

ORDINANCE 25A Revised 2017 DRIVEWAY AND CULVERT ORDINANCE

AN ORDINANCE TO REGULATE THE STYLE, SIZE AND TYPE OF CONSTRUCTION OF ANY STRUCTURE OR CULVERTS PLACED IN A DITCH OR WATER COURSE IN ANY STREET EASEMENT IN THE TOWN OF BAYSIDE. PROVIDING FOR DEFINITIONS, VIOLATIONS, NOTIFICATION PROCESS, AND COLLECTION OF FEES THEREFORE; PROVIDING A PENALTY; NEGATING CULPABLE MENTAL STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE. THIS ORDINANCE REPEALS ORDINANCE 25, AMENDMENT A AND B OF THE TOWN OF BAYSIDE AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, after Published Notice of a Public Hearing, the City Council of the Town of Bayside, Refugio County, Texas conducted a Public Hearing regarding the construction of driveways and culverts within the Town of Bayside;

WHEREAS, private driveways and culverts which are improperly located or constructed within the right of way of Town roads have adverse effects on the health, welfare and safety of the residents of Bayside;

WHEREAS, the Town has become aware of the need to clarify the fact that the Town is in no way responsible or liable for the proper placement and construction of driveways and culverts;

PURPOSE: It is the purpose of this ordinance to restrict and regulate private access onto town roads in order to promote the public safety and general welfare of the citizens of the Town of Bayside by providing for safe and efficient private ingress and egress to city roads, and to insure that drainage will not be impaired by the construction or installation of improperly sized culverts and to insure that culverts, bridges, etc., are installed in a manner which will not hamper future cleaning or improvements of ditches and drainage

SCOPE: Any driveway, culvert, bridge, covering or obstacle either natural or man made placed in any ditch, right-of-way or waterway, whether temporary or permanent, regardless of its purpose or intent.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF BAYSIDE:

DEFINITIONS

CITY – The Town of Bayside, its elected officials and its appointed employees or his/her designee.

CITY OFFICIAL - The city building inspector or city employee charged with responsibility of enforcing this ordinance or his designee.

CITY OR PUBLIC EASEMENTS OR RIGHTS-OF-WAY (ROW) - the area on, below, or above a public roadway, highway, street, or bicycle lane in which the city has any right, title or interest in land acquired, claimed or maintained by the Town of Bayside for city utilities or roadway and roadway drainage including other dedicated ROW for travel purposes and/or utility easements of the city.

CULVERT - a hollow structure of concrete, galvanized steel, aluminum, or plastic (PVC, HDPE) with a smooth interior which provides waterway openings to conduct water for drainage purposes.

DRIVEWAY - A private driveway, road, or an improved or semi-improved surface that connects or

will connect with any public roadway whether improved or not which serves no more than one parcel of land owned by the same individual(s) and shall include field entrances but shall not include any field road lying outside of the right-of-way of a public roadway. Driveway" means an improved surface used for vehicular access from the edge of a city roadway to the right-of-way or easement line.

PERSON - any individual, corporation, partnership, limited partnership limited liability company, joint venture or other entity.

ROADWAY - that portion of an improved surface of the city street, highway, public easement designed, improved, smoothed, paved, or ordinarily used for vehicular travel or otherwise prepared to allow easy travel.

STRUCTURE – shall include gates, pillars, trees, shrubbery, posts, flower boxes or planters etc. and private driveways, the portion of which extends into any roadway, and which is in non-conformance with this ordinance.

SECTION 1 APPLICABILITY.

SEC. 1.1 This ordinance shall apply to all driveways constructed or reconstructed and/or installing culverts on city right-of-ways within the Town of Bayside after the effective date of this ordinance.

SEC. 1.2 All Private driveways or culverts constructed within the right-of-way of any city roadway shall in all respects comply with any applicable requirements and specifications of the city and, if any, of the Texas Department of Transportation.

SECTION 2 GENERAL REQUIREMENTS.

SEC. 2.1 No person shall place, locate, establish, construct, pave, alter, locate in or relocate, improve or rework, or cause to be placed any obstruction or structure within the public right-of-way limits of any roadway in the Town of Bayside except as permitted by this ordinance. Filling of ditches and/or culverts located within a right-of-way is prohibited without an approved permit from the city.

