

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 011-043

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, ADOPTING THE 2011 DRAINAGE CRITERIA MANUAL APPLICABLE TO PUBLIC OR PRIVATE DRAINAGE IMPROVEMENTS; AMENDING THE CODE OF ORDINANCES OF THE CITY TO REFLECT THE ADOPTION OF THE SAID DRAINAGE CRITERIA MANUAL BY AMENDING SECTION 70-33 OF THE SAID CODE RELATING TO STANDARD SPECIFICATIONS FOR PAVING AND DRAINAGE CONSTRUCTION AND DRAINAGE CRITERIA GOVERNING THE CONSTRUCTION, PAVING AND DRAINAGE ASPECTS OF ALL STREETS, ROADS AND ALLEYS IN THE TOWN; PROVIDING A SAVINGS CLAUSE AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF \$500.00 FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "Town") desires, by the adoption of the Drainage Criteria Manual attached hereto, to update minimum design criteria for public or private drainage improvements proposed to be installed, and to regulate development within the Town necessary to provide and maintain a safe, efficient, and effective drainage system and to provide various public and private responsibilities regarding the same; and

WHEREAS, the Town's drainage criteria manual was last amended in 1990 and stormwater management standards have changed substantially since 1990 and provide for improved protection of the quality of surface and ground waters; and

WHEREAS, the attached Drainage Criteria Manual regulates new development and redevelopment projects that discharge storm water into the Town's Municipal Separate Storm Sewer System (MS4), as required by State storm water regulations.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof.

Section 2. Adoption of Standard Specifications for Paving and Drainage Construction, the Drainage Criteria Manual, and Traffic Details; Amendment to Code of Ordinances.

A. Attached to this Ordinance are (i) Standard Specifications for Paving and Drainage Construction ("Standard Specifications"), (ii) the 2011 Drainage Criteria Manual (the "2011 Drainage Criteria Manual"), and (iii) Traffic Details ("Traffic Details"). The Standard

Specifications, the 2011 Drainage Criteria Manual, and the Traffic Details are all adopted and approved hereby and shall be and serve as standards, rules and regulations for the construction, paving, drainage and traffic details of streets, roads and alleys in the Town of Addison, Texas (the "Town").

B. In accordance therewith, the Code of Ordinances (the "Code") of the Town is hereby amended by amending Section 70-33 (Adopted standards) of the Code, being a part of Article II (Paving and Drainage) of Chapter 70 (Streets, Sidewalks and Other Public Places). to reflect the adoption of the Standard Specifications, the 2011 Drainage Criterial Manual, and the Traffic Details, to read as follows:

Section 70-33. – Adopted standards.

There are hereby adopted standard specifications for paving and drainage construction and drainage criteria, as the rules and regulations governing the construction, paving and drainage aspects of all streets, roads and alleys in the town. There are also adopted the traffic details regarding streets, roads and alleys in the town. The said specifications, criteria, and traffic details adopted hereby are ~~adopted attached by to the~~ Ordinance No. _____ of the town from which this section is derived as exhibit "A" and are made a part hereof for all purposes. The original copy of the standard specifications, criteria, and traffic details shall be kept with such ordinance and with the other ordinances of the town at the town hall and shall be made available for public inspection during regular business hours of the town.

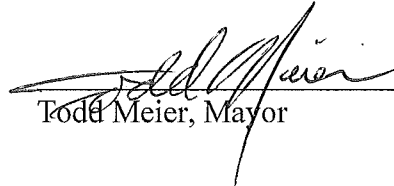
Section 3. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances (including, without limitation, Ordinance No. 16-26 of the Town) of the Town and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances (including, without limitation, provisions of the said Ordinance No. 16-26) are in direct conflict with the provisions of this Ordinance are repealed. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the Town, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect, under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 4. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Five Hundred and No/100 Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues.

Section 5. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

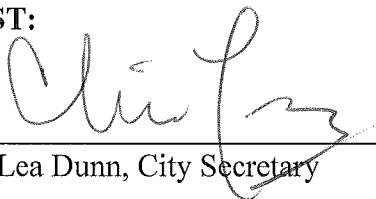
Section 6. Effective Date. This Ordinance shall become effective upon the date of its passage and approval and its publication as may be required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 12th day of July, 2011.



Todd Meier, Mayor

ATTEST:

By: 

Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney