

ORDINANCE NO. 2002- 10

AN ORDINANCE AMENDING THE CITY'S DESIGN STANDARDS FOR PUBLIC WORKS CONSTRUCTION TO REQUIRE SLOPED END SECTIONS FOR IMPROVEMENTS ACROSS OPEN-DITCHES WITH AN EXEMPTION FOR DITCHES ADJACENT TO RESIDENTIAL PROPERTIES WITH PIPE SIZES NOT EXCEEDING 15" IN DIAMETER; REPEALING CONFLICTING ORDINANCES, PROVIDING FOR ENFORCEMENT, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

Section 21-54(d) of the Victoria City Code provides:

(d) Developer to install improvements. The developer shall install all utilities, shall construct curbs and gutters, and shall surface roadways to the widths prescribed in these regulations. All road pavements, shoulders, drainage improvements and structures, curbs, turn-arounds, and sidewalks (when constructed), shall conform to the city's construction standards and specifications, and shall be incorporated into the construction plans required for plat approval.

Section 21-66(c) of the Victoria City Code provides:

(c) Minimum standards. All construction plans shall conform to the improvement standards and design principles of this article, all other requirements of this chapter, and any other applicable codes, standards, requirements and specifications of the city.

Section 21-68(a) of the Victoria City Code provides:

(a) Generally. The director of engineering shall provide for the inspection of required improvements during construction to insure general conformity with plans and specifications as approved. If the director of engineering finds, upon inspection, that any of the required improvements have not been constructed in accordance with the city construction standards and specifications, then the developer shall be responsible for making the necessary changes to insure compliance.

The City Council finds that the proposed amendment to the City's Design Standards will preserve health and safety by reducing fatalities from head-in collisions with improvements in City drainage ditches and reduce property damage by reducing drop-off accidents due to people entering or leaving driveways, and enforcement hereof will constitute a legitimate exercise of the City's police power.

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

1.

The City Council hereby amends its Engineering Design Standards, which are also known as "Volume I, Design Standards for Public Works Construction" to add **Figure V.C.**, a copy of which is attached hereto and incorporated herein, which will provide for sloped end treatment for improvements across open ditches adjacent to City streets, but which will exempt ditches adjacent to residential areas with pipe sizes not exceeding 15" in diameter.

2.

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Ordinance by injunction issued by a court of competent jurisdiction.

3.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

4.

If any provision of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance 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.

5.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 16th of April, 2002.

AYES: 7

NAYS: 0

ABSTENTIONS:

PASSED SECOND READING, this the 7 day of MAY, 2002.

AYES: 7

NAYS: 0

ABSTENTIONS:

PASSED THIRD READING, this the 7 day of MAY, 2002.

AYES: 7

NAYS: 0

ABSTENTIONS:

APPROVED AND ADOPTED, this the 7 day of MAY, 2002.



ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Gary Middleton

GARY MIDDLETON, Mayor of the
City of Victoria, Texas

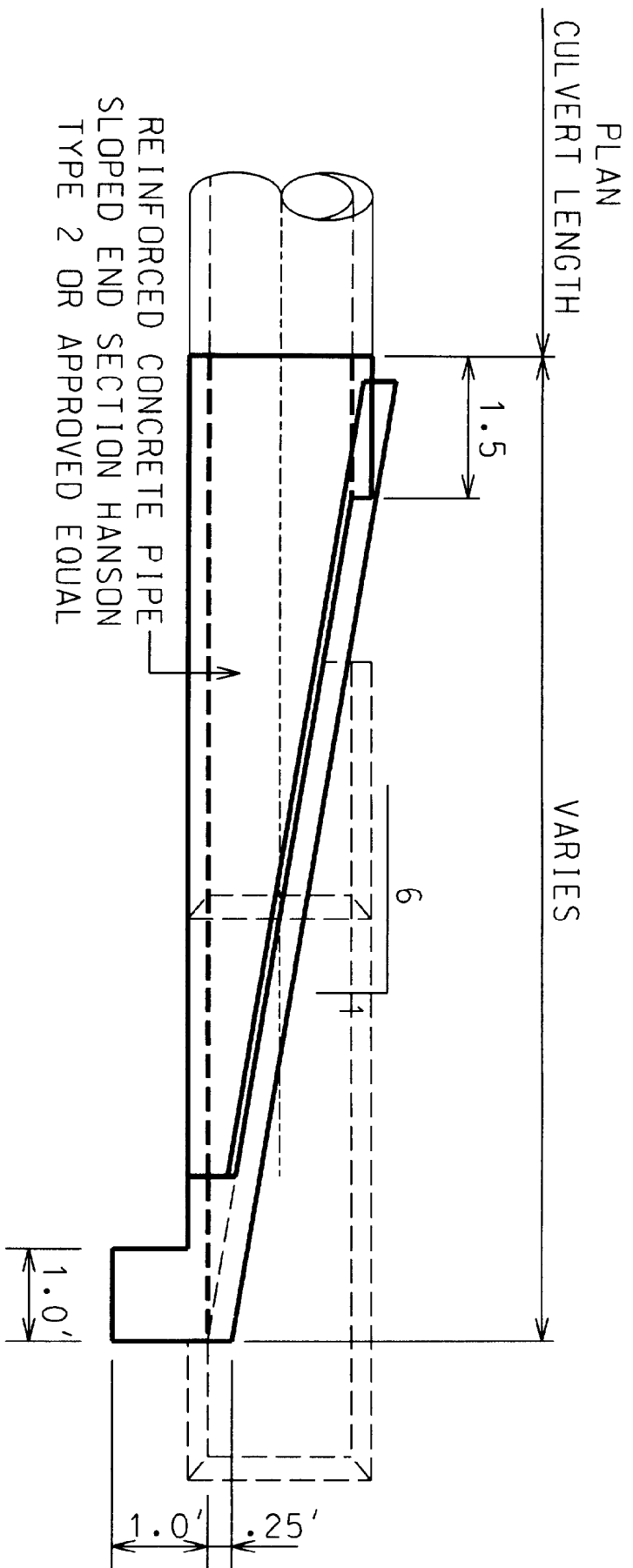
APPROVED AS TO LEGAL FORM

David Atmar Smith

DAVID ATMAR SMITH, City Attorney

Distribution: Legal Department
Planning Department
Department of Public Works

Copies Sent: MAY 9, 2002



SLOPED END SECTION (S. E. S.)

6:1 SLOPE

Figure V. C.