

ORDINANCE # 122004

AN ORDINANCE CREATING CERTAIN CRITERIA AND POLICIES FOR DRIVEWAYS INTO PRIVATE RESIDENCES AND PROVIDING FOR ENFORCEMENT OF SUCH ORDINANCE.

Whereas, the City Council of the City of Poth does hereby create a driveway ordinance to control driveway entrances into private property for uniformity and for the safety of people traversing the various streets and alleys within the City of Poth and to maximize the drainage of water, and not interfere with natural drainage. Any person, business, or entity, installing or constructing a driveway shall be subject to this ordinance, therefore;

Be it ordained by the City Council of the City of Poth, Texas,

Section 1. Any person desiring to install a driveway from a public street into a private residence, lot or business shall first apply to the City for approval of such driveway by applying for a "Driveway Permit", Exhibit "A".

Section 2. A Driveway Permit for a driveway within the city limits of Poth shall include the following information;

- (a) Name of Applicant
- (b) Legal description of location of property
- (c) A sketch or drawing of the proposed driveway showing location of the driveway on such property and size of proposed driveway

Section 3. Width of proposed driveway, shall not be less than a minimum of twelve (12) feet for a single car driveway or twenty (20) feet for a double car driveway, exclusive of wings.

Section 4. All driveways shall be constructed so as to maximize the drainage of water, and shall in no way interfere with the natural drainage of the water through drainage ditches or culverts or any other device.

Section 5. No Culvert pipes or other drainage device shall be used unless first approved by City.

Section 6. Prior to installment/construction of approved driveway, an agent of the City will first have to assess the elevation of proposed driveway. Driveway shall be install/constructed as per City Agent's specifications.

Section 7. Driveway shall be constructed of only approved material: base material, asphalt or concrete only.

Section 8. Concrete driveways that extent onto city property and connect with city street shall be constructed under the following conditions and understanding.

A) A seam shall be installed at the property line to facilitate repairs to existing utility lines on city property.

B) Property owner will be responsible for replacing and/or resurfacing driveway after repairs are done by City.

c) City will maintain the portion of a driveway that extends onto city property and connect with city street only if it is constructed of base material or asphalt.

FEES

A permit fee of \$75.00 shall be required to be paid to the City of Poth by the property owner or his agent at the time of application of permit. Site visits to correct any violations will be assess at twenty (\$20) dollars per visit.

NOTICE TO PROPERTY OWNER TO CORRECT PROHIBITED CONDITIONS

In the event that the City determines that a driveway has been installed contrary to the provisions of this ordinance, notice shall be given to the land owner of the lot to which driveway is connected in writing by certified mail. Owner shall have thirty (30) days in which to remove said driveway and apply for a new driveway application. Any driveway not in conformance with this ordinance shall be required to be removed at the property owners expense.

ENFORCEMENT AND FINES

In the event a new application is not submitted and the removal of driveway is not accomplished within thirty (30) day period a Citation may be issued. Any violation of this ordinance may be considered a civil infraction for purposes of the issuance of a citation. Issuance of a Citation will subject the owner to a maximum civil penalty not to exceed five hundred (\$500.00) dollars plus administrative cost and fees including but not limited to site visits. Each day that the violation continues constitutes a separate offense. All penalties fines fees and cost collected under this ordinance shall be credited to the City of Poth

REPEALING CLAUSE

This ordinance hereby repeals Ordinance #082087 and any other provisions in conflict with the provisions thereof.

EFFECTIVE DATE

This Ordinance shall be in force and effect from and after the date of its adoption, and is so ordained.

PASSED AND APPROVED THIS 20th DAY OF DECEMBER, 2004.