

**ORDINANCE NO. 0039
NEW STREETS, SIDEWALKS, AND DRIVEWAYS
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ORDINANCE NO. 0039

THE TOWN OF HORIZON CITY, TEXAS

**AN ORDINANCE OF THE TOWN OF HORIZON CITY, TEXAS,
CONCERNING THE CONSTRUCTION OF NEW STREETS, SIDEWALKS AND
DRIVEWAYS**

SECTION 1 – PURPOSE

The provisions of this ordinance are to assure that all streets, sidewalks and driveways are in accordance with standard construction and safety practices.

SECTION 2 – PERMISSION REQUIRED

- 2.1** Except as otherwise provided in this ordinance, no person shall construct any sidewalk within the right-of-way of any public street, or damage or alter any sidewalk or street, or change the grade thereof, without permission of the City Inspector and in accordance with specifications prescribed by him.
- 2.2** No person shall cut or alter any sidewalk or curb, whether for the purpose of vehicular access to property or otherwise without permission of City Inspector, and in accordance with specifications prescribed by him. In granting or refusing by the need for the proposed cut or alteration, the amount of traffic at the location in question, and the hazards likely to be created. Any person aggrieved by the decision of the City Inspector may appeal to the Town Council.

SECTION 3 – PAVING SPECIFICATION AND WIDTH

- 3.1** No street paving less than thirty-six (36) feet wide shall be laid in any public street; provided the Town Council may by motion or resolution authorize exception hereto in specific cases when justified by special conditions.
- 3.2** No paving shall be laid until City Inspector is provided with a certification from all utilities stating that their lines have been completed. This certification must be obtained by the developer and provided as stated.
- 3.3** See APPENDIX I for street, curb, gutter, design and specifications for thickness and type of material required.

SECTION 4 – SIDEWALK SPECIFICATIONS

- 4.1** All sidewalks hereafter constructed shall conform to the following specifications, unless different specifications are authorized pursuant to Subsection 4.2 of this section:
- 4.1.1.** Sidewalks shall be located adjacent to the property line and parallel to the curblines, and shall be on the grade established by the City Inspector.
 - 4.1.2** Prior to the construction of the Base course, all stones, roots, vegetation and other deleterious materials shall be removed from the job site. Necessary excavation and grading shall be carried out neatly to the required line and grade and subbase shall be thoroughly compacted to conform to the density of the surrounding undisturbed soil.
 - 4.1.3** Immediately before placing concrete, the subbase shall be thoroughly wetted. All concrete shall be a minimum of three thousand psi concrete, class A.
 - 4.1.4** All cement shall be Type I portland cement and shall conform to the standard specification AASHTO designation M85-49. Water shall be suitable for drinking purposes and fine and coarse aggregates shall be well graded, clean, and shall conform to the standard specifications of the city.
 - 4.1.5** Sidewalks shall be a minimum of five feet wide and have a minimum nominal thickness of four inches. Residential driveways shall be four inches thick nominal with six-inch ten-gauge wire mesh reinforcing or six-inch thick nominal without reinforcing. Industrial and commercial driveways shall be six inch thick reinforced with six-inch by six-inch six-gauge wire mesh. Sidewalks shall rise from the curb with a minimum of one-fourth inch per foot from the top of the curb to and across the sidewalk. Cement shall be placed and tamped to a dense mass in such a way that all materials will remain well distributed. The surface of the sidewalk shall be floated and wire brushed or broomed to provide a nonskid wearing surface.
 - 4.1.6** Expansion joints shall be installed at twenty-foot intervals along all sidewalks with dummy joints at five-foot intervals. Sidewalks adjacent to buildings, curbs, or other concrete structures shall be separated from those structures with an expansion joint material one-half inch in thickness.
 - 4.1.7** No sidewalk less than five feet wide shall be constructed, unless the Town Council may be motion or resolution authorize exceptions hereto in specific cases when justified by special conditions.
- 4.2.** The City Inspector may authorize different specifications to provide accessibility for the handicapped, to provide for traffic safety; to match existing sidewalks, to accommodate variations in terrain, to provide for bus stops where necessary, or to conform in any other way with good engineering practices. A decision of the City Inspector is appealable to the Town Council.
- 4.3** No person shall construct or employ any other person to construct any sidewalk or driveway within the right-of-way of any city street or alley except in accordance with the specifications set forth in this section, or authorized pursuant to Section 3.

- 4.4** Penalty. Any person violating this section shall be deemed guilty of a misdemeanor and punished by a fine not exceeding two-hundred (\$200) dollars.

