

ORDINANCE NUMBER 2022 - 005

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS REPEALING AND REPLACING ORDINANCE 2014-002; REGULATING THE CONSTRUCTION AND MAINTENANCE OF DRIVEWAYS, CULVERTS AND SIDEWALKS, REQUIRING A PERMIT FOR CONSTRUCTION; SETTING APPLICATION REQUIREMENTS, MINIMUM STANDARDS, FEES, ENFORCEMENT AND FINES INCLUDING: ASSESSING PROPERTY OWNERS FOR THE COSTS OF REPAIR, REPLACEMENT AND REMOVAL OF DAMAGED, ILLEGAL OR NONCONFORMING DRIVEWAYS, CULVERTS, AND SIDEWALKS; AND PROHIBITING DUMPING

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS:

SECTION 1. SHORT TITLE.

This ordinance shall be known as the "DRIVEWAY, CULVERT AND SIDEWALK ORDINANCE."

SECTION 2. DEFINITIONS.

The following terms shall have the following meanings when used within this article.

Alley. A public or private street primarily designed to serve as secondary access to the side or rear of properties whose primary frontage is on some other street.

Arterial Street. Shall include the service and frontage roads of freeways, highways and toll roads.

Circular Driveway. A single-family residential driveway with two points of access to a public street connected by a non-intersected arc or arc and tangents along its outer edges.

City or Public Easements or Rights-of-Way. Any right, title or interest in land acquired, claimed or maintained by the City of Santa Clara

Collector Street. Any roadway required to have a 60-foot right-of-way width or greater, not classified as an Arterial Street.

Commercial and Multi-Family Land Use. A parcel of land used primarily for non-residential, office, retail or institutional buildings, recreational, or a multifamily dwelling having more than 2 dwelling units.

Culvert. A hollow structure which provides waterway openings to conduct water for drainage purposes.

Curb Radius. The connection of the outer limits of a driveway and street intersection by means of a circular arc.

Ditch Depth - means the vertical distance between the stabilized road surface edge, and the bottom of the drainage ditch.

Driveway. An improved surface used for vehicular access from the edge of a City roadway through the right-of-way or easement. (Includes internal storage.)

Driveway Width. The width of the driveway approach measured between the termination of the curb radii, at a point of tangency essentially perpendicular to the street.

Freeway. A roadway, including expressways, parkways, and loops, that provides for rapid and efficient movement of large volumes of through traffic between areas across urban area.

Frontage. The length of a single property ownership or platted land use adjacent to a public street measured at the property line adjacent to the street.

High-capacity / One-way Limited Driveway. A driveway constructed with non-standard design characteristics to meet the needs of greater driveway volumes and/or limitation of movements accessing or egressing the driveway.

Illegal Driveway. Any driveway which did not exist prior to the effective date of this Ordinance and which was constructed in violation of this Ordinance.

Industrial Land Use. A parcel of land used primarily for industrial, manufacturing, assembly, and/or warehousing uses characterized by significant numbers of truck movements to and from the land uses.

Internal Storage. The portion of the driveway between the property line and the near side of the first intersecting internal driving aisle or parking space.

Local Industrial Street. Any non-residential street that requires 60 feet of right-of-way.

Local Residential Street. A street which requires 50 feet or less of right-of-way not defined within this Ordinance as an Arterial, Collector, or Local Industrial Street.

Median. A raised, curbed division between lanes of opposing traffic.

Multi-family Dwelling. A structure containing more than four (4) dwelling units.

Nonconforming Driveway. Any driveway which does not conform to the provisions of this Ordinance but legally existed as a conforming driveway prior to the original adoption of this Ordinance shall be considered as a "nonconforming driveway."

One-way Driveway. A driveway constructed to accommodate only one direction of traffic movement, either an entrance or exit.

Person. Any individual, corporation, partnership, limited partnership, joint venture or other entity.

Planning Department. The City's designated planning and development authority. In the absence of a Planning Department, the Chair of the Planning & Zoning Commission shall serve as the City's Driveway, Culvert and Sidewalk Permit Processing Authority unless otherwise designed by the Mayor.

Public Street. Any thoroughfare dedicated to the public and not designated as an alley.

Reconstructed. Removed more than 25% of the surface are and replaced said surface. Removal may be performed by any person or through damage caused by person, nature, accident, or unforeseen events. Replacement may occur by any person. For the purpose of this section, "person" is to be considered as that term is defined by the Texas Code Construction Act, Tex. Gov't Code Sec. 31.005.

