

ORDINANCE #21 (REVISION #6)
August 3, 2021

AN ORDINANCE STATING THE USE OF STREET AND RIGHT-OF-WAY WITHIN THE CITY LIMITS OF HIGHLAND HAVEN, TEXAS; PROVIDING FOR USE OF PUBLIC RIGHT-OF-WAY BY AUTHORIZED UTILITIES; PROVIDING FOR NEW STREETS; PROVIDING PENALTY FOR VIOLATION; PROVIDING A SAVING CLAUSE; PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the Board of Aldermen determined that SECTION V - - STREETS AND RIGHT-OF-WAY is not a zoning subject.

WHEREAS, provisions of SECTION V - - STREETS AND RIGHT-OF-WAY of Zoning Ordinance #007 is a proper subject of a special, ordinance; and

WHEREAS, SECTION V - - STREET AND RIGHT-OF-WAY is removed from Zoning Ordinance #007 and the provisions of SECTION V are replaced with ordinance #21 and ordinance #21 is replaced by this ordinance.

WHEREAS, Revision #02 will eliminate any reference to the restriction referring to vehicles or signs within 15 feet of the street surface.

WHEREAS, Revision #3 added drainage alteration requirements

WHEREAS, Revision #4 adds requirements to provide temporary erosion control fences

WHEREAS, Revision #5 adds reference to Ordinance 059 for Right of Way parking regulations

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS:

A. PERMITTED USES OF STREET RIGHT-OF-WAY.

1. Mailboxes and receptacles for newspapers. Location must not restrict traffic, nor should the mailbox be placed nearer to the street surface than others that are nearby and on the same street. Postal regulations control the type of mailbox that may be used and its height above ground.
2. City approved street, traffic signal and warning signs.
3. Temporary device or barrier to warn of hazardous conditions.
4. Public utilities.
5. All signs, other than listed in (2.) above, must be located on private property.
6. Driveway approach construction shall meet the requirements of Ordinance 56.
7. Refer to Ordinance 059 for Right of Way parking regulations

B. OTHER PROVISIONS.

1. Objects or obstructions not specifically permitted will not be placed in the right-of-way. This includes, but is not limited to, fences, rocks, bushes, trees or any structure that could be considered a hazard to a vehicle (motorized or self-propelled) forced or guided off the edge of the pavement. Objects that restrict vision (exit and entrance) from a private driveway will not be placed closer than fifteen feet from the street surface.

- 2. The City will furnish notice, by registered and regular mail, to property owners of any violation of this ordinance and require the owner to remove such violation within seventy-two hours of receipt of the notice. The city will remove any violation not removed by the property owner within the 72-hour period. Failure to remove the violation within 72 hours of receipt of the notice of violation is a violation of this ordinance and subject to penalty set forth in Section J. The City shall, after determining that an object is a significant hazard, will immediately remove the significant hazard. Questions whether a significant hazard exists may be determined by the Ordinance Enforcement Officer and the Mayor. The City will assess the cost for removal of a hazard to the property owner. Failure of the property owner to pay the assessed cost within 30 days will result in a notice to appear in Municipal Court for a violation of this ordinance.

C. LINES, PIPES, HOSES, ELECTRIC CONDUCTORS.

1. GAS LINE. No pipe or hose conducting flammable gas or liquid will be placed on or beneath the surface of the right-of-way or any public street. This restriction includes the side and back yard utility easements.
2. WATER LINES. No pipe or hose conducting water will be placed on or beneath the surface of the right-of-way or any public street or beneath the surface of property owned by another party. ***(EXCEPTION: A water utility who holds a valid franchise agreement with The City of Highland Haven, Texas may apply for and be issued a City permit to place a water line beneath the surface of the right-of-way or any public street provided such action complies with all appropriate State of Texas regulations.)***
3. ELECTRIC CONDUCTORS.
 - a. No conductor carrying alternating electric current (AC) will be placed on or beneath the surface of the right-of-way or any public street or beneath the surface of property owned by another party. Any existing electric conductor (AC) crossing the street right-of-way is a serious hazard and any such conductors will be immediately disconnected by cutting at the property line. ***(EXCEPTION: Public Electrical Suppliers, Public Phone Service, and Public Cable TV Service holding a valid franchise agreement with the City of Highland Haven, Texas may apply for and be issued a city permit provided all conductors, cables and lines provided for in the permit are buried at least four (4) feet below the street surface, contained within a properly marked conduit, and notice signs are installed and maintained at each lot line.)***

D. DRAINAGE STRUCTURES, DRAINAGE EASEMENTS, DRIVEWAY APPROACHES AND TURNOUTS.

1. A permit will be required for the construction or alteration of any land structure, drainage structure, or drainage easement, that in any way alters the existing drainage plan and/or the surface drainage located within the corporate city limits. (The issuance of the permit requires the property owner to furnish the City with a Certified Engineering Drainage Survey or the approval of the City that demonstrates or states that the modification will not adversely affect existing drainage or surface drainage.
2. PROHIBITED:
 - (a.) The use of cement and/or concrete in the construction or paving of any part of the driveway approach, turnout or ramp located within the street right-of-way.
 - (b.) The unauthorized dumping or placing of cement or concrete on the pavement or right-of-way of any public street.