SECTION 5 – CONSTRUCTION OF SIDEWALK ON ORDER OF CITY

When in the opinion of the Town Council the public safety or convenience requires that a sidewalk be constructed at a designated place in any street right-of-way, the City Inspector is authorized to notify the owner of the abutting property to construct such sidewalk at the owner's expense within a reasonable time and in accordance with the specifications set forth in Section 3. If the owner fails to construct such sidewalk in accordance with the notice, the City Inspector may report the matter to the Town Council, which may order the work done at the owner's expense as set forth in Art. 1105b of Vernon's Texas Civil Statutes.

SECTION 6 – MAINTENANCE OF SIDEWALKS, CURBS AND GUTTERS --- ABUTTING PROPERTY OWNER'S DUTY

- 6.1** It shall be the duty of the owner of property abutting on any public street containing a sidewalk, curb or gutter to keep such sidewalk, curb or gutter in repair.
- 6.2** When the City Inspector finds that any such sidewalk, curb or gutter is in hazardous condition because of need of repairs or faulty construction, he may notify the owner of the abutting property to make such repairs or changes as may be necessary to put the sidewalk, curb or gutter in safe condition. If the owner fails to make such repairs or changes within a reasonable time given in the notice, he shall be deemed guilty of a misdemeanor and punished as provided in Subsection 4.4.
- 6.3** If the owner fails to comply with the notice, the Town Council may authorize the work to be done by city forces or by contract, and may, after reasonable notice and opportunity to be heard, assess the actual cost of the repairs against the abutting property and its owner. The resolution of the Town Council making the assessment shall be recorded in the County Clerk's Office and the assessment shall then constitute a lien against the property.
- 6.4** Notice to the owner may be given in person or by mail, or may be given to any agent authorized by the owner to collect the rents or make repairs on the property.

SECTION 7– INSTALLATION OF SIDEWALK ON PROPERTY WHICH BUILDING PERMIT ISSUED

The City Inspector shall inspect each piece of property on which a building permit has been issued or for which a building permit has been applied for, and shall determine whether the property is provided with sidewalks. If there is no sidewalk on the part of the street or streets abutting on the property, he shall proceed under Section 5 to order such sidewalk installed, unless the Town Council authorizes that such sidewalk may be waived because of the location of the building, the probable conditions of traffic, or other pertinent conditions existing in the

neighborhood. Such findings shall not deprive the city of its authority to order the installation of sidewalks at any subsequent time, as provided in Section 5.

SECTION 8– DRIVEWAYS – DEFINITIONS

- 8.1** Words and Phrases Generally. Whenever any word or phrase used herein is not defined herein, but is defined in any other ordinance or state law, such definition shall be deemed to apply to such word or phrase used herein.
- 8.2** Abandoned or Abandoned Driveway. For the purpose of this ordinance a driveway shall be considered to be abandoned when either one or both of the following conditions exist:
- 8.2.1** When the adjacent property has been vacant and unused for any apparent purpose for a period of not less than six months; or
 - 8.2.2** When buildings or other structures have been situated on the adjacent property in such manner as to prevent a vehicle from passing completely on to such property.
- 8.3** **"Commercial driveway"** means any passageway designed or intended for vehicular movements between the roadway and any point outside the street right-of-way, when such passageway leads to any public or private area outside the street which is designed or intended for the parking of any commercial vehicle, or for the parking of more than three passenger vehicles.
- 8.4** **"Curb return"** means that part of the curbing at an intersection or at a driveway which is rounded to form the connection between intersecting curblines.
- 8.5** **"Freeway or expressway"** means any fully controlled access highway which is constructed in such manner as to prohibit any traffic intersections, with cross streets being built either under or over or terminating before entering such highway.
- 8.6** **"Frontage"** means that portion of adjacent property contiguous to a street property line. For the purpose of this ordinance, frontage shall be measured as the total distance over which the street right-of-way line and the lot or property lines are congruent, and shall include all lots or properties under the legal control of the applicant.
- 8.7** **"Frontage road"** means any roadway parallel and adjacent to any freeway, the principal purpose of which is to provide for the transfer of vehicle traffic between the freeway and other streets.
- 8.8** **"Limited access or controlled access highway"** means every street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the Town Council.

- 8.9 For the purposes of this ordinance, the term "ramp" means any roadway providing a connection between a freeway and a frontage road, irrespective of any difference in grade or elevation between such freeway and frontage road.
- 8.10 **"Residential driveway"** means any passageway designed or intended for vehicular movements between the roadway and any point outside the street right-of-way, when such passageway leads to any public or private area designed or intended for the parking of not more than three passenger vehicles; provided, however, that driveways to gasoline service stations shall be considered as commercial driveways.
- 8.11 **"Safety zone"** means that portion of the right-of-way between any two driveways.