SEC. 2.2 No person shall install, construct, rebuild, replace or repair any culvert, bridge or covering in or across any ditch or watercourse or drainage way without an approved permit from the Town of Bayside.

SEC. 2.3 The city, notwithstanding the construction of such driveway and/or culvert, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the city roadway or right-of-way and easement at any time, including relocation, reconstruction, widening and maintaining the street and ditches without compensating the owner of such private driveway for the damage or destruction of such private driveway and/or culvert.

SEC. 2.4 Driveway materials on city right of way will be replaced with city materials when it becomes necessary for the city to repair/replace utility lines or maintaining easements and may not be replaced with the same original material. Driveway and private street culverts shall not cause a restriction of the flow of any adjoining street drainage system. The owners of property for which an appurtenant driveway or private street culvert causes, or contributes to, a restriction in flow of the adjoining street's drainage system shall, at their expense, maintain,

clean or enlarge the existing culvert to the extent necessary to remove the restriction.

SEC. 2.5 Culvert Maintenance and Repair. The property owner will have the continuing responsibility and obligation to maintain and repair the culvert(s) should any culvert become in such a condition or state of disrepair or be damaged to such an extent that the flow of the drainage or access by motor vehicles is affected thereby and shall be responsible for the maintenance of the flow of drainage water and to keep the ditches and culvert in the right-of-way unobstructed. The property owner shall take whatever actions are necessary to repair or replace said defective culvert as required by this ordinance. In the event of conditions likely to result in damage to the roadway or danger in road travel, the city council may authorize removal of obstructions or replacement of the culvert and hold the property owner responsible for payment of any such expense incurred.

SEC. 2.6 Upon receipt of an approved permit from the city official the landowner may at his expense install said culverts or structure provided recommended methods of installation are followed.

SEC. 2.7 This ordinance does not address or regulate access from a town road to agricultural land by agricultural implements and related equipment. No driveway permit is required for entry for agricultural purposes into a field that border a city roadway. However, this ordinance would apply regarding damage or obstruction to a public road or right-of-way and corrective action would always be required from an owner or operator who damages a public roadway. Any access to agricultural land from a county or state highway will be governed by the Texas Department of Transportation and/or the Refugio County Highway Department and this ordinance has no authority over their conditions or requirements.

SEC. 2.8 Any driveway constructed on roadway, right-of-way or public easement in the Town of Bayside in violation of any of the provisions of this Ordinance shall be deemed to be an unlawful driveway.

SEC. 2.9 Any structure or object placed in a ditch or watercourse or drainage area without permission, constructed of inferior material or method of installation which is not approved shall be removed at the landowner's expense.

SEC. 2.10 Any physical changes required by the city to an unlawful driveway to bring the driveway into compliance with the terms of this Ordinance and the terms of the Driveway/Culvert Permit will be made at the private owner's expense.

SECTION 3 PERMIT REQUIRED; APPLICATION; FEE.

SEC. 3.1 Permit Requirement.

- A. No person shall locate, relocate, establish, construct, pave, alter, improve or rework, excluding normal maintenance, any private driveway within the city right-of-way of any presently existing or dedicated but not yet formally accepted city roadway which changes the existing topography of the land without first filing an application and obtaining an approved Driveway/Culvert Permit from the Town of Bayside as required in this ordinance. No person shall commence work on any driveway before the driveway permit has been issued. Re-graveling of previously constructed driveways does not constitute a change in the existing topography of the land.
- B. No person shall install, re-install, place or replace, repair, lengthen alter or move any culvert

in any right-of-way or ditch or watercourse controlled by the city without first filing an application and obtaining an approved Driveway/Culvert Permit from the Town of Bayside as required in this ordinance. No person shall commence work on any culvert before the driveway permit has been issued.

