

ORDINANCE NO. 23-22

AN ORDINANCE OF THE CITY OF PLANTERSVILLE, TEXAS ESTABLISHING REGULATIONS REGARDING CONSTRUCTION, REMOVAL, AND REPLACEMENT OF CULVERTS IN THE CITY; PROVIDING PROVISIONS FOR CONTROL AND DRAINAGE OF SURFACE WATER AROUND BUILDINGS AND ON ROADWAYS.

WHEREAS, Texas Transportation Code Chapter 311 grants general-law municipalities such as the City of Plantersville, Texas (the “City”) the authority to construct, regulate, or maintain culverts in the municipality: and

WHEREAS, the City finds it necessary to establish a drainage plan to alleviate actual or potential drainage problems by requiring property owners to install and maintain culverts and control the drainage of surface water around buildings and on roadways within the City;

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

Section 1. An Ordinance of the City of Plantersville, Texas titled “CULVERTS; RUN-OFF WATER” to read as follows:

CULVERTS; RUN-OFF WATER.

(A) The owner of presently developed property or developer of property to be developed shall be responsible for all storm drainage flowing through or abutting their property, including the installation of culverts beneath all driveway approaches to the property. This responsibility includes drainage directed to that property by prior development as well as drainage naturally flowing through the property by reason of topography. Further, the property owner or developer of property to be developed shall maintain five feet at each end of all culverts. Maintenance of culverts shall be maintained by the property owner.

(B) Culverts, ditches and other drainage facilities required of property owners and developers, to meet the responsibilities outlined in division (A) above, shall be sized and constructed or installed in accordance with city standards and specifications. Permits for culverts shall be required in accordance with this section. Any size culvert pipe, or culvert installation that has the potential to impede the flow of water, shall be replaced by an adequate size culvert pipe and installed so as to permit the free flow of water.

(C) Whoever shall willfully fill up, clog, damage or destroy, or in any manner impair the usefulness of any drainage channel, ditch, creek or water course or fill in the area of any said natural creek, drainage channel or ditch with dirt or other debris shall be guilty of a misdemeanor.

Section 2. All ordinances and parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict only.

Section 3. If any provision of this ordinance shall be held to be invalid or unconstitutional by any

court of competent jurisdiction, the remainder of this ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 4. A violation of this ordinance shall be a Class C misdemeanor, and the penalty for violating this ordinance shall be a fine not exceeding Two Hundred and No/100 Dollars (\$200.00) for each offense. A person who violates any provision of this ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed or continues.

Section 5. This ordinance takes effect immediately upon its passage and adoption and the publication of the caption, as required by state law.

PASSED, APPROVED, AND ADOPTED this 11th day of April 2022.

THE CITY OF PLANTERSVILLE, TEXAS

Karen Hale

Karen Hale, Mayor

ATTEST:

Kimberly Allphin

Kimberly Allphin, City Secretary
Alderman