Residential Land Use. A parcel of land used primarily for single family or duplex structures or triplex structures or multi-family structures having four or fewer dwelling units.

Roadway. The portion of the improved surface of the City or public easement or right-of-way used for travel by vehicular traffic which is usually constructed of concrete, asphalt, gravel, shell or other material providing a hard surface.

Sidewalk. An improved surface used for pedestrian traffic along the City right-of-way or easement.

Standard Driveway. A single, undivided driveway opening providing for both entrance and exit traffic movements with horizontal characteristics of width and radii as determined by this subchapter.

Start of Construction. The commencement of any grading, excavation, removal of concrete curb, or setting of culvert pipe on City or public easements or rights-of-way.

Total Parking Spaces. The total number of parking spaces for the purpose of defining the internal storage requirement of this chapter shall be the total number of parking spaces served by the affected driveway.

SECTION 3. PERMIT REQUIRED.

Failure to construct a driveway, culvert or sidewalk to an approved City Permit and the standards herein may result in a notice to remove and replace.

- A. Construction of driveways, sidewalks, culverts whenever applicable, or the replacement, repair and/or reconstruction of existing driveways, sidewalks or culverts without first securing a permit is prohibited.
- B. Applications for permits for the construction of driveways, sidewalks and culverts shall be made to the City Planning Department. Separate applications for each driveway, sidewalk or culvert are required except when constructed together on the same piece of property. One application may cover multiple driveways, sidewalks and culverts on the same piece of property so long as they are all to be constructed simultaneously. A separate application will be required for multiple driveways, sidewalks, or culverts that are constructed on separate pieces of property.
- C. When an application for a driveway, culvert or sidewalk is filed, the applicant will provide the City Planning Department with the following data:
 - 1. Proof of ownership, that the applicant is the owner of the property upon which the driveway, sidewalk or culvert is to be constructed.
 - 2. The applicant's contact information including a current mailing address, e-mail address and telephone number.
 - 3. Whether the application includes driveway(s), culvert(s) and/or sidewalk(s)
 - 4. Whether the driveway will provide ultimate access to a single-family dwelling, a multifamily dwelling/complex, a commercial facility, an industrial facility and/or any other type of land use.
 - 5. A single drawing:
 - a) The platted property dimensions.
 - b) The number, location, spacing and width of the driveway(s), sidewalk(s) and culvert(s).
 - c) The location and dimensions of all physical objects such as roadways, drainage inlets, catch basins, utilities, fences, structures and existing driveways and sidewalks within or upon the applicant Property..
 - d) The ditch depth at both ends of any proposed culvert as it would be measured vertically from a line connecting the edge of the roadway to the property line. The measurement should be taken along this line at a distance that is halfway between the property line and the roadway.
 - e) The width of the driveway at the property line and at the roadway connection.
 - f) The type, length and diameter of the culvert.

- D. Construction shall be commenced within forty-five (45) days and be completed within one-hundred-eighty (180) days from the date of the permit approval. Inspection fees may only be refunded upon request by the permittee and after approval by the City Council. Permit fees are not refundable.
- E. The City may promulgate specification drawings and forms to be used in the administration of these regulations and shall be available to an applicant upon request.
- F. All permits issued by the City Planning Department for the construction of driveways, sidewalks or culverts shall require conformance with these Regulations including all City of Santa Clara Specification Drawings and any subsequent amendments or revisions thereto as promulgated by the City.

SECTION 4. APPEALS.

- A. Denials based upon failure to provide required information may be resubmitted to the City Planning Commission within thirty (30) days of the denial without incurring an additional application fee or may be appealed as provided in Section 3B.
- B. Denials based upon reasons other than failure to provide required information may be appealed to the City Council by written request within fifteen (15) days of the denial. Written requests for appeal are considered timely if post-marked on or before the fifteenth day after the date of the denial. The appeal shall be placed on the agenda of the next scheduled City Council meeting for which there is sufficient time to place the appeal on the agenda, in compliance with City of Santa Clara's policy and Chapter 551 of the Texas Local Government Code. Any decision reached by the city council is final.

SECTION 5. ILLEGAL AND NONCONFORMING.

- A. Illegal driveways, sidewalks and culverts shall be discontinued and required to conform to the regulations prescribed herein. Illegal driveways, sidewalks and culverts do not have nonconforming rights.
- B. Nonconforming driveways, sidewalks and culverts on a site shall be allowed to continue until the occurrence of one or more of the following events; upon which time the nonconforming status will cease:
 - 1. A change of use, or an increase in intensity of use, occurs such as from single-family to multifamily to commercial to industrial.
 - 2. Any modifications which change the original design of the existing driveway, sidewalk or culvert occurs.

SECTION 6. DRIVEWAYS.

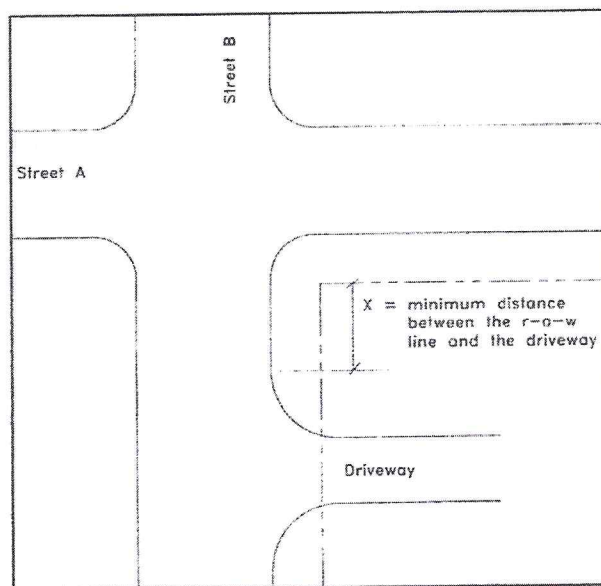
A. Types of driveways shall be classified as follows:

1. Standard driveways provide two-way access at a single, undivided opening.
2. One-way driveways provide one-way inbound or outbound access and can only be permitted when the orientation of on-site circulation and parking layout clearly utilize the driveway for one-way movements.
3. High-capacity limited movement driveways are intended to provide two-way access with geometric provisions which more adequately respond to greater driveway volumes and/or access limitations than standard driveways. These provisions include increased width, curb radii, and/or internal storage. Median divider and on-street deceleration lanes may also be required to be incorporated.
4. Circular driveways provide one or two-way access to and from single family residential property only by means of two openings on the same property to a public street.

B. Locations of driveways shall be as follows:

1. The return radius of driveways intersecting public streets shall be located no closer to the nearest right-of-way line of the nearest adjacent public street intersections than the minimum distances shown in the following table, Minimum driveway Clearance, and in accordance with Figure (a).

Figure (a).



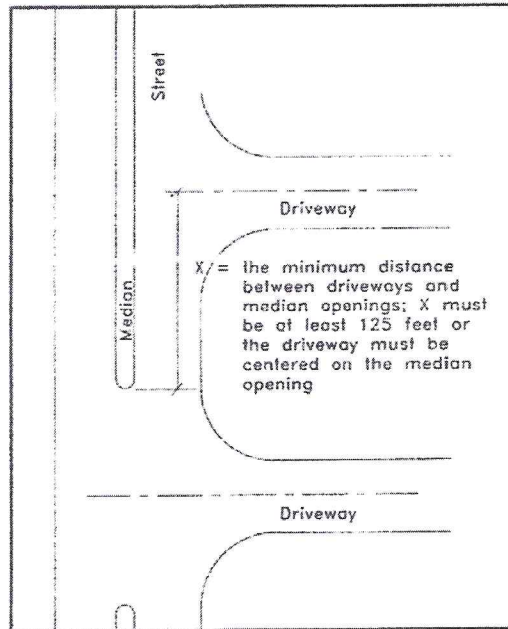
Minimum Driveway Clearance

Type of Street Intersected	Type of Adjacent Street Intersected	Minimum Clearance Between
Arterial	Arterial	150 Feet
Arterial	Collector / Industrial	100 Feet
Arterial	Local Residential	75 Feet
Arterial	Alley	40 Feet
Collector / Industrial	Arterial	100 Feet
Collector / Industrial	Collector / Industrial	75 Feet
Collector / Industrial	Local Residential	50 Feet
Collector / Industrial	Alley	30 Feet
Local Residential	Arterial	50 Feet
Local Residential	Collector / Industrial	40 Feet
Local Residential	Local Residential	30 Feet
Local Residential	Alley	30 Feet
Alley	Arterial	25 Feet
Alley	Collector / Industrial	15 Feet
Alley	Local Residential	10 Feet
Alley	Alley	10 Feet

2. Driveways intersecting arterial streets with medians shall align with existing median openings or median opening or be located a minimum distance along the property line

of 125 feet from the nearest point of the median opening, as measured from the nearest median nose to the nearest return of the driveway, as illustrated in Figure (b). Median access may be achieved by means of access rights obtained by mutual agreement with an adjacent property owner with driveway access meeting those requirements.

Figure (b).



C. Number of Driveways shall be as follows:

Any land use shall be permitted access only in accordance with the following:

- a. A maximum of one (1) driveway shall be permitted on each street on which a land use has less than 200 feet of frontage.
- b. A maximum of two (2) driveways shall be permitted on each street on which a land use has between 200 and 500 feet of frontage.
- c. For a street on which a land use has more than 500 feet of frontage, the land use may have no more than the number of driveways determined by rounding to the nearest whole number the result of dividing the lots' total frontage of said street by 250.

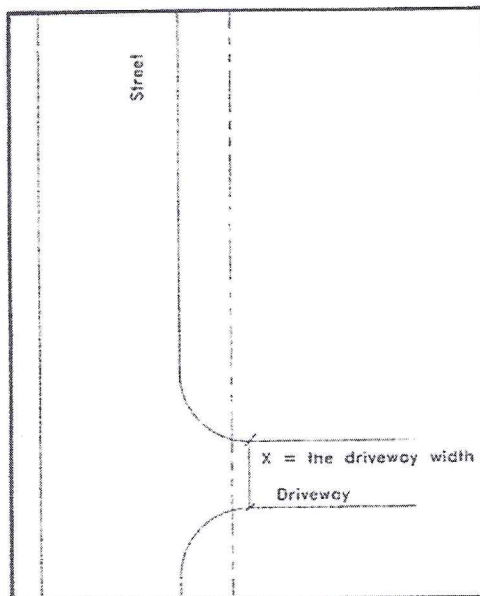
D. Spacing of Driveways shall be as follows:

1. Successive two-way driveways located on the same platted property shall be located no closer together than 100 feet as measured between adjacent driveway throats or the sum of the adjacent curb radii of the two driveways plus a 60-foot tangent length, whichever is greater. A one-way driveway pair shall be separated by a minimum distance equal to the sum of two adjacent curb radii as measured between the adjacent driveway throats, with a minimum 2-foot radius and maximum 5-foot radius. On circular driveways a minimum of 25 feet of curb tangent to the street between driveway curb radii shall be required.
2. Driveways on adjacent properties shall be located no closer together than the sum of the two adjacent curb radii as measured between the adjacent throats.
3. A common driveway on a property line may be allowed if a perpetual access easement is provided and the driveway conforms to all other requirements and minimum standards.
4. A driveway to a lot that cannot meet the requirements of this section shall be permitted only in accordance with special conditions established by the City Planning Commission in accordance with Section 8, on a case-by-case basis.

E. Driveway Widths shall be as follows:

1. Driveway widths shall be measured between the termination of the curb radii at a point of tangency essentially perpendicular to the street as shown in Figure (c) and shall be in accordance with the requirements of the following table, Minimum and Maximum Widths of Driveways, for the type of driveway and land use shown.

Figure (c).



Minimum and Maximum Widths of Driveways

Driveway Type	Land Use	Minimum Width	Maximum Width
Standard	Residential	12 feet	24 feet*
Standard	Commercial/Multifamily	24 feet	40 feet
Standard	Industrial	30 feet	50 feet
One-Way	Commercial/Multifamily	15 feet	24 feet
One-Way	Industrial	15 feet	24 feet
Circular	Single-Family Residential	10 feet	15 feet

* A driveway width of 32 feet is allowed if the residential property garage faces onto a public alley.

2. One-way/ High Capacity / Limited Movement driveway pairs shall be permitted in accordance with the minimum requirements of the following table.

One-Way / High Capacity / Limited Movement Driveway Pairs - Width

Lane	Minimum Width	Maximum Width
Entrance Lane	16 feet	24 feet
Exit Lane	20 feet	24 feet
Driveway Median	4 feet	10 feet

3. No single commercial or multifamily plat shall be permitted a cumulative driveway width greater than 50% of the total frontage of each street that is accessed except for alleys.
4. Circular Driveways shall require a minimum lot frontage of sixty-five (65) feet.
5. The width of a driveway at median openings shall be no greater than the width of the median opening measured nose-to-nose minus 40 feet.