- C. Driveway permits will be valid for one year from the date of issue. Permits shall stipulate that construction pursuant to the permit will be commenced within six (6) months and be completed within one (1) year from the date of the permit. Reapplication for a permit will be required for any improvements not completed during that period. Reapplication permits will not be denied without reasonable cause.
- D. The permittee, their successors or assigns, agrees to indemnify and hold harmless the Town of Bayside, its officials, officers, agents, engineers, or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit. The city does not assume any responsibility for any portion of such driveway or culvert within the dedicated portion of the city roadway or street easement.
- E. The property owner/developer must also obtain permission from the State of Texas Department of Transportation for access to state and federal highways, and from the Refugio County Highway Department for access to any county highway.
- F. The granting by the city of a Driveway/Culvert Permit does not guarantee that if the permit specifications are met and construction complies with the standards outlined in this ordinance and on the Permit, the applicant will not be liable for damages to the town roadway, utility lines, or right-of-way after construction is completed.
- G. All permits issued by the city official for the construction of driveways, sidewalks or culverts on a city or public easement or right-of-way shall require conformance with these Regulations. With the application approval of the city official, the Driveway/Culvert Permit may be issued to allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.
- H. When the private access road/driveway and/or culvert construction is completed, the applicant will notify the city secretary, and the city official will then make a final inspection of the driveway, and if the driveway is properly constructed, the city official will give final approval for the driveway or culvert in writing on the permit.
- I. Installation of a culvert without an approved permit, is a violation of this Ordinance. If the City determines the size and /or length of a culvert, installed without a permit, to be inappropriate, the landowner shall remove the culvert within thirty (30) days and install a culvert of the correct specifications. Upon failure to do so, the city will remove the existing culvert and bill the property owner for all expenses.
- J. Upon violations of this ordinance, the city shall have the right to remove, repair or replace any structure or culvert in any easement in order to improve drainage or eliminate problems associated with or related to drainage in the area in case of emergency or flood
- K. The property owner will be billed for cost associated with removal and installation of culverts, driveways, or any structure in violation of this ordinance. The failure to pay the bill within sixty (60) days will result in a lien against the real estate for which the work was performed.

SEC. 3.2 Application.

- A. All permit applications shall be made on written forms approved and supplied by the city secretary.
- B. Prior to consideration of the application by the city official, the applicant shall submit to the city secretary the application and a driveway and/or culvert construction plan which shall accurately describe the location of the proposed driveway and/or culvert and the specifications required by this ordinance for construction. Such application should be made to city official and must indicate purpose, type and exact location of proposed structure. The city official upon receipt of said application shall review all applications and inspect the condition of the proposed location and determine size and type of construction necessary to be in keeping with this ordinance.
- C. The request for such permit shall be in writing signed by the owner of the property and shall include a plot plan. Plot plans may be submitted as rough sketches. The drawing shall include the following:
1. the location and orientation of the proposed driveway and/or culvert in relationship to the property involved;
 2. the adjacent road, street, or highway and road right-of-way width;
 3. design specifications showing driveway dimensions including driveway width, culvert sizes and lengths;
 4. the location of existing and proposed improvements shall be identified on the drawing;
 5. all numbers and writing shall be legible;
 6. road names and name of property owner should be identified.
- D. When an application for only a culvert is filed, the applicant will provide the city official with the data needed to determine the following:
1. The location of the culvert by staking the beginning and the end of the proposed culvert on the ground and showing the distance from the nearest property corner or intersecting street or road;
 2. Whether the culvert will provide ultimate access to a single family dwelling or whether it will serve commercial or another type of land use;
 3. The type of culvert material;
 4. The length of the proposed culvert based on the standards in Section 5.
- SEC. 3.3 Fee. The property owner shall install the culvert and be responsible for the cost thereof. There shall be no permit fee for any placement, replacement and/or modification of any culvert.

SECTION 4 CONSTRUCTION & INSPECTION

SEC. 4.1 Driveways and culverts will be inspected by the city official before and after the placement of materials for conformance with this ordinance.

