

ORDINANCE NO. 194 -A

AN ORDINANCE ESTABLISHING REGULATIONS FOR INSTALLATION OF CULVERTS FOR DRIVEWAYS INTERSECTING WITH CITY STREETS, ADDING TO THE CODE OF ORDINANCES OF THE CITY OF WALLIS, TEXAS, BY PROVIDING FOR THE DIAMETER SIZE OF CULVERTS TO BE INSTALLED AND PROCEDURES FOR PERMITTING AND FEES FOR INSTALLATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

Whereas, in the interest of the health, safety, and welfare of the citizens of the City of Wallis, Texas ("City") and to encourage better street drainage of city streets and drainage ditches; and

Whereas, pursuant to the Texas Transportation Code Chapter 311 a general-law municipality may establish that owners of property pay for materials and the process of installation and permitting to fees for culverts where driveways intersect with city streets; and

Whereas, to assist in the goal of better city street drainage and to assist in reducing blockage of drainage ditches a procedure for permits, fees, and installation of culverts of certain diameters and materials in the City is to be established by ordinance.

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

Section 1. The Code of Ordinances of the City of Wallis, Texas, is hereby amended to add and include regulations related to the general authority of the City over its municipal streets, pursuant to Texas Transportation Code Chapter 311, including sections 311.002 and 311.003, whereby the city determines that it is necessary to install and prevent obstruction or damage to, or encroachment of, a drain, and regulate the grade of land and improvement of a street, and regulate the construction and maintenance of a culvert or crossway in the municipality by providing for the procedure for permitting, fees and installation of culverts for driveways that intersect city streets, to provide as follows:

Section 2. "**Materials.** All driveways that intersect city streets shall have

culverts made of black plastic, or similar materials as determined by the City public works department, at the intersection with the city street, to be installed as provided herein. The minimum diameter of the culvert shall be 15 (fifteen) inches for homeowners' driveways. For all other driveways the permitted diameter shall be determination by the City public works department under the procedure as set herein.

Section 3. Homeowner fees and installation. Unless as otherwise provided herein, the City shall install the culvert for a homeowner's driveway that intersects a city street for the following fees for a culvert length up to 20 (twenty) linear feet:

\$200.00 to set culvert and hold in place

\$400.00 to set culvert and cover with dirt

\$600.00 to set culvert and cover with limestone

\$100.00 inspection fee, setting the grade and one follow up

\$75.00 for second inspection due to failure

All fees shall be paid to the city by the owner of the property prior to installation. For homeowners' driveways longer than 20 linear feet that intersect city streets the City shall charge a fee for installation in an amount that shall be determined on a case-by-case basis depending on the linear feet necessary, and those characteristics to be evaluated by the City public works department for proper installation.

Section 4. Commercial property owner fees and installation. A commercial property owner may request through the City public works department that the City issue a permit for the commercial property owner to install the culvert or request a permit for installation to be performed by a City- approved contractor. The fee for such permit shall be \$25.00.

Section 5. **Driveways intersecting a state highway.** Any driveway that intersects a state highway and not a city street shall not be included in the process of installation of culverts pursuant to this ordinance and the property owner shall abide by the permitting requirements pursuant to the Texas Department of Transportation and any applicable state specifications..

Section 6. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on this 15 day of October 2014.



Mayor

ATTEST:



D.J. Sommers
City Secretary