F. Driveway curb radii shall:

1. Meet the street edge of pavement or curb at a point of tangency,
2. Describe a full quarter circle arc from the street onto the property accessed (except for one-way driveways), and
3. Be in accordance with the following table, Minimum/Maximum Curb Radii, for the type of driveway and land use shown:

Minimum/Maximum Curb Radii*

Driveway Type	Land Use	Minimum Radius	Maximum Radius
Standard	Residential	5 feet	15 feet
Standard	Commercial/Multifamily	20 feet	40 feet
Standard	Industrial	25 feet	50 feet
One-Way	Commercial/Multifamily	20 feet	30 feet
One-Way	Industrial	25 feet	50 feet
Circular Single-family Residential	Outside Radius	5 feet	15 feet
Circular Single-Family Residential	Inside Radius	5 feet	15 feet

* Flares are allowed for residential driveways on local streets.

4. For one-way/limited movement driveway pairs shall be constructed to serve the greater driveway volumes and/or limitations of movements. Curb radii for one-way/limited movement driveway pairs shall be a minimum of 5 feet where turning movements are to be prohibited or discouraged and a maximum of 50 feet where turning movements are allowed.

G. Driveway internal storage requirements at non-residential driveways:

1. Are required to minimize congestion and increase safety both on the public street and within the driveway. Measured from the property line, queuing vehicles off-street shall meet the requirements of the following table, Queuing Space Requirements:

Queuing Space Requirements

Total Parking Spaces Provided	Multi-Family or Commercial Uses		Industrial Land Uses	
	At Non-Median Opening	At Median Opening	At Non-Median Opening	At Median Opening
Less than 25	15	15	15	33
26 - 50	15	33	15	33
51 - 100	33	33	33	33
101 - 200	33	75	33	55
More than 200	75	75	33	75

2. Shall be designed to prevent any obstruction or impedance through vehicle within the driveway storage area.
3. The total number of parking spaces for the purposes of defining the driveway storage requirements of this section shall be the total number of parking spaces determined by the City Planning Commission to be served by the affected driveway after reviewing the plan of the parking lot. Should a driveway be constructed prior to the completion of the ultimate design of a site, the total number of parking spaces shall be estimated based on land use, area, and allowable densities. All driveways serving a site shall be designed to accommodate the ultimate total number of parking spaces at completion of construction of all phases of the development.

H. Driveway Construction:

1. Driveway approaches shall be paved with a hard surface such as concrete or asphalt.

2. An island proposed within a commercial driveway on a curb and gutter street has a maximum width of two (2) times the total width of the driveway, including the return radii, divided by eight (8). No island shall be inside the curb line on a concrete curb and gutter street or no closer than six (6) feet to the edge of the pavement on a street with roadside ditches. No island shall be allowed within the right-of-way of a residential street.
3. Driveways proposed to be located on a corner lot is not shown to be located within any portion of public street curb radii.
4. Driveways shall intersect with public streets at essentially right angles except that one-way driveways may intersect at angles no less than 45 degrees.
5. Driveways shall not exceed a grade of 10%. Maximum "break over" angles, being the algebraic difference in successive grade changes, shall be 12% for crest conditions and 8% for sag conditions.
6. Ditch line grading and installation of driveways must ensure positive drainage for entire length of property.

SECTION 7. CULVERTS.

A. Approved culvert styles are:

Reinforced Concrete Pipe (RCP), Corrugated metal Pipe (CMP), and TXDOT approved HDPE Pipe with flowable backfill.

- B. All concrete culverts shall be reinforced. All pre-cast conduits or pipe shall be new, tongue and groove (bell ended pipe shall not be used), reinforced Class III pipe.
- C. The length of the proposed culvert shall not be longer than approximately 1 foot beyond each side of the associated driveway or sidewalk. The length of culverts for new street crossings or connections to existing streets shall be determined by the City Planning Department.
- D. The minimum culvert diameter shall be eighteen (18) inches or two (2) twelve (12) inch round culverts.
- E. All culverts shall be bedded and backfilled with cement stabilized sand from a point six (6) inches below the culvert to one (1) foot below the sub-grade of the proposed driveway. Temporary culverts, culverts used for access to property used for agriculture purposes are exempt from this requirement.
- F. Ends of culverts shall be slanted to grade and reinforced with concrete.

