

AN ORDINANCE STATING PURPOSE AND SHORT TITLE AND DEFINING TERMS; REVOKING ORDINANCE NO. 007-75; PROHIBITING INSTALLATION OF A CULVERT WITHOUT PERMIT; PROVIDING FOR SPECIFICATIONS OF MATERIALS AND INSTALLATION; PROVIDING FOR PENALTY FOR VIOLATION; AND DECLARING AN EMERGENCY:

WHEREAS, on November 12, 1975 Ordinance No. 007-75 providing for the regulation of size of culverts placed alongside all streets, highways, and alleys within the corporate limits of the City of Orchard, Texas, was passed; and,

WHEREAS, the aforesaid Ordinance provided only for the size of said culverts; and,

WHEREAS, in order to assure maintenance of proper drainage it is necessary not only to specify the size of any culvert placed alongside all streets, highways, and alleys within the corporate limits of the City of Orchard, but also to specify satisfactory or approved materials out of which such culverts so installed may be constructed.

THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Orchard, Texas:

ARTICLE ONE: PURPOSE, SHORT TITLE, AND DEFINITIONS:

- A. Purpose: The purpose of this Ordinance is to provide for adequate drainage along all streets, highways, and alleys within the corporate limits of the City of Orchard by specification of the size and materials of all culverts installed along all streets, highways, and alleys within the said corporate limits.
- B. Short Title: This Ordinance shall be known and may be cited as City of Orchard - Culvert Ordinance.
- C. Definitions:
1. "City" shall mean the City of Orchard in Fort Bend County, Texas.
  2. "Culvert" shall mean any tube, pipe, or other item used or installed to allow the passage or flow of surface drainage water under or through a crossing of any drainage ditch located alongside any street, highway or alley within the corporate limits of the city.
  3. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

ARTICLE TWO: REVOCATION OF ORDINANCE:

That certain Ordinance dated November 12, 1975 and numbered 007-75 heretofore passed by the Board of Commissioners of the City of Orchard, Texas, be and is hereby in all things revoked and shall be of no further force and effect.

ARTICLE THREE: INSTALLATION PROHIBITED; SPECIFICATIONS OF MATERIALS; PERMIT REQUIRED; INSTALLATION REQUIREMENTS

- A. No person shall place or cause to be placed any culvert contiguous with any street, highway, or alley within the corporate limits of the City which shall impede the flow of surface drainage water through the ditch in which such culvert is placed and unless such person shall have first obtained a permit from the City to install such proposed culvert.

- B. Any culvert installed or placed contiguous with any street, highway, or alley within the corporate limits of the City shall be constructed of reinforced concrete pipe.
- C. Any person wishing to install any culvert contiguous with any street, highway, or alley within the corporate limits of the City shall submit a written application to the City which shall contain an accurate description of the proposed location and the size of the proposed culvert. Upon receipt of such written application the City shall evaluate the surface drainage water flow requirements at the proposed location and determine the correct diameter for the culvert.
- D. If the proposed culvert is properly sized the City shall issue a permit for the installation of said culvert. If the proposed culvert is not properly sized, the City shall reject the application and refuse to issue a permit for its installation, in which event the City shall endorse upon the written application the fact that it is rejected and the reasons for such rejection and shall return the application so endorsed to the applicant.
- E. Any culvert installed contiguous with any street, highway, or alley within the corporate limits of the City shall be installed in a workmanlike manner and so installed as to not impede the flow of surface drainage water.

ARTICLE FOUR: PENALTY:

- A. Any person who shall install a culvert contiguous with any street, highway, or alley within the corporate limits of the City without first having obtained a permit for the installation of same as required by this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined a sum of not more than Two Hundred (\$200.00) Dollars.
- B. Any person who shall install a culvert which is not in conformity with the location and size specified in any permit issued for the installation of said culvert shall be guilty of a misdemeanor and upon conviction shall be fined a sum not more than Two (\$200.00) Dollars.
- C. Each day a person violates this Ordinance shall be a separate offense.

ARTICLE FIVE: DECLARATION OF EMERGENCY:

The fact that is essential that the City of Orchard provide for adequate drainage of surface waters within the corporate limits of the City of Orchard for the preservation of health of the citizens of the City of Orchard and necessitating that this Ordinance be adopted as an emergency measure and it is so ordained, passed, and approved.

PASSED AND APPROVED this 14<sup>th</sup> day of December, 19 83.

ATTEST:

Aimee Bollom  
SECRETARY, City of Orchard

APPROVED:

Eugene J. Demmy  
Mayor, City of Orchard

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

I, AIMEE BOLLUM, the duly appointed, qualified and acting Secretary of the City of Orchard, Fort Bend County, Texas, hereby certify that the above and foregoing Ordinance of the City of Orchard was passed at a regular meeting of the City Council of the City of Orchard held on the 14<sup>th</sup> day of December, 1983; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a public place in the City of Orchard which is convenient and readily accessible to the general public at all times; that the Mayor, Eugene L. Demny, and City Council, Rodney Pavlock, Kenneth Stein, and \_\_\_\_\_, were present at said meeting and acted as the board throughout; that said Ordinance has been approved by the Mayor and is duly attested by the Secretary; that the same has been duly engrossed and enrolled in the records of the City of Orchard, Fort Bend County, Texas.

EXECUTED under my hand and the official seal of the City of Orchard, Fort Bend County, Texas, this the 14<sup>th</sup> day of December, 1983.

Aimee Bollom  
SECRETARY