

ORDINANCE #25

AN ORDINANCE TO REGULATE THE STYLE, SIZE AND TYPE OF CONSTRUCTION OF ANY STRUCTURE OR CULVERTS PLACED IN A DITCH OR WATERCOURSE IN ANY STREET EASEMENT IN THE CORPORATE LIMITS OF THE TOWN OF BAYSIDE, COUNTY OF REFUGIO, STATE OF TEXAS.

INTENT: It is the intent of this ordinance 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 waterways.

SCOPE: Any culvert, bridge or covering or obstacle either natural or manmade placed in any ditch or waterway, whether temporary or permanent, regardless of its purpose or intent.

NOW THEREFORE, be it ordained by the Board of Aldermen of the Town of Bayside, Texas:

Expressed written permission must be obtained by any person prior to his placement, replacement, repair, lengthening or otherwise altering any structure or object in any easement or ditch or watercourse controlled by such board.

Any landowner wishing to install, construct, rebuild, replace or repair any culvert, bridge or covering in or across any ditch or watercourse or drainage way must apply for written permission from the Town of Bayside.

Such application should be made to City Secretary and must indicate purpose, type and exact location of proposed structure.

The Mayor or his appointee upon receipt of said application shall inspect said location and determine size and type of construction necessary to be in keeping with this ordinance.

The Mayor or his appointee after inspection shall issue written permission stating size, style, and type of construction deemed necessary.

No culvert or structure which provides an opening smaller than fifteen (15") inches in diameter or exceeds thirty-six (36') feet in uninterrupted length shall be used.

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 inspecting officer, may be used.

Upon receipt of written permission from the Town Board the landowner may at his expense install said culverts or structure provided recommended methods of installation are followed.

The City may at its option, aid in the installation of said culverts or structure and provide a topping of its choice.

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 on request removed at the landowner's expense.

Upon violations of this ordinance, the Town shall have the right and privilege 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.

Violations of this ordinance shall be punishable by fine of not less than \$25 nor more than \$200 for each violation.

Any landowner who disagrees with the determination of the Mayor or his appointee shall have the right to appeal said determination to the Board of Aldermen of the Town of Bayside.

Such appeal must be made in writing within thirty (30) days of said determination to the Board of Aldermen of the Town of Bayside.

The sections, paragraphs, sentences, clauses and phrases of this ordinance are separable, and if any phrase, clause sentence, paragraph or section shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

PASSED BY THE BOARD OF ALDERMEN AND APPROVED by the MAYOR of the Town of Bayside, County of Refugio, State of Texas, this 25th day of June, 1985.



T. D. Buchanan, Mayor

ATTEST:



City Secretary