G. Swells:

1. A swell shall be permitted or required if the ditch depth at the culvert location is 12” or less.
2. A swell must be concrete from the road edge to the property line.
3. The depth of the swell shall match the depth of the ditch, or a city specified depth.
4. A concrete transition to the city ROW must be less than an inch difference.

SECTION 8. SIDEWALKS.

- A. Sidewalks constructed in the City right-of-way or easements shall be constructed in accordance with the City of Santa Clara Planning Department Drawings and any subsequent amendments or revisions thereto as promulgated by the City.
- B. Any sidewalk constructed on a corner lot shall have a wheel chair ramp constructed in accordance with the latest requirements of the Architectural Barrier Act, Article 9102 Texas Civil Statutes, if said ramp is not already in place.

SECTION 9. VARIANCE AND SPECIAL PROVISIONS.

- A. The City Planning Department may require an applicant to deviate from the requirements of this Ordinance or of any specification drawings and require a special design whenever the proposed driveway, culvert or sidewalk is considered to be hazardous to pedestrian or vehicular traffic safety.
- B. When an applicant desires to construct a driveway which is an alternate design from that prescribed in this chapter and such construction is in conformance with the intent and purpose of these regulations and that modification does not lessen safety or capacity of the public street, alley, or driveway, such design variance may be approved by the City Planning Commission so long as:
 1. The application indicates that a variance to the minimum standards is sought;
 2. The numerical standards herein are not reduced by more than 10%; and
 3. The details of the alternate design are provided so that they may be documented by the City.
- C. If an applicant desires to modify nonconforming driveway access to reduce the degree of nonconformity, and practical difficulties are involved in carrying out the provisions of these regulations or if it is impracticable to fully comply with the minimum standards established, herein, the application for driveway modification shall be evaluated on the following criteria ranked in order of importance:
 1. Reduction in number of driveways;

2. Increase distance from nearest street intersection;
 3. Increased internal storage;
 4. Modification of driveway width and radii to reduce nonconformity;
 5. Increased spacing between driveways.
- D. Financial hardship shall not constitute impracticability. The applicant shall demonstrate that safety is not compromised by the proposal. Such driveway modification application shall be approved by the City Planning Commission if the proposal achieves the maximum compliance that is practicable given the property limitations.
- E. In the event that physical impossibility prevents a property owner from achieving one point of access to a public street and a mutual access easement is impractical, the City Planning Commission may approve a driveway that does not fully comply with the provisions of this chapter. The driveway approved shall not be considered nonconforming. Financial hardship shall not constitute physical impossibility. The driveway granted shall comply as fully as possible with the provisions of these regulations.

SECTION 10. CONSTRUCTION AND INSPECTIONS.

Failure to contact the City for a required field assessment or inspection may result in a notice to remove and replace.

- A. During the construction or removal and replacement of any driveway, culvert or sidewalk, the applicant shall use barricades, warning signs and barrier tape to warn the public of a hazardous construction site.
- B. Field assessments and Inspections are to be performed during typical work hours on workdays only, and virtual inspections may be available when arranged through the City Engineer's Office.
- C. Applicants are required to schedule a field assessment upon permit application to ensure the proposed design meets the roadside conditions.
- D. Physical identification must be made within 48 hours after Permit Application is submitted such as street marking or address board, which is preferred so it can double as a place to post permits and notices.
- E. Culverts shall be inspected after the grade and elevation have been set but before placement of backfill, and again upon completion of the placement of cement stabilized backfill and prior to commencement of driveway construction.
- F. Driveways shall be inspected as follows:

1. Driveways connecting to a concrete curb and gutter roadways shall be inspected after the placement of reinforcing steel and prior to the placing of concrete, and again after the concrete placement for conformance with City standards.
2. Driveways connecting to asphalt roadways without curbs and gutters will be inspected after the placement of materials for conformance with the geometric requirements of these regulations.

G. Sidewalks shall be inspected pre-pour and after placement of concrete.

SECTION 11. MAINTENANCE.