SEC. 4.2 The construction of driveways shall be governed by the following procedures:

A. The driveway construction area staked and flagged prior to commencement of driveway construction;

B. The dimensions of driveways will be based on the following standards:

1. That the maximum width of a driveway serving a single family dwelling or an agricultural property and on a city right-of-way shall not exceed twenty (20) feet;
2. That the maximum width of a commercial driveway and on a city right-of-way shall not exceed one hundred (100) feet.
3. That driveways located on the same property shall be separated by a minimum of twenty (20) feet.
4. Concrete driveways must have a 36" breakout over the utility lines.
5. Driveways shall be located a maximum distance of twenty (20) feet from street intersections.
6. Property owner will be responsible for replacing driveway at owner's expense should driveway have to be removed for any reason per Section 3.4.
7. Disposal of debris within thirty (30) days from a removed driveway will be at property owner's expense. Fee to be set by Council at a fee not to exceed the prevailing rate.
8. Driveway Setback: On adjoining property lines, the driveway base on city right-of-way must be a minimum of five (5) feet from the property line.

C. Base Material Allowed:

1. asphalt;
2. limestone
3. crushed asphalt, and
4. concrete.

D. Angular Placement. Driveways shall intersect the public road at right angles, approximately ninety degrees (90°), from the property line.

E. The private driveway must be designed and constructed in such a way that it will not cause any damage to the town road nor create any hazard to the public as they travel on the town road.

F. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way.

G. The city official shall approve the location of any driveway which will intersect with any road or highway located within the Town of Bayside.

SEC. 4.3 The installation of culverts shall be governed by the following procedures:

A. The culvert location area staked and flagged prior to commencement of driveway construction;

- B. The city official after inspection shall issue written permission stating size, style, and type of construction deemed necessary.
- C. No materials either new or used which are of inferior quality or are substandard due to age, construction, or size, in the opinion of the city official may be used;
- D. Culverts shall not be backfilled until an inspection prior to commencement of driveway construction is conducted by the city official to determine that the elevation and grade of the culverts have been correctly set;
- E. The city official will determine the need for culverts on all driveways. If culverts are needed the city official will determine the culvert diameter and length based on site location and drainage needs. The dimensions and materials of driveways and culverts will be based on the following standards:
 - 1. No culvert or structure which provides an opening smaller than fifteen (15") inches in diameter shall be used unless approved by the city council. The city official may require a larger or additional smaller culvert as it deems necessary for the safety of its residents, for the prevention of water damage, and for the prevention of drainage problems.
 - 2. Intermediate catch basins are required where the total culvert length is greater than thirty six (36') feet and/or where a bend or curve in the pipe is required.
 - 3. There shall be a minimum distance of ten (10) feet from the edge of the roadway to the culvert and a maximum distance of ten (10) feet from the edge of the property line to the culvert except by approval from the city council.
 - 4. Single Family Dwellings - Residential:
 - a) Minimum culvert length for walkway: three (3) feet;
 - b) Minimum culvert length for driveway: sixteen (16) feet;
 - c) Maximum uninterrupted culvert length for driveway: twenty five (25) feet.
 - 5. All Other Driveways:
 - a) Minimum culvert length for driveway: sixteen (16) feet;
 - b) Maximum culvert length for driveway: one hundred (100) feet.
 - c) Five (5) foot intermediate catch basins shall be spaced at each end of thirty-six (36) feet of pipe.
 - 6. Culvert Setback: On adjoining property lines, the culvert must be a minimum of five (5) feet from the property line.
- F. Culvert materials Allowed:
 - 1. reinforced concrete pipe;
 - 2. aluminum;
 - 3. plastic (PVC, HDPE) smooth interior; and
 - 4. galvanized steel pipe.

SEC. 4.4 Drainage. The culverts shall be placed in the ditch line at elevations that will assure proper drainage. Driveway and private street culverts shall not cause a restriction of the flow of any adjoining street drainage system. The owners of property for which an appurtenant driveway or private street culvert causes, or contributes to, a restriction in flow of the adjoining street's drainage system shall, at their expense, maintain, clean or enlarge the existing culvert to the extent necessary to remove the restriction.

SEC. 4.5 All expenses of construction and materials will be the responsibility of the applicant. Under no circumstances will the Town of Bayside perform the actual work of constructing the private access road or setting the culvert, but the city official may require that a city employee be present to oversee the construction.

SEC. 4.6 Other permanent installations, such as gates, pillars, trees, shrubbery, posts, lawn sprinkler pipes, etc. is prohibited in the public right-of-way and shall not be placed in a right-of-way.

