape peninsula.

(6) Parking lot surfacing material and parking lot drainage detention must be applied in accordance with specifications provided by the city.

Section 11. Water Conservation Requirements

(a) Turf grass is prohibited in all parkways, narrow strips of land and sloped areas within new residential or commercial sites for which a building permit is issued unless irrigated with sub-surface irrigation. "Sub-surface irrigation" means a low pressure irrigation system installed below the surface of the ground or mulch, consisting of a water distribution system equipped with pre-installed water emitters that are rated by gallons per hour, and that is suitable for turf grass irrigation.

(b) Turf grass for new residential sites shall not be used for more than fifty percent of the total area to be landscaped (front and back yard).

(c) Turf grass for new commercial sites shall not be used for more than thirty-three and one-third of the total area to be landscaped (front and back yard).

(d) Homebuilders and/or developers subdividing lots and/or constructing new single family residential homes shall offer a xeriscape option in any series of landscaping options offered to prospective home buyers.

- (e) Homebuilders and/or developers who construct model homes for a designated subdivision shall have at least one model home per subdivision landscaped according to a xeriscape design.
- (f) New in-ground irrigation systems shall be zonal irrigation systems.

Section 12. Administration and Enforcement

- (a) The code enforcement officer or his/her authorized representative is hereby empowered to inspect and examine any tract of land and to order, in writing, the remedying of any condition found to exist in violation of any provision of this Ordinance. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct such violation or comply with the order.
- (b) The standards and criteria contained within this Ordinance are deemed to be minimum standards and shall apply to all new, altered, or repaired construction occurring within the municipal boundaries of the city. Additionally, any use requiring a conditional use permit, must comply with these landscape standards. The provisions of this Ordinance for altered or repaired construction shall be administered and enforced by the code enforcement officer or his/her authorized representative or designee.
- (c) If, at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be in nonconformance to the standards and criteria of this Ordinance, the code enforcement officer or his/her authorized representative shall issue notice to the owner, citing the violation and describing what action is required to comply with this Ordinance. The owner, tenant or agent shall have 30 days from the date of said notice to restore the landscaping as required. If the landscaping is not restored within the allotted time, such person shall be in violation of this ordinance.

Section 13. Penalties

Any person violating this ordinance is subject to the following:

- (a) Civil and criminal penalties. The city shall have the power to administer and enforce the provisions of this ordinance and to seek civil and criminal penalties. Any violation of this ordinance is hereby declared to be a nuisance.
- (b) Criminal prosecution. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$500, or \$2,000.00 if related to zoning. Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a misdemeanor.
- (c) Civil remedies. Nothing in this ordinance shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this ordinance, and to seek remedies as allowed by law, including, but not limited to the following:

(1) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and

(2) A civil penalty up to one thousand dollars (\$1,000.00) a day (with each day constituting a separate offense and separate violation) when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and

(3) Other available relief.

(d) Any person violating this ordinance is subject to suit for injunctive relief as well as prosecution for civil and criminal violations.