SECTION 9 – PERMIT REQUIRED, APPLICATION AND CONTENTS

- 9.1 Before constructing any driveway a permit shall be obtained from the Town Clerk, provided, that no such permit shall be required for the construction of any driveways installed as a part of the paving or widening of any street in accordance with plans approved by the Town Council and City Inspector; and provided further that no permit shall be required for driveways when such driveways are included as a part of a building or construction plan.
- 9.2 Applications for driveway permits shall be made by the owner or lessee of the abutting property, or by a contractor representing the owner or lessee. Application by a contractor shall state the name of the owner or lessee whom he represents.
- 9.3 Application for such permit shall be made to the Town Inspector on forms prescribed by the Town. Each such application shall show the address of the property where the driveway is to be located, the width of the driveway requested, the location of the driveway requested with respect to street intersections and private property lines, the location of any other existing driveways serving the same property, if any, and such other information as may be requested by the Town. No such permit shall be issued by the Town Clerk until the location and design of the proposed construction has been approved by the City Inspector, nor until curb and driveway grades and elevations have been approved.

SECTION 10 – PERMIT FEE, RELOCATION OR ALTERATION

- 10.1 Before a permit is issued for a driveway, exclusive of the building permit as set forth in Section 9, the applicant shall deposit with the city a fee as set forth in the following table:

<u>DRIVEWAY WIDTH</u>	<u>FEE</u>
0 – 15 lineal feet	\$ 2.00
16 – 25 lineal feet	\$ 4.00
26 – 35 lineal feet	\$ 6.00
Over 55 lineal feet	\$ 8.00

- 10.2 The total length on public property of all driveways proposed to serve any one property shall determine the required fee.
- 10.3 No driveway shall hereafter be relocated or structurally altered, nor any dimensions altered without a duly executed permit as set forth herein.

SECTION 11 – MATERIALS

- 11.1 The grantee of any driveway permit shall furnish all materials necessary for the construction of the driveways authorized in the permit.
- 11.2 All materials shall meet city specifications and shall be subject to approval by the City Inspector.

SECTION 12 – LOCATION

- 12.1 When measured at the curblineline of the roadway, and perpendicular to the center line thereof, no commercial driveway shall be located nearer than two and one-half feet to any property line; provided that upon approval of the City Inspector, driveways may be so situated as to serve more than one property if the total width of such driveway does not exceed thirty-five (35) feet when measured as provided in Section 15.
- 12.2 When measured at the curblineline of the roadway and perpendicular to the centerline thereof, no driveway shall be located nearer than ten feet to any property line adjacent to or parallel to any intersecting street; provided, that when street property lines are described by curves, no driveway shall be located nearer than five feet to the end of such curved property line.
- 12.3 When the street abutting the property to be served by any driveway is a frontage road to any freeway, no commercial driveway shall be located so that the centerline thereof is nearer, than seventy-five (75) feet to the intersection of the centerline of any ramp with the curblineline of said frontage road.

SECTION 13 – ANGLE OF INTERSECTION OF ROADWAY

The interior angle formed by the intersection of the centerline of the roadway and the centerline of the driveway shall be not more than ninety degrees and not less than forty-five degrees.

SECTION 14 – FLARING AT INTERSECTION OF ROADWAY

Where the driveway and the roadway pavement meet, flaring of the driveway shall be permitted to allow safe easy turning of the vehicle either into or out the property. The radius of the flare shall be as long as practical to provide free and safe turning movements, but shall in no

case be less than two and one-half feet, For the purpose of this ordinance, flares may be provided either by sloping the street curb, or by providing curb returns.

SECTION 15 – WIDTH

- 15.1** The width of a commercial driveway where it crosses the property line shall be not less than fifteen (15) feet nor more than thirty-five (35) feet measured at right angles to the centerline of the driveway; provided, however, the minimum width of a two-way driveway shall be twenty-five (25) feet.
- 15.2** The width of a residential driveway where it crosses the property line shall be not less than twelve (12) feet nor more than twenty-four (24) feet when measured at right angles to the centerline of the driveway; provided, that the driveway width may be decreased to ten (10) feet at the property line. The width of a residential driveway may be increased to a maximum of thirty (30) feet when it is proposed to serve a three-car garage or when the over width is needed to store a recreation vehicle, trailer, boat; etc., off the public street and on private property; provided, that such storage of a recreational vehicle, trailer, boat, etc., will not constitute a visual obstruction to the driving public.

SECTION 16 – MUNICIPAL FACILITIES

No driveway shall be permitted to encompass or encroach upon any municipal facility. The relocation of the municipal facilities may be authorized, however, if the construction of a driveway as authorized herein shall encroach thereon, and such relocation shall be completed by and at the expense of the owner or lessee of the adjacent property. Any work done in such relocation shall be done in accordance with the specifications of the city or public utility having control of the facility to be relocated.

SECTION 17 – INTERMEDIATE ISLAND

Between any two driveways serving the same property there shall be an intermediate island within the right-of-way. Such islands shall measure not less than six (6) feet along the property line, and not less than fifteen (15) feet along the curblineline or edge of pavement of the street.

