

ORDINANCE# 259

AN ORDINANCE PROHIBITING THE USE OF METAL AND CONCRETE MATERIALS FOR CULVERTS WITHIN THE CITY LIMITS OF THE CITY OF BEVIL OAKS, TEXAS AND DECLARING A PENALTY AND SEVERABILITY CLAUSE; REPEALER; SAVINGS CLAUSE; AND EFFECTIVE DATE.

WHEREAS, the use of metal and concrete materials for culverts within the City limits of the City of Bevil Oaks is not in the best interest of the City in that the same deteriorates and causes drainage problems; and

WHEREAS, culverts made of metal or concrete materials often crack and weaken with repeated use causing a hazard to traffic and pedestrians; and

WHEREAS, culverts which are made of metal or concrete materials are difficult to remove for purposes of cleaning and relocating; and

WHEREAS, Jefferson County typically provides culvert installation services and evaluates all potential culvert installations on City and County right of way and/or on areas that impact drainage.

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

SECTION 1 - FINDINGS OF FACT:

The foregoing recitals are adopted as facts and incorporated fully herein.

SECTION 2. - PROHIBITION OF CERTAIN MATERIALS

It shall be unlawful for any person, firm or corporation to install on any street, street right-of-way, driveway, or ditch located on any street, street right-of-way, driveway or public thoroughfare connected to any street, any culvert consisting in whole or in part of any type of metal, concrete or concrete-like materials.

SECTION 3. - CONSULTATION WITH COUNTY OFFICIALS

Any person, firm or corporation desiring to install on any street, street right-of-way, driveway or ditch located on any street, street right-of-way, driveway or public thoroughfare connected to any street, shall notify the City so that appropriate representatives of Jefferson County and/or Jefferson County Drainage District No. 6 can be consulted on the design and materials used. The decision of County representatives shall be binding and may include the size of the culvert, the material that composes the culvert and any other features regarding installation.

SECTION 4. - EXCEPTIONS TO PROHIBITION

This ordinance does not limit the City, Jefferson County or Jefferson County Drainage District No. 6 to utilize any and all materials for the installation, repair or maintenance of public drainage features. For example, such entities may, from time to time, utilize engineered concrete culverts for public works. Representatives of such entities are entitled to authorize use of concrete culverts on a case-by-case basis so long as the authorization is made in writing by authorized officials.

SECTION 5. - PENALTIES

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon a conviction in a court of competent jurisdiction shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense. Each day such offense shall continue shall be deemed a separate offense.

SECTION 6. - REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 4. - EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

PASSED AND APPROVED this, 21st day of April 2022, by a vote of 6 (ayes) to
0 (nays) City Council of Bevil Oaks, Texas.

CITY OF BEVIL OAKS, TEXAS

Barbara Emmons
Barbara Emmons, Mayor
City of Bevil Oaks, Texas

Doug Mullins
Doug Mullins, City Council Secretary
City of Bevil Oaks