SEC. 4.7 Driveways and culverts shall in all cases be placed where ever possible as to not interfere with utilities in place. Any costs of relocating utilities shall be the responsibility of the property owner with the written approval of the city official necessary before any utility may be relocated and the driveway installed.

SEC. 4.8 The city, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the city roadway or street and easement at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway and/or culvert.

SEC. 4.9 The final inspection and approval for driveways and culverts will be made by the city official at completion of construction.

SECTION 5 APPEAL FROM PERMIT REFUSAL

SEC. 5.1 Exceptions. An appeal for exception to these regulations will be considered on the following basis and only after good and sufficient cause has been demonstrated by the applicant for an exception:

- A. The property owner/developer has the right to appeal to the City Council any decision/recommendation made by the city official or by the refusal of the city to issue a permit for a private driveway and must appeal such refusal by stating and submitting his reasons in writing to the city secretary within ten (10) days after such refusal to issue such permit is made who shall place the matter as an agenda item for the City Council's next meeting.
- B. The City Council may waive the requirement for a culvert and/or grant a variance request upon a finding that unique physical characteristics of the location in question render the culvert specifications unnecessary. The Town Engineer may be asked to render an opinion on the request.

SECTION 6 EXISTING DRIVEWAYS AND FIELD ROADS

SEC. 6.1 When washing or other conditions created by existing driveways or field roads becomes a potential hazard to a public road, the city official shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be subject to the penalty provided in this ordinance upon conviction and shall be liable for any costs incurred by the Town of Bayside to eliminate such hazard. Problems of a non-emergency nature shall be corrected in thirty (30) days.

SEC. 6.2 Actions that will trigger the need to obtain a driveway permit for existing driveways include construction of a new residential, commercial, or industrial structure.

SEC. 6.3 If a property owner alleges that a driveway exists that is presently serving open land without improvements, and that now an application is being filed for a building permit for a structure which will be served by that alleged driveway, the city official will examine the existing driveway to determine if it is adequate to meet the specifications of this ordinance. The city official will either document in writing the existence of an approved driveway or will require changes to bring the driveway up to standard.

SECTION 7 ENFORCEMENT.

SEC. 7.1 The city official shall be charged with the enforcement of these regulations.

SEC. 7.2 If any person violates any provision of these regulations the city official will attempt to obtain compliance with these regulations.

SEC. 7.3 Stop Work Orders. Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the city official confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

SEC. 7.4 In the event the city official is unable to obtain compliance within a reasonable time the city official may so report to the city council and the following remedies may be pursued:

- A. If any person engages in the construction or repair of a driveway, sidewalk or culvert on a city easement or right-of-way without a permit, the city council may direct the city Attorney to file suit to enjoin the violation of these regulations.
- B. If any person engages in the construction or repair of a driveway, sidewalk or culvert in any manner except as specified in the permit issued therefor by the city, the city council may direct the city Attorney to file suit to enjoin the violation of these regulations.
- C. If any person engages in the construction of a driveway, sidewalk or culvert on a city easement or right-of-way without a permit, or if any person engages in the construction or repair of a driveway or culvert in any manner except as specified in the permit issued therefor by the city, the city council may order the landowner to remove or repair the driveway or culvert at the landowner's expense.

SECTION 8
VIOLATIONS DEEMED A PUBLIC NUISANCE.

SEC. 8.1 In addition to the penalties provided herein, the City Council finds and determines that any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to the public health, safety and welfare, is declared to be a nuisance and may be abated as such.

SECTION 9
PENALTIES

SEC. 9.1 Any person who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any driveway, culvert or structure in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of misdemeanor upon conviction. Whenever in this ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in such Code or Ordinance the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Code or any such ordinance shall be punished by a fine of not exceeding Two Hundred Dollars (\$200.00) upon conviction. Further, that the above mentioned violations shall be subject to a minimum fine of One Hundred Dollars (\$100.00). Provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the state. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

SEC. 9.2 The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

SEC. 9.3 Any person who violates any provision in this ordinance shall pay, when a permit fee is required, double the specified fee and shall remove, alter or correct the installation as ordered by the designated city employee. If the owner or occupant does not correct the installation as ordered by the Town within the allotted time, the expense of correcting the installation shall be done by the Town and the expense thereof shall be charged to the property owner.

