

City of Cottonwood Shores

ORDINANCE 13002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, REGULATING DRAINAGE CULVERT REQUIREMENTS, MANDATES AS TO NECESSITY, AND SPECIFICATIONS.

**History: 12/4/2014 – amended to include charges, payment and enforcement
8/20/2015 – amended to include assistance to citizens**

WHEREAS, the lack of water flow planning needs to be addressed; and

WHEREAS, road improvements are typically washed away in rain storms, wasting the citizen's money to repair and labor of City employees; and

WHEREAS, to protect the citizen's property from flooding by an improved water flow through the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THAT:

SECTION 1 – Encroachment:

Objects or obstructions not specifically permitted shall not be placed in, upon, above or under any public right of way. This includes but is not limited to: fences, rocks, shrubs, trees, gas lines, water lines, sewage disposal piping and buried electrical conductors. Bar ditches must be kept free of debris, dirt fill or any material which prohibits the free flow of water along the public streets. Bridging over the culvert - gravel, asphalt, concrete or decorative architectural elements - is not restricted as long as material cannot enter/block the bar-ditch and notification of any such action is provided to the City administration

SECTION 2 – Culvert Requirements:

Culverts are required where any property has ingress/egress onto or from City Streets, as determined by City building code and City staff. Culverts must have a minimum diameter of twelve (12) inches* as standard on all new installs or as determined by City building and public works officials. Culvert must extend for a minimum length of twenty (20) feet. Pursuant to Texas Transportation Code 313, the property owner will be responsible for 90% of the cost of 1) the culvert; 2) materials for installation; and if necessary, 3) the replacement of asphalt or concrete removed to install the culvert(s). The City will provide the installation labor at no cost.

Additionally, culverts may be desirable or needed in the right-of-way to facilitate a better drainage pattern. In cases of Citizen requests, and determined by City staff to be an overall enhancement to drainage, the property owner will be responsible for 90% of the cost of 1) the culvert; 2) materials for installation; and if necessary, 3) the replacement of asphalt or concrete removed to install the culvert(s). The City will provide the installation labor at no cost scheduled when time available.

*While minimum diameter of 12 inches and length of 20 feet is required, greater diameters and length might be required due to location. Required culvert diameters and length must be specified by City staff, prior to installation.

SECTION 3 – Credit Terms:

In the cases of egress/ingress to public right-of-ways, property owners have 30 days after City notification, to pay for the culverts before the City declares the debt delinquent. The city will accrue 8% annual interest to the date of the assessment until paid off. When the culvert is in response to a Citizen request, all payments are due before installation.

SECTION 4 – Delinquencies:

Property owners who fail to pay their assessment debt by 90 days will become delinquent. When an assessment debt becomes delinquent, a \$30.00 delinquency charge will be added to the bill. The property owner will receive a notice of delinquency and a warning that if the debt isn't satisfied within 30 days after delinquency, the debt will be sent to a collection agency. The City may at that time take advantage of other legal means to recover the debt as well.

SECTION 5 – Conflicting Ordinances:

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict and shall hereinafter read and be interpreted as provided herein. To the extent necessary to accomplish the purposes of this Ordinance, any term, condition or provision of any other Ordinance of the City that is in conflict herewith is hereby repealed to the extent of such conflict.

SECTION 6 – Severability:

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. Enforcement:

(1) Civil and Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any Police Officer, Fire Official, Code Enforcement Officer or City Official is authorized to enforce the provisions of this ordinance. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a misdemeanor.

(2) Criminal Prosecution

Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C Misdemeanor.

(3) Civil Remedies

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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.

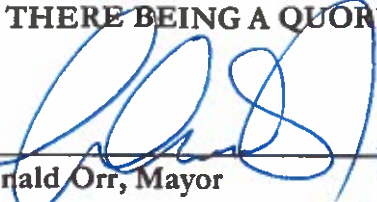
SECTION 8 – Open Meetings:

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code.

SECTION 9 – Effective Date:

This Ordinance shall become effective upon passage and adoption in accordance with State Law.

AMENDED ORDINANCE PASSED AND ADOPTED THIS THE 20TH DAY OF AUGUST 2015, AT A MEETING OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, THERE BEING A QUORUM PRESENT, BY 4 YEAS, 0 NAYS AND 0 ABSTAINS.



Donald Orr, Mayor





Sheila C. Moore
City Administrator/City Secretary