

**CITY OF ROMAN FOREST**

**ORDINANCE NO. 425-19**

**AN ORDINANCE OF THE CITY OF ROMAN FOREST, TEXAS REGULATING DRIVEWAYS; ESTABLISHING PERMITTING REQUIREMENTS; SETTING MINIMUM SPECIFICATIONS AND INSTALLATION FEES; PROVIDING FOR ENFORCEMENT AND FOR PENALTIES OF UP TO \$500; PROVIDING A SAVINGS CLAUSE AND REPEALING CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF**

WHEREAS, Sections 311.002 and 311.003 of the Texas Transportation Code authorize the City Council of a Texas general law municipality to regulate public ways and streets, and crossways such as driveways, and to regulate the grade of premises; and

WHEREAS, the City of Roman Forest has adopted certain construction requirements as found in the International Residential Code and other City building codes; and

WHEREAS, City Council has determined that the installation and repair of driveways entering on to streets within the City should be regulated and permitted in order to protect the general health, welfare and safety of the public and to prevent property damage that might occur from obstructed drainage resulting from improperly constructed driveways;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS:**

**SECTION 1. DRIVEWAY REGULATIONS.**

That the following permitting procedures and regulations regarding the installation and maintenance of driveways within the City of Roman Forest shall apply:

**A. PERMIT FOR CONSTRUCTION OF DRIVEWAYS.**

It shall be unlawful for any person to construct, or cause to be constructed, any driveway connecting private property with a public street without first obtaining a written permit therefore from the City of Roman Forest. All work done under such permit shall conform to the requirements of this ordinance and shall be subject to inspection and approval by the City Building Inspector.

**B. APPLICATION FOR PERMIT.**

(a) Application for a driveway permit shall be addressed in writing to the City Permit Official and shall set forth the property owner's true name and address, and the address of the property where the work is to be performed.

(b) Upon receipt of an application for a driveway permit, the City, acting through City Council or the Building Inspector, shall make a determination as to whether the driveway applied for is necessary to provide reasonable access to the private property consistent with the safety and convenience of the public, taking into account the following matters:

(1) The nature and volume of traffic on the street on which the private property abuts.

(2) The dimensions and type of construction of the street on which the private property abuts.

(3) The effect that the passage of vehicles to and from the private property will have on the safety of the traveling public and on the movement of traffic in the street to which the driveway connects.

(4) The use to be made of the private property.

(5) The dimensions of the private property, and the type and location of improvements thereon or to be placed thereon.

(6) The extent of the access which the private property has or will have to other public streets, if any.

(c) A permit shall not be issued for any driveway opening as to which it has been found that the proposed use of the driveway would create an extraordinary traffic hazard or would excessively interfere with the normal use of the street right-of-way.

**C. ALTERING LINES OR GRADES WHEN PUTTING DOWN PERMANENT STREET PAVEMENT.**

The City hereby expressly reserves the right, when putting down a permanent street pavement, either by the original construction or reconstruction, to change or alter the lines and grades of such permanent pavement and of the driveways, curbs and gutters on the

street, when in the opinion of the City Engineer such change is necessary for the proper paving or drainage of the street, and without liability on the part of the City by reason of such change. In the event that a driveway, the line or grade of which is changed, is in good condition and does not, in the opinion of the City Engineer, require entire reconstruction, the owner thereof shall be given notice to break such driveway back to a point fixed by the city engineer and to remove the broken portion and reconstruct such portion on the line and grade determined by the city engineer, at the cost of such abutting owner. In the event such owner shall fail or refuse to obey the order of the City Administrator, the City Administrator shall have the right to have such breaking and reconstructing to grade of such driveway done by a paving contractor, or other person, at the expense of the abutting owner.

#### **D. CULVERT AND GRADE REQUIREMENTS**

(a) No driveway may be constructed without use of an approved culvert of at least a minimum diameter of eighteen (18) inches or of such larger diameter as may be required by the depth of the drainage ditch or of a larger size as deemed appropriate by the City Engineer.

(b) Placement of the culvert shall in all cases maintain the line and grade of the drainage ditch which the driveway is to cross.

(c) No driveway may be constructed without a bulkhead at the inlet and outlets of the drainage culvert of the driveway. Bulkheads must be on both sides of the driveway and must be at least 12" below the bottom of the ditch flow line with a 5.5-inch curb above driveway grade .