(c.) Culvert pipe of less than twelve inches diameter shall not be used.

3. A city building permit must be obtained to construct a driveway across the city right of way. This will assure a satisfactory culvert and drainage design. See the attached sketch for an acceptable culvert design.

4. Any land alteration that could cause significant temporary erosion shall be protected with erosion fences or other TCEQ approved erosion control devices.

E. DRAINAGE LOCATED WITHIN RIGHT-OF-WAY OR DRAINAGE EASEMENT.

Bar ditches and drainage easements will not be filled, diverted or otherwise altered without written permission from the city:

1. Property owners have the option of driving through the bar ditch to reach their property or may elect to install a culvert with an inside diameter of not less than 12 inches, covered by at least two (2) inches of compacted fill and/or asphalt. Installation of the culvert, fill and surface material will be at the expense of the property owner. All repairs to the bar ditch entrance regardless of the cause of damage will be at the expense of the lot owner. The use of cement and/or concrete in the construction or paving of any part of the driveway approach is prohibited.

2. Property owners are required to clean out the inside of culverts if silt or other blockage fills one-half (1/2) of the volume of the pipe, or if any blockage diverts water to the edge or surface of a paved street. Collapsed culverts shall be replaced by the property owner. The city will furnish property owners notice by registered and regular mail of need to clean out the inside of culverts. Such notice will provide a date for compliance by the lot owner. The city will remove any violation not removed by the property owner within 72 hours following the compliance date. Failure to remove the violation by the specified compliance date set out in the notice of violation is a violation of this ordinance and subject to penalty set forth in Section J. The City will assess the cost for clean out of any culvert to the lot owner. Failure of the property owner to pay the assessed cost within 30 days will result in a notice to appear in Municipal Court for a violation of this ordinance.

3. Any modification to the city right of way, easement of drainage structure shall have a City permit prior to starting construction.

4. Culverts shall meet city design standards as approved by the City.

F. STREET CROSSING BY CUT OR BORING

Street crossing is not allowed except by an authorized utility holding a valid franchise agreement with the City of Highland Haven, Texas. A permit (form #HHFm 1) is required.

1. The utility requesting the permit is responsible for repairing the street cut to the following specification:

a. The cut must be at least 4 inches in width

b. The conduit must be placed on compacted soil in the bottom of the ditch. The backfill on top of the conduit must be placed in 6-inch lifts and thoroughly compacted after each lift. The ditch must be backfilled in this manner to within 3 inches of the surface of the street and the backfill must be free of clay and other compressible material. The top lift must contain one sack of Portland cement per two lineal feet of ditch or be substituted with ready-mix flowable fill.

- c. The top 3 inches of the ditch must be filled with asphalt. The repaired cut must be level with the surface of the existing street and remain level for twelve months.
2. Street cuts will be inspected at six (6) months and one year after backfilling. If the street cut is not sound, or if it has sunk below normal street level, the utility requesting the permit for a street cut will be given notice to make repairs within 30 days.
3. The following minimum safety requirements will be met by the responsible utility requesting the street cut permit. It is the requesting party's responsibility to insure compliance with safety requirements.
 - (a.) Open excavations, despite depth, require the use of either a flag man or reflective barriers placed a minimum of three (3) feet from the edge of the excavation to warn the public of the hazard.
 - (b.) Excavations on public property must be opened to one way traffic by using suitable and effective temporary bridging material. All temporarily bridged excavations will be identified during the periods of temporary traffic with industry standard caution and hazard markers.
4. The utility requesting the permit for a crossing the street by boring is responsible for all or any street damage in the area of the crossing. The procedure for boring under the street as outlined below must be followed.
 - (a.) The utility must install a PVC conduit a proper sized conduit.
 - (b.) The street surface, street base material and the ground below the street base material is not to be cut, disturbed or otherwise damaged within the twenty-four (24) inch cover area across the entire street surface and three (3) feet either side (existing buried utility lines will control the entry point for ground disturbance, if the buried utility line is currently located nearer to the street surface than three (3) feet). The remaining non-surfaced street right-of-way may be ditched provided the ditched area is compacted and returned to its original level. Existing buried utility lines must be uncovered by hand digging. The boring under the street cannot begin closer than three (3) feet of the road surface.
 - (c.) Street crossings made by boring will be inspected at six (6) months and at one year. If the street crossing is not sound, or if the street level has changed from the surrounding area, the utility requesting the permit for a street crossing by boring will be given notice to make repairs within 30 days.