SECTION 18 – SERVICE STATIONS FOR MOTOR VEHICLES

No service pump island, vendor stand, tank or water hydrant, or any other device or structure designed or intended to be used to service motor vehicles shall be erected within twelve feet of the street right-of-way; provided, that in instances where the lot size, shape or other physical characteristic makes this requirement impractical, the City Inspector may reduce this requirement, but in no case shall this requirement be reduced to less than ten (10) feet. Any such authorization shall be obtained from the Town Council in writing before any permit is issued.

SECTION 19 – PARKING AREAS

Where the area immediately behind and adjacent to the street right-of-way is to be used as a vehicle parking area, curbs or other barriers shall be installed as may be required by the Town Council to prohibit such parked vehicles from extending into the right-of-way. Curbs or other barriers so required not less than six inches high, and shall be located not less than three feet from the right-of-way line on the adjacent property, except that walls or fences over twenty-four inches high may be situated on the property line.

SECTION 20 – DRAINAGE STRUCTURES

Drainage in gutters or side ditches shall not be altered or impeded. When drainage structures are required, the size of opening and other design features shall be approved by the City Inspector before any permit is issued.

SECTION 21 – ACCESS BY HANDICAPPED

Driveways shall be designed and constructed in such a manner that the safe and convenient movement across the driveways by physically handicapped persons, including those in wheelchairs, shall not be impeded.

SECTION 22 – DRIVEWAY ABANDONMENT

- 22.1** When a driveway has been abandoned within the meaning of Section 8, the Town Council may order the replacement of curbing and/or sidewalk so as to effectively close such driveways.
- 22.2** When any such driveway is to be closed for the reasons set forth in this Section, the City Inspector shall notify the property owner in writing of the work to be done. Upon notification thereof, the property owner shall proceed to perform such work at his own cost.
- 22.3** If within thirty (30) days from such notification, work has not been started on the installation of the curb and/or side-walk as set forth in the notification, such work may be done by the city and all costs thereof assessed to the property.

SECTION 23 – CURBING REQUIRED

- 23.1** No building permit shall hereafter be issued for the construction of any building unless the construction plans for such structure indicate the installation of curbing where such is not already in place, and of driveways, if any are required, in accordance with the regulations set forth herein.

- 23.2** In those cases where the grade and/or location of the permanent street curb cannot be established because of existing conditions, the curbs required to be shown on the plans need not be installed until such time as such curb is constructed by or at the instance of the city; provided, that construction of temporary curbs may be authorized pending establishment of grades and locations of permanent curbs.
- 23.3** Where required, sidewalks shall extend to the street curblines of the intersecting street. Sidewalks may be required on both the side and front streets when the need thereof exists in the opinion of the Town Council.

SECTION 24 – PAVING REQUIRED

- 24.1** No building permit shall hereafter be issued for construction of any building, unless the construction plans indicate that all utilities will be installed and the paving of street that is adjacent to the property line will be accomplished.
- 24.2** In those cases where the grade and/or location of the permanent street cannot be established because of existing conditions the delay of paving may be granted by the Town Council.

SECTION 25 – VARIANCES

Where special conditions exist, or where practical difficulties in the development and adequate use of land would result from the literal enforcement of the terms of this ordinance, the Town Council is hereby authorized to vary the requirements herein set forth, provided that any such variances granted shall be in harmony with the general intent of this ordinance, and consistent with the public interest, safety and general welfare. Any substantial variances shall be in writing and shall be specifically set forth in the permit issued.

SECTION 26 – MAINTENANCE; INSPECTION

- 26.1** The maintenance of any driveway shall be the responsibility of the adjacent property owner.
- 26.2** The Town reserves the right to inspect driveways at the time of construction and to require such changes as may be necessary to make the construction conform to Town requirements. At any time after the construction of any driveway, the Town reserves the right to inspect such driveway and require such repairs or maintenance as may be necessary to protect the public. The cost of any such repair or maintenance shall be borne by the adjacent property owner.

SECTION 27 – APPEALS

In the event that any application is rejected under the provisions of this ordinance, the applicant therefore may appeal such decision to the Town Council. All such appeals shall be made in writing and shall be submitted to the Town Clerk within ten days of notification that his original application has been denied.

SECTION 28 – VIOLATION—PENALTY

Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not exceeding two-hundred (\$200) dollars; and if such violation shall be continuing, each day's violation shall constitute a separate offense.

SECTION 29 – INDEMNIFICATION

The grantee of any driveway permit shall hold harmless the Town and its agents and employees against any action for personal injury or property damage sustained by reason of the exercise of his permit.

ATTACHMENT:

SEE DESIGN STANDARDS – STREET CROSS-SECTIONS