

Ordinance No. 410-A

AN ORDINANCE OF THE CITY OF ROMAN FOREST, TEXAS REGULATING DRIVEWAYS; ESTABLISHING PERMITTING REQUIREMENTS; SETTING MINIMUM SPECIFICATIONS AND INSTALLATION FEES; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THERE OF:

WHEREAS, Tex. Rev. Civ. Stat. Art. 1015 and art. 1016 authorize the City council to regulate public ways and streets, and crossways such as driveways, and to regulate the grade of premises; and

WHEREAS, City Council has determined that the installation and repair of driveways 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. That the following permitting procedure and regulations regarding the installation and maintenance of driveways within the City of Roman Forest shall apply:

I. 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 Roman Forest Building Official.

II. APPLICATION FOR PERMIT.

(a). Application for a driveway permit shall be addressed in writing to the Roman Forest Building 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 Official, 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.

III. 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 Council such change is necessary of 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 Council, require entire reconstruction, the owner thereof shall be given notice to break such driveway back to a point fixed by the Roman Forest Building Official, at the cost of such abutting owner. In the event such owner shall fail or refuse to obey the order of the City Council, the City Council to grade of such driveway done by a paving contractor, or other person, at the expense of the abutting owner.

IV. 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 Roman Forest Building Official.
- (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.
- (d) In the event the culvert is to be extended across the entire frontage of the property for which the drive is to be utilized, cleanouts, of the appropriate size and type, are required and shall be at a minimum spacing of Seventy five (75) feet.
- (e) 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.

V. 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.
- (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. Unless approved by the Building Official.
- (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 five one-half (5 ½) inches of concrete as measured over the top radius of the culvert and from the top of the forming materials.
- (6) All concrete shall have sand and one and one-half inch (1 ½) maximum diameter aggregate, type 1 Portland cement, (5 sack minimum) and shall have a compressive strength of 300 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) 6 x 6 x 6 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 by 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.

VI. PROTECTING NEW WORK

After driveways and any attached curbs and gutters have been completed they must be protected from injury 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.

VII. INSPECTION REQUIREMENTS

No concrete shall be poured until the worksite for the driveway has been inspected and approved in all manners as ready to pour by the Roman Forest Building Official. Final or completion approval of the driveway shall no be given until all requirements of this ordinance are met.

VIII. MISCELLANEOUS

In general, all forms shall be smooth and the work shall by done in a workmanlike manner giving straight lines where required, true planes and a smooth finish properly brushed to remove marks and shall by in every way satisfactory to the Roman Forest Building Official. When the work is completed, earth shall by 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 by removed and the work site left in a neat and orderly manner.

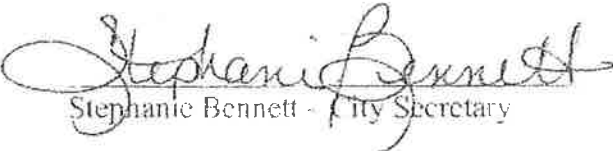
SECTION 2. Any person who shall violate any provision or provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than \$ 500.00 for each violation. Each day in which any violation shall occur or continue shall constitute a separate offense.

SECTION 3. 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 by 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. The City Clerk is hereby directed to give notice hereof by causing the caption of this ordinance to by published in the official newspaper of the City of Roman Forest, and this ordinance shall take effect upon such publication.

PASSED AND APPROVED this 16th day of May, 2002 by the affirmative vote of the City Council of the City of Roman Forest.

Attested:


Stephanie Bennett - City Secretary


Floyd O. Jackson Jr. Mayor