- A. Driveway, sidewalk, and/or Culvert maintenance shall be the responsibility and duty of the owner and the occupant of any property for which a culvert exists or is maintained under or through a driveway connecting such property to a public street within the City. The driveway(s), sidewalk(s) and/or culvert(s) shall be constructed, reconstructed, installed, repaired, and maintained by the owner and the occupant of such property in a manner to prevent such driveway(s), sidewalk(s) and/or culvert(s) from interfering with, diverting or obstructing the flow of storm-water and drainage.
- B. The owners and the occupants of such property with culvert(s) have the duty and responsibility to keep the culvert(s) open and free of obstruction or debris, and to repair, reconstruct, raise or lower the grade, and maintain such culvert from time to time to assure the culvert does not interfere with or obstruct the flow or drainage of storm-water, or divert storm-water from the bar ditch or drainage channel.

SECTION 12. DUMPING PROHIBITED.

No person may dump, throw, place, deposit or leave an obstruction in any ditch or on any right-of-way, public property or easement within the City, including, but not limited to, refuse, garbage, rubbish, trash, junk, leaves, grass, lawn clippings, dirt, sand, gravel, rock, mulch, rubble, soil, brush, tree limbs, tree trucks, motor vehicles, and other tangible personal property.

SECTION 13. ENFORCEMENT, ASSESSMENT, PENALTY AND NUISANCE.

- A. Unless otherwise specifically set forth in the ordinances of the City, or in state law as adopted, allegations and evidence of culpable mental state are not required for proof of an offense.
- B. The instillation, construction or repair of a driveway, culvert or sidewalk without a permit or in any manner not expressly permitted by an approved permit is hereby deemed a nuisance.
- C. Civil Legal Action.
If any person, firm or corporation engages in the construction, repair or other actions in violation of this Ordinance, without a permit, or in a manner that is not expressly permitted by an approved permit, the City may:

1. enjoin the violation of these regulations; and/or
2. order the property owner and/or the occupant to remove or repair the driveway, sidewalk or culvert at the property owner and/or the occupant expense. (Should the property owner and/or the occupant fail to remove or repair the driveway, sidewalk or culvert within 30 days of notice, the City may repair or remove the driveway, sidewalk or culvert and assess the costs of doing so to the property owner and/or the occupant. Assessments will be made at the completion of the repair or removal and property owners and/or occupants will have 90 days to pay the assessment before the City declares the debt delinquent. The City will add a \$30.00 delinquency charge if the assessment is not paid within 90 days and accrue 8% annual interest to the delinquent debt of the assessment until paid. The property owner and/or the occupant will receive notice of delinquency and a warning that if the debt is not paid within 30days the City may take advantage of other legal means to recover the debt.)

D. Criminal Penalty.

Any person, firm, corporation or agency violating any provision or requirement this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined an amount not to exceed five-hundred dollars (\$500.00). Violations of multiple provisions or requirements shall constitute separate violations. Each and every day that such violation(s) continue(s) shall be deemed a separate offense.

E. Remedies Non-Exclusive.

The enforcement provisions of this Ordinance are not exclusive. Any actions by the City pursuant to this Ordinances shall not be deemed as a limitation upon the City to enforce this Ordinance. Prosecution or conviction of a criminal offense under this Ordinance shall never be a bar to any other remedy, abatement or relief for violations of this Ordinance. Furthermore, the city shall have all other rights and remedies afforded pursuant to state law and other City ordinances for the enforcement hereof to include, but not limited to, abatement, fine and civil remedies.

SECTION 14. FEES.

The fees for applications, permits, and inspections shall be paid to the City at the time of submitting the application in the amounts as established by the City's Fee Schedule.

Application and additional inspection fees are non-refundable. All permit fees are refundable upon request after the application is denied and no appeal has been made. If an appeal is made the permit fees will be retained until the final decision of the City Council is made; and then if ultimately denied the fees will be refundable upon request after the final decision on the appeal has been made.

SECTION 15. REPEAL; CONFLICT.

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. Ordinance 2014-002 is hereby repealed and replaced by this Ordinance in its entirety.

SECTION 16. SEVERABILITY.

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 17. SAVINGS CLAUSE.

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

SECTION 18. MEETING OPEN TO PUBLIC.

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

SECTION 19. EFFECTIVE DATE.

This Ordinance shall be effective upon posting as required by law after approval.

PASSED AND APPROVED this 26 day of September, 2022.



ATTEST:

A handwritten signature in blue ink, appearing to read "Donna L. White", is written over a horizontal line.

Donna L. White, City Secretary

A handwritten signature in blue ink, appearing to read "Jeff Hunt", is written over a horizontal line.
Jeff Hunt, Mayor