G. DAMAGE TO STREETS, DRAINAGE AND RIGHT-OF-WAY.

1. Damages determined to be the result of negligence or other reasons not considered incidental to normal usage of streets and the right-of-way shall be repaired by the individual or firm causing the damage. The condition of the repaired street will be equal to, or better than, the condition that existed before the damage occurred. Heavy construction equipment/vehicles will not exceed 14 tons gross weight. and three (3) axles.

H. NEW STREETS AND ROADS.

New streets and roads within the corporate city limits require:

1. A forty (40) feet minimum right-of-way with additional allowance for a turn radius at all street intersections and all street direction changes.

2. A twenty (20) feet wide asphalt surface with adequate bar ditches to carry rain and surface waters without any water rising to within two (2) inches of the asphalt surface. An allowance will be made for a turn radius as described above.
3. New road construction shall be in compliance with Burnet County specifications in effect for a subbase, base, drainage, surface treatment and composition. Plans, drawings or proposals shall be evaluated and approved by the City prior to issuance of a city building permit.
4. New subdivisions shall also meet the requirements of Ordinance 40.

I. ERRORS AND OMISSIONS

If any section, part, subdivision, clause or provision of this ordinance is adjudged invalid or held to be unconstitutional, it will not affect the validity of this ordinance as a whole, or any part or provision of it, other than the part or parts held or adjudged invalid or unconstitutional.

J. PENALTY FOR VIOLATION

Any Person or corporation violating any of the provisions of this ordinance or failing to comply with it or with any of the requirements of it, will be charged with a misdemeanor, and will be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Each day such violations continue is a separate offense.

SECTION 1. AUTHORIZATION.

The Board of Aldermen hereby authorizes implementation of the ordinance.

SECTION 2. APPLICATION.

This ordinance applies to all lots and tracts of land found within the City Limits of Highland Haven, Texas.

SECTION 3. DEFINITION.

As set out in the preceding text of this ordinance and in zoning ordinance #056 and revisions thereof.

SECTION 4. RESTRICTIONS.

As set out in the preceding text of this ordinance.

SECTION 5. PENALTY.

As set out in the preceding text of this ordinance.

SECTION 6. EFFECTIVE DATE.

By vote of Aldermen, it is determined that the health, safety, and welfare require that this ordinance become effective immediately.

PASSED AND APPROVED this 3rd day of August 2021 during a scheduled meeting by the Board of Aldermen of the City of Highland Haven, Texas.

Olan Kelley

Olan Kelley, Mayor

SEAL

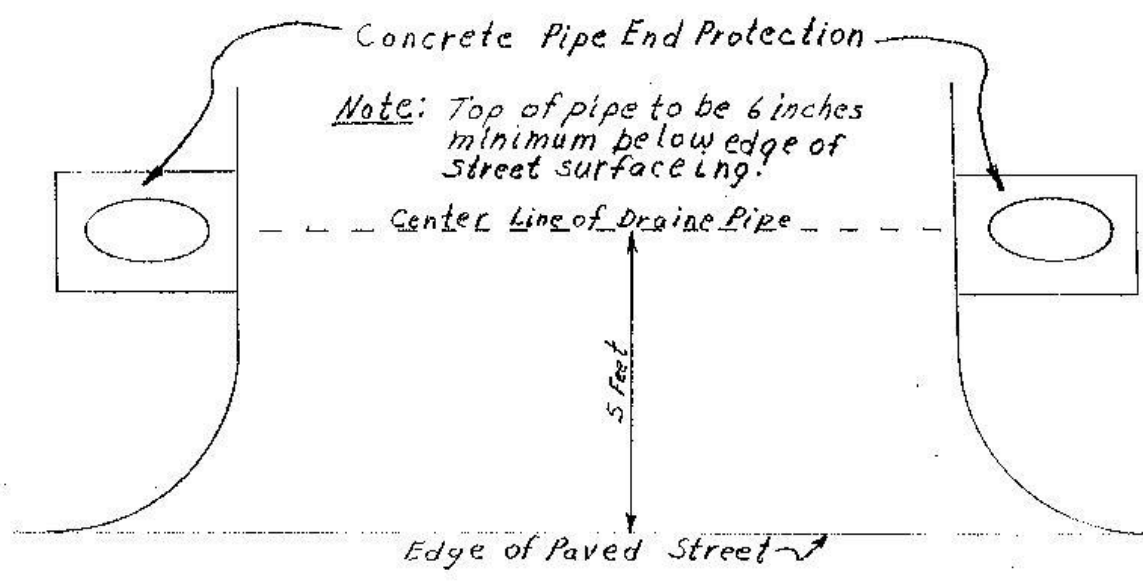
ATTEST:

Jeffery Lederer

Jeffery Lederer, City Secretary

Private Approach Detail Sheet

Plan View



Cross Section View