SEC. 9.4 The owner or owners of any culvert or structure, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who had assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as herein before provided.

SEC. 9.5 Notice of such a penalty upon conviction shall be sent to said owner at their last known address by certified and regular first class mail. Any person violating any of the provisions of this ordinance shall become liable to the Town of Bayside for any expense, loss, or damage occasioned by the Town of Bayside by reason of such violation.

SEC. 9.6 Any person who constructs an unlawful driveway, which intersects a state or county highway on land in the Town of Bayside, will be subject to any penalties, forfeitures or conditions established by the State of Texas and/or Refugio County.

SECTION 10
ASSESSMENT OF EXPENSES; LIEN

SEC. 10.1 To obtain a lien against the property, the mayor or City Official designated by the mayor shall file a notice of lien in the appropriate county deed or lien records showing the penalty and all expenses as a lien against the property of the owner in which said property utilizes, or will utilize such facility.

SEC. 10.2 The lien obtained by the City is security for the fines, expenses and interest accruing at the rate of ten (10) percent on the amount due. The lien attaches upon the filing of the lien statement with the county clerk. The lien is inferior only to Tax liens.

SEC. 10.3 The City Council may authorize the City attorney to bring a suit for foreclosure in the name of the City to recover the fines and interest due. In any civil, criminal or administrative appeal, hearing or action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including, but not limited to, inspection costs.

SEC. 10.4 The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the City in doing the work or making the improvements.

SEC. 10.5 The City Council may authorize the City attorney to foreclose a lien on property.

SEC. 10.6 In any civil, criminal or administrative appeal, hearing or action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant of such action reasonable attorney's fees, costs of suit, any other costs of enforcement, including, but not limited to, inspection costs and cleanup or abatement costs.

SEC. 10.7 All collections of money from lot owners in payment of charges for statement of violations of this division shall be received by and receipted for by the City secretary or a duly authorized assistant.

SECTION 11 ATTORNEY AUTHORIZATION.

SEC. 11.1 Notwithstanding any penal provision herein, the City attorney is authorized to file suit on behalf of the City for such injunctive relief as may be necessary to abate such violations whenever any violations as herein defined is found in any place within the City.

SEC. 11.2 In addition to any other remedies provided in this Ordinance, any violation of this Ordinance may be enforced by civil action brought by the City. In any such action, the City may seek, as appropriate, any or all of the following:

- A. A temporary restraining order, preliminary and permanent injunction;
- B. Reimbursement for the costs of any investigation, inspection, or monitoring which led to the establishment of the violation, and for the reasonable costs of preparing and bringing administrative action under this Ordinance;
- C. Costs incurred in removing, correcting, or terminating the adverse effect resulting from the violation;

SECTION 12 SEVERABILITY, CONFLICT, AND VALIDITY

SEC. 12.1 Severability. If any court of this State or the United States of America shall hold any section, paragraph, sentence, clause, phrase or word contained in this ordinance

unconstitutional, the invalidity of such portion of the ordinance shall not be construed to affect any other part of this ordinance.

SEC. 12.2 Conflict with other Ordinances. That this ordinance shall be cumulative of all other ordinances of the Town of Bayside, Texas, affecting zoning. All ordinances or parts of ordinances including but not limited to Ordinance 25, Amendment A and Amendment B in conflict herewith are hereby repealed. This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings or structures, the provisions of this Ordinance shall prevail.

SEC. 12.3 Validity. The validity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance that can be given effect without such invalid part or parts. This ordinance shall not affect the validity of any deed restriction that is otherwise valid.

SECTION 13 EFFECTIVE DATE

SEC. 13.1 This ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance in its entirety or in summary form once in the official newspaper of the Town of Bayside.

Date Published in Official Newspaper Sept. 28, 2017
1st Hearing Date Sept. 12, 2017

Passed, ordained, approved and adopted this the 12th day of September, 2017.

Attest:

Connie Cramer
City Secretary

Pat Lewis
Town Attorney

By: Sharon Scott
Mayor, Town of Bayside, Texas