



ORDINANCE NO. O-101122-2

AN ORDINANCE OF THE CITY OF LEONARD, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEONARD BY AMENDING CHAPTER 3, "BUILDING REGULATIONS," ARTICLE 3.05, "FLOOD DAMAGE PREVENTION," CREATING DIVISION 4, "DRIVEWAY CULVERTS," PROVIDING FOR PENALTY, SEVERABILITY, SAVINGS AND REPEALING CLAUSES AND AN EFFECTIVE DATE; PROVIDING FOR A MAXIMUM PENALTY OF \$2,000; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Leonard, Texas (the "City Council") has investigated and determined that the City of Leonard, Texas ("City" or "Leonard") Subdivision Ordinance should be amended; and

WHEREAS, under the provisions of the Constitution and laws of the State of Texas, including but not limited to Chapters 42, 43, 212 and 242 of the Local Government Code, as currently existing or amended hereafter, the City is authorized to adopt the regulations set forth herein; and

WHEREAS, the City Council has investigated and determined that it is advantageous, beneficial and in the best interest of the citizens of Leonard and its extraterritorial jurisdiction to adopt the regulations set forth herein; and

WHEREAS, the orderly development of property and the adequate provision of public infrastructure and utilities is vital to the public health, public safety, responsible management of limited public resources and economic health of the City and its ETJ.

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

Section 1. Incorporation of Findings.

The findings set forth above are incorporated as if fully set forth herein.

Section 2. Amendment.

Chapter 3, "Building Regulations," Article 3.05, "Flood Damage Prevention," of the Code of Ordinances for the City of Leonard shall be amended by creating Division 4, "Driveway culverts," to read as follows:

Division 4 Driveway Culverts.



3.05.091 Driveway Culvert Policy

(a) The city establishes a driveway culvert policy in accordance with the standards set out by the county culvert policy. This policy allows the city to require uniformity and inspection of culverts to maintain proper drainage flow. The city shall bill each property owner for any culvert installation charges incurred by the city. The property owner shall pay the amount of the bill within 30 days of the date of invoice.

(b) It shall be unlawful for any person, firm or corporation, to install a driveway culvert along any street or roadway in the city in violation of this section unless otherwise approved in writing by the city.

(c) In order for driveway culverts to be installed by the city on all city streets, the following conditions must be met:

1. No culvert may be installed along city streets and roadways without written approval of the city's director of public works and approved culvert permit.
2. The driveway location must be located on a city- or county-maintained street or roadway in the city.
3. Culverts must be purchased by the property owner and delivered to the driveway location. Any additional materials required to install the culvert (bolts, bands, etc.) must also be provided by the property owner.
4. The size of culverts shall be determined by the director of public works or his designee, but no less than 15 inches in diameter. The culverts may be concrete, corrugated metal, heavy wall steel, or plastic pipe designed for drainage.
5. The location of desired pipe placement must be staked on each end by the property owner.
6. The city will install a maximum of 20 feet of pipe. If additional pipe is desired, it must be provided and installed by the owner. The city requires that clean-outs (surface grates) be installed in any pipe run of 40 feet or more. Clean-outs must be installed at a maximum of 40-foot intervals.
7. The city will place excavated material over the pipe after it is installed. Base material (iron ore, limestone, etc.) will be the responsibility of the owner. If base material is provided while city machinery is on-site, the city will spread the material over the pipe.



8. Driveways and driveway culverts, and the maintenance thereof are the responsibility of the property owner. Repair or replacement of culverts may be arranged with the city subject to the conditions above.

9. The placement of driveway culverts is performed by the city as a convenience to residents of the city to allow access to their property. Placement of culverts for landscaping, beautification or other aesthetic reasons is the sole responsibility of the owner with city approval.

10. Damaged or deteriorated pipe will not be installed. Substandard culverts on city street rights-of-way may be removed by the city at any time without notice.

11. The city may require a property owner to install a driveway culvert on city- or county-maintained streets within the city when deemed necessary by the city to improve drainage along such streets. The culverts shall be installed in accordance with the specifications set forth in this policy. The property owner must have at least 30 days to install the culvert.

3.05.092 Application and Permit

(a) Culvert permit application. The property owner will complete the culvert permit application and pay the required permit fee. The property owner may not begin installation of the culvert until the application is approved by Public Works Director. If it is determined a culvert is to be constructed in a flood safety hazard zone, a development permit will also be required. The culvert permit will not be granted until the requirements set forth in the application have been met.

(b) Sizing. Sizing will be conducted by the director of public works, or his designee, utilizing acceptable engineering practices and taking into consideration the constraints of ROW, extent of downstream grading required, finished floor elevation of proposed residential structures and existing structures, and the overall lay of the land for the best end result.

(c) Culvert permit. Once the requirements of the permit application have been met the permit clerk will issue a culvert permit.

(d) Double driveway permit. A double driveway is a driveway that exceeds 20 feet in width of the width of the garage or carport. Double driveway permits require an approved variance.

(e) Multiple driveway permit. A multiple driveway permit may be issued for a single residential lot that has more than one driveway access. Multiple driveways on a single



residential lot are considered one location and may be permitted with a single permit only if installation of the culverts is to occur at the same time.

3.05.093 City enforcement of policy

(a) Culverts will not be approved and permits will not be issued until the final inspection has been approved by the Public Works Director and a culvert permit has been issued.

(b) If the culvert is not installed within 60 days from the date the application was approved, the application will expire, fees will not be reimbursed, and the property owner must reapply for a culvert permit. A one-time 60 day extension may be granted by the city when circumstances warrant.

(c) Any modifications after the permit has been approved and installation accepted will not be permitted, and the property owner may be required to remove and replace the driveway/culvert at their own expense.

3.05.094 Permit fees

(a) Fees for all culvert permits shall be \$50.

Section 3. Penalty for Violation.

Any person or corporation who violates any of the provisions of this ordinance, or fails to comply herewith, or with any of the requirements hereof, or who shall build or alter any building or use in violation of any plan or plat submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable for a fine of not more than five hundred dollars (\$500.00), unless the offense is a violation of an ordinance that governs fire safety or public health and sanitation, and then shall be liable for a fine of not more than two thousand dollars (\$2,000.00), and each day or portion thereof such violation shall exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section 4. Severability Clause.

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the City Council that the remainder of this ordinance would



have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

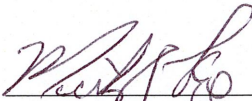
Section 5. Savings/Repealing Clause.

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 6. Publication and Effective Date.

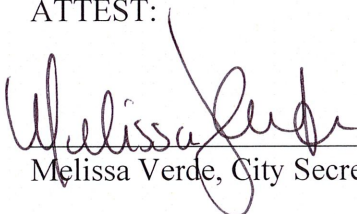
The caption of this Ordinance is to be published as required by law and shall become effective immediately upon its passage and publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEONARD, TEXAS on this 11th day of October, 2022.



Michael Pye, Mayor

ATTEST:



Melissa Verde, City Secretary

Date of Publication in the Leonard Graphic: July 27, ²⁰²³~~2022~~