

ORDINANCE NO. 74 A

AN ORDINANCE OF THE CITY OF TOOL, TEXAS, ENTITLED DRAINAGE POLICIES; PROVIDING FOR MANDATORY INSTALLATION OF CULVERTS AND OTHER DRAINAGE FACILITIES BY PROPERTY OWNERS; PROVIDING FOR REPEAL OF ORDINANCE IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR A PENALTY FOR VIOLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOOL, TEXAS:

SECTION 1.

The Code and Ordinances of the City of Tool, Texas, is hereby amended to Ordinance No. 74, entitled "Drainage Policies" which shall read as follows:

ORDINANCE NO. 74 DRAINAGE POLICIES:

- 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 (5) feet at each end of all culverts. Maintenance of culverts (if on City right-of-way) shall be maintained by property owner.
- B. Culverts, ditches and other drainage facilities required of property owners and developers, to meet the responsibilities outlined in Subsection 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 Ordinance No. 74. Culvert pipe in residential areas shall not be less than twelve inches (12") in diameter and culvert pipe shall not extend more than fifty feet (50') in length without a five foot (5') length break for the purpose of cleaning out same. It shall be the responsibility of the Building Inspector, and a designated representative from the Road Commission to determine the appropriate culvert pipe diameter applicable in each instance. 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. No building permit shall be issued, nor certificate of occupancy approved, upon any land on which the owner has not fulfilled his responsibility for drainage as outlined in Subsections A and B above.
- D. 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.
- E. Provisions shall be made by the owner for the control and drainage of surface water around buildings. Run off water from rains and storms shall not be allowed to inundate or flood adjacent property when such flooding is the result of grading, drainage ditches, retaining walls, or other surface alterations that control or divert the natural flow of water. Rain water shall not be conveyed, received or discharged upon property belonging to another or adjacent to such property. Where potential flooding on adjacent property exists from run off water from an unuttered roof, such roof shall be installed with property guttering containing down spouts arranged in such a manner that the runoff water will not be discharged on the adjacent property.

SECTION 11.

All ordinance or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 111.

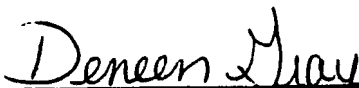
Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00).

PASSED AND APPROVED this day of 19th of April, 2001.



Fran Sonka, Mayor

ATTEST:


Deneen Gray, City Secretary