

ORDINANCE NO. 220

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 ; 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 12 (twelve) 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. The homeowner is responsible for supplying the culvert for which the City shall install for a homeowner's driveway that intersects a city street. Culvert length up to 20 (twenty) linear feet, not to exceed 40 (forty) linear feet. A cleanout will be required for culverts 40 (forty) feet in length, homeowner will be responsible for this cost of cleanout. Installation fee to set culvert and cover with limestone will be established by resolution of city council.

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, 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 must request through the City 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. Fee for such permit shall be established by resolution of city council. All work must be pre-approved by City Public Works Department prior to starting project.

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.

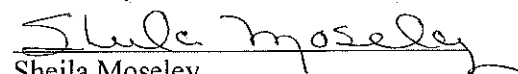
Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this 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 Wallis, 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 20th day of Sept. 2017.



Steve Bockel
Mayor

ATTEST:



Sheila Moseley
City Secretary