

ORDINANCE 2020-O-059

AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, AMENDING CHAPTER 16, ARTICLE III, ENTITLED CONSTRUCTION, OF THE CITY OF ATHENS CODE OF ORDINANCES PROVIDING A SEVERABILITY CLAUSE, A REPEALER CLAUSE AND AN EFFECTIVE DATE

WHEREAS, the City of Athens, Texas seeks to regulate and govern the conditions and maintenance of public streets and sidewalks in order to ensure that such infrastructure within the corporate boundaries of the city is safe, sanitary, and fit for use;

WHEREAS, on December 4th, 1972 the City Council adopted and made effective the City of Athens Municipal Code of Ordinances and included in said code Chapter 16 entitled Streets and Sidewalks;

WHEREAS, Chapter 16, Article III entitled CONSTRUCTION requires amending so that information is not duplicated in the newly revised Chapter 17 entitled SUBDIVISIONS of the City of Athens Code of Ordinances;

WHEREAS, staff recommends the amendment as shown;

WHEREAS, on the 22nd day of June 2020, the City Council of the City of Athens, Texas after due notice read aloud the ordinance amendment for the first time as required by Article III, Section 3.11 of the City of Athens Charter.

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

Section 1. Chapter 16 Article III entitled CONSTRUCTION of the Code of Ordinances of the City of Athens, Texas is amended as shown below. (For clarity, text to be repealed is stricken through, new text is shown in italics, and text to remain unchanged is labeled as such.)

CHAPTER 16. - STREETS AND SIDEWALKS

ARTICLE III. - CONSTRUCTION

DIVISION 1. - GENERALLY

Sec. 16-30. - Standard specifications—Adopted.

The City hereby approves and adopts the Infrastructure Design Standards for all street construction work to be done and performed for the City.

Sec. 16-31. - Same—Copy on file.

The city secretary shall maintain a copy of the *Infrastructure Design Standards* at the city hall for examination by all contractors, subcontractors, companies and individuals performing construction work, or proposing to perform construction work for the city.

Sec. 16-32. - *Reserved.*

Sec. 16-33. - *Reserved.*

Sec. 16-34. - *Reserved.*

Sec. 16-35. - *Reserved.*

Sec. 16-36. - *Reserved.*

Secs. 16-37 – 16-43. [NO CHANGE]

DIVISION 2. - OPENINGS AND EXCAVATIONS

Sec. 16-44. [NO CHANGE]

Sec. 16-45. -- *Reserved.*

Sec. 16-46. - *Reserved.*

Sec. 16-47. [NO CHANGE]

Sec. 16-48. - *Reserved.*

Sec. 16-49. - *Reserved.*

Secs. 16-50—16-54. [NO CHANGE]

DIVISION 3. - DRIVEWAYS

Sec. 16-55. [NO CHANGE]

Sec. 16-56. - Same—Conference; issuance.

To secure a permit to construct a private driveway or to revise any existing driveway, the applicant shall meet with the *City Manager or his/her designee*, at which time details of the proposed work will be discussed and preparation of the permit will be initiated. When the permit has been prepared, and the statement agreeing to comply with its terms and conditions has been signed by the applicant and a fee in accordance with *the adopted fee schedule* has been paid by the applicant, *the permit shall be issued.*

Secs. 16-57 – 16-62. [NO CHANGE]

Sec. 16-63. - Materials.

The grantee shall furnish all materials necessary for the construction of the entrances and appurtenances authorized by the permit. All materials shall be of satisfactory quality and shall be subject to inspection and approval of the *City Manager or his/her designee*.

Sec. 16-64. - Design.

Common design requirements for commercial and noncommercial access driveways are as follows:

- a) All parts of entrances and exits on city streets shall be confined within the grantee's property frontage. Frontage is that portion of the city street lying between the two (2) most distant possible lines drawn perpendicular from the center line of the street to the grantee's abutting property.
- b) Location of access driveways shall be selected to provide maximum safety for street traffic and for users of the driveway.
- c) At any intersection, access driveways shall be restricted for a sufficient distance from the intersection to preserve the normal and safe movement of traffic through it. All parts of any access driveway, including the radii, shall be a minimum of ten (10) feet inside the abutting property frontage, except as provided in subsection (g).
- d) Drainage in street side ditches shall not be altered or impeded. When drainage structures are required, the size of the opening and other design features shall be approved by the city engineer.
- e) Radii for all access driveways in street areas shall be not less than two and one-half (2-½) feet, except as provided in subsection (g).
- f) The safety zones adjacent to access driveways may be filled in provided the requirements herein are fully complied with:
 - 1) Surface drainage shall be provided so that all surface water on the filled-in area shall be carried away from the street roadbed in a suitable manner.
 - 2) The drainage opening underneath the filled-in area shall be adequate to carry the water in the street side ditches.
 - 3) The filled-in area shall extend from the sidewalk, or where no sidewalk exists, from the street line to the shoulder line or curbed pavement as the case may be.
- g) The *City Manager or his/her designee* may authorize or require certain changes in the design limits herein, when such changes are necessary to preserve the normal and safe movement of traffic or to permit reasonable access. In consideration of type, speed and volume of street and access driveway traffic, larger curb radii than the minimums herein may be required by the city engineer. When physical factors make it impractical to obtain reasonable access within the requirements herein, appropriate variations may be authorized by the city engineer; provided, however, in all cases, curb return radii shall be confined to the grantee's property frontage and shall be not less than two and one-half (2-½) feet, and the island between driveways shall be not less than five (5) feet long, driveway widths shall not exceed forty-five (45) feet, and no part of a driveway or its radii shall extend beyond property line extensions at highway or street intersections.

Secs. 16-65 – 16-66. [NO CHANGE]

Sec. 16-67. - Same—Noncommercial.

The driveway width for noncommercial property shall not exceed twenty-four (24) feet measured at right angles to the center line of the driveway, except as increased by permission of the *City Manager or his/her designee*.

Sec. 16-68 – 16-73. [NO CHANGE]

Section 2. Should any clause, phrase, sentence section of this Ordinance be deemed invalid or unconstitutional by a court of competent jurisdiction, said finding shall not affect the remaining clauses, phrases, sentences or sections of this Ordinance.

Section 3. Any ordinance, resolution or order previously passed and/or adopted by the City Council, or any part thereof, if found to be in conflict with the provisions of this Ordinance, shall be resolved in favor of the terms and conditions of this Ordinance, and any prior conflicting ordinance, resolution or order or any part thereof, is hereby repealed to the extent of said conflict.

Section 4. This ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Athens, Texas.

PASSED, APPROVED and ADOPTED this the **13th** day of **July, 2020** at a regular meeting of the City Council of the City of Athens, Texas, with the following record vote:

Monte Montgomery, Mayor	Aye
Ed McCain, Mayor Pro Tem	Aye
Aaron Smith, Councilmember	Aye
Robert Gross, Councilmember	Aye

Voted in favor of the motion	4
Voted against the motion	0
Motion carried	4-0

Monte Montgomery, Mayor

ATTEST:

Bonnie Hambrick, City Secretary