(d) Culvert placements will require stabilized sand to be minimum (6) inches under and halfway up each side of the culvert placement. Temporary culverts, culverts used for access to property used for agricultural purposes or for access to single family dwellings are exempt from this requirement.

(e) Any second culvert placed on the property must be 20 feet from any adjacent culvert and must have a concrete approach over the culvert that continues for 4 feet past the approach on the interior property.

(f) All future maintenance of the driveway and culvert shall be the responsibility and at the expense of the individual property owner. This responsibility includes the requirement to maintain the culvert portion of the driveway free of debris or other foreign matter and at the proper grade to allow proper drainage through the culvert portion of the driveway.

## **E. DRIVEWAY STANDARDS.**

(a) Driveways shall be constructed of concrete and to the following standards from that part of the driveway connecting to city streets to that part of the driveway connecting to the structure it is to serve:

(1) All stumps, surface organics, topsoil, and any other unsuitable materials shall be removed from paving areas.

(2) Positive drainage away from the area to be paved must be established. A survey must be provided and approved by City officials before paving work begins.

(3) Concrete culverts or any plastic culvert currently approved for, and in use by, the County of Montgomery must be used. Metal culverts are expressly prohibited.

(4) Culverts must be stabilized in place by the use of stabilized sand to a minimum depth of one-half (1/2) the culvert diameter.

(5) Thickness. Standard concrete driveways shall be composed of not less than, and must maintain, a minimum of four (4) inches of concrete as measured over the top radius of the culvert and from the top of the forming materials.

### **(a) Approaches**

All approaches shall be poured the same width as the driveway, shall flare out eighteen (18) to twenty-four (24) inches on each side at the curb or street line, be no less than five and one half (5.5) inches thick and have a non-extruding bituminous 1" expansion at the street. The curb cut must extend the full width of the apron. Pavers may not be used to widen an approach.

(6) All concrete shall have sand and one and one-half inch (1-1/2") maximum diameter aggregate, type 1 Portland cement (5 sack minimum) and shall have a compressive strength of 3000 PSI in 28 days.

(7) All placing and curing of concrete shall comply with the latest revision of ACI-318.

(8) All driveways shall require:

(a) 6X6X6 welded wire mesh, in conformity with ASTM-185 specifications; or

(b) grade 60, #3 rebar conforming to ASTM-615, at 18-inch centers each way.

(9) #3 rebar adjacent to the ground must be covered by concrete to a minimum depth of three (3) inches.

(10) If wire mesh is utilized in the driveway construction, care must be utilized in the concrete placement process to assure that the wire mesh is not allowed to remain in contact with the earth but is centered in the concrete.

(11) All concrete shall be consolidated by mechanical vibration, spading, or rodding, so that the concrete is thoroughly worked around the reinforcement and into the corners of the formwork.

(12) Expansion joints, either commercial one-inch thick pre-molded or one-inch thick pressure treated lumber, extending entirely through the driveway for its full width and depth shall be required. An expansion joint is required at the juncture of the driveway and the structure which the driveway is to serve and at twenty (20) foot intervals thereafter including its juncture with any city street.

(13) #4 steel dowels, two (2) foot long on two (2) foot centers, shall be required at all expansion joints.

(14) The length of the proposed culvert shall be based on the following standards:

(a). Single Family Dwellings:

- (1) Minimum for walkway: one joint of pipe
- (2) Minimum for driveway: 16 feet
- (3) Maximum for driveway: 40 feet

(b). All Other Driveways:

- (1) Minimum for driveway: 16 feet
- (2) Maximum for driveway: 100 feet
- (3) Inlets shall be spaced 50 feet or in the mid-point of any culvert over 50 feet in length.

(15) *Temporary driveways* are any driveways intended for short term usage, such as during logging, construction, as an alternate construction route or any other interior use. Temporary driveways will be of a sufficient standard for the intended purpose, but in no case will the standards be less than the following:

- (a) Ditch flows will not be impeded,
- (b) The entrance will allow access by emergency vehicles during all weather conditions,
- (c) The entrance will not create adverse impacts on existing roadways,
- (d) The entrance shall be maintained during the life of the temporary facility.

#### **F. PROTECTING NEW WORK.**

After driveways and any attached curbs and gutters have been completed, they must be protected from damage by keeping traffic off of the new construction for at least five (5) days, and from the sun by a covering of sand, boards, building paper or canvas, and must be sprinkled daily for at least two (2) days after completion.

#### **G. INSPECTION REQUIREMENTS.**

No concrete shall be poured until the worksite for the driveway has been inspected and approved as ready to pour by the Roman Forest Building Inspector. Final or completion approval of the driveway shall be required but in no instances will final approval be given less than five (5) working days after completion of the pour.

#### **H. MISCELLANEOUS REQUIREMENTS.**

In general, all forms shall be smooth; the work shall be done in a workmanlike manner giving straight lines where required; true planes and a smooth finish properly brushed to remove marks; and shall be completely satisfactory to the City Building Inspector. When the work is completed, earth shall be thoroughly filled in and tamped against the sides of the concrete and all rubbish, surplus excavated material, forms and other materials used in the construction of the driveway shall be removed and the work site left in a neat and orderly manner.

## **SECTION 2. ENFORCEMENT AND PENALTIES**

- a) Any person who shall violate any provision or provisions of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$500.00 for each violation. Each day in which any violation shall occur or continue shall constitute a separate offense.
- b) If any person engages in the construction of a driveway, sidewalk or culvert crossing a City easement or right-of-way without a permit, or if any person engages in the construction or repair of a driveway or culvert in any manner except as specified in the permit issued therefor by the City, the City may order the landowner to remove or repair the driveway or culvert at the landowner's expense.

## **SECTION 3. SAVINGS CLAUSE**

If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

## **SECTION 4. REPEALING CLAUSE**

City of Roman Forest Ordinance No. 249-95 adopted January 24, 1996 and all ordinances or portions of ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

## **SECTION 5. TEXAS OPEN MEETINGS ACT**

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

## **SECTION 4. EFFECTIVE DATE UPON PUBLICATION**

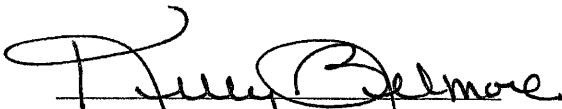
The City Secretary is hereby directed to give notice hereof by causing the caption of this Ordinance to be published in the official newspaper of the City of Roman Forest, and this Ordinance shall take effect upon such publication as provided by law.

PASSED AND APPROVED this 15 day of October, 2019, by the affirmative vote of the City Council of the City of Roman Forest.



Chris Parr, Mayor

ATTEST:



Kelly Belmore, City Secretary







AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, the Newspaper Representative at the HOUSTON CHRONICLE, a daily newspaper published in Harris County, Texas, and generally circulated in the Counties of: HARRIS, TRINITY, WALKER, GRIMES, POLK, SAN JACINTO, WASHINGTON, MONTGOMERY, LIBERTY, AUSTIN, WALLER, CHAMBERS, COLORADO, BRAZORIA, FORT BEND, GALVESTON, WHARTON, JACKSON, and MATAGORDA and that the publication, of which the annexed herein, or attached to, is a true and correct copy, was published to-wit:

CITY OF ROMAN FOREST  
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*Victoria Bond \* IR Chief*  
NEWSPAPER REPRESENTATIVE

Sworn and subscribed to before me, this 23rd Day of October A.D. 2019



*Charles E. Walichowski*  
Notary Public in and for the State of Texas

Notice is hereby given that on October 15, 2019 at a duly called meeting, the City Council of Roman Forest, Texas passed and approved an Ordinance No. 425-19 for the City of Roman Forest, Texas regulating drive ways.

**ORDINANCE 425-19 - AN ORDINANCE OF THE CITY OF ROMAN FOREST, TEXAS REGULATING DRIVEWAYS; ESTABLISHING PERMITTING REQUIREMENTS; SETTING MINIMUM SPECIFICATIONS AND INSTALLATION FEES; PROVIDING FOR ENFORCEMENT AND FOR PENALTIES OF UP TO \$500; PROVIDING A SAVINGS CLAUSE AND REPEALING CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF**

and returned unopened. All bills must be delivered to the City of Houston. [Notice Issuance Date: October 7, 2019]



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64830**

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