

ORDINANCE 2025-10-02

DRIVEWAY CULVERTS PROCESSING AND STANDARDS

AN ORDINANCE OF THE TOWN OF POETRY, TEXAS, CREATING "DRIVEWAY CULVERTS PROCESSING AND STANDARDS"; ESTABLISHING POLICIES AND PROCEDURES FOR THE CONSTRUCTION OF CULVERTS WITHIN TOWN LIMITS; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town possesses the authority to adopt ordinances necessary to protect the interests and welfare of the Town and its residents pursuant to Section 51.012 of the Texas Local Government Code; and

WHEREAS, Chapter 311 of the Texas Transportation Code grants to a general law municipality the authority to construct and regulate the construction of a culvert within the municipality; and

WHEREAS, Chapter 217 of the Texas Local Government Code grants authority to the governing body of a municipality to prevent and abate a nuisance located within the municipality; and

WHEREAS, private driveways constructed without a culvert negatively impact the proper flow of water and drainage and lead to flooding of adjacent roadways and private property and can create a nuisance; and

WHEREAS, a property owner is best equipped to construct and perpetually maintain the driveway culvert that serves their own property; and

WHEREAS, the Town Council of the Town of Poetry ("Council") finds that requiring a culvert to be installed in each new driveway constructed within the Town limits best protects the Town's roadways and adjacent private property from flooding and is in service of the health, safety, and wellbeing of the residents of the Town of Poetry; and

WHEREAS, the Council has determined that it is in the best interests of the Town and its residents to require installation of a culvert for each new driveway constructed within the Town, and to provide for "Driveway Culverts Processing and Standards" provisions.

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

SECTION I

The Town's "Driveway Culverts Processing and Standards" provisions are hereby adopted and shall read as follows:

PART 1: PURPOSE

To protect the health, safety and general welfare of the residents of the Town by ensuring the proper flow of water and drainage and preventing flooding on the Town's streets and right-of-way and adjacent private property, by requiring installation of a culvert in each new driveway constructed in the Town.

PART 2: DEFINITIONS

For purposes of this Ordinance, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. Words not defined in this part shall be given their common and ordinary meaning.

Town. The Town of Poetry, Texas.

Culvert. A hollow structure of approved material, which provides waterway openings to conduct water for drainage purposes.

Driveway. A roadway with a defined structure that permits vehicular access between private land use(s) and public streets and alleys.

Precinct Commissioner. A duly elected member of the Kaufman County, Texas Commissioner's Court, or their designee or Hunt County, Texas Commissioner's Court, or their designee.

PART 3: DRIVEWAY CULVERTS REQUIRED

(a) Driveway Culverts Required for New Construction on Town Roads: Culverts shall be installed in the Town for each driveway crossing an open existing or proposed ditch, except when the Town determines that no culvert is required. The Property Owner shall be responsible for purchase costs of any new or replacement culvert and the cost of said installation.

(b) Permit Required for All Driveway Culverts: A permit is required for the installation of all driveway culverts. No person shall enter upon Town property or right-of-way for the purpose of laying, constructing, and/ or installing any driveway culvert that disturbs the existing soil prior to receiving a permit from the Town. In determining whether to grant a permit, the Town shall review the location, size, materials, and any other installation details regarding the proposed driveway culvert. In the event that a permit is requested to replace an existing culvert due to Town construction, whether on the road or on the ditch, the Town shall waive any applicable permit fees. *Application for Culvert Installation Permit* attached as Exhibit 1.

(c) Water to Flow at Natural Rate: Any driveway constructed on Town-Right-of- Way shall have a culvert of sufficient size to allow water to flow at its natural rate at its normal peak level, from one side of the driveway to the other, as determined by the Town.

(d) Culvert Size: The property owner shall contact the Town to receive a minimum standard on the appropriate culvert diameter size, material type and required construction standards.

(e) Existing Culverts: Existing culverts in good condition and not containing any blockages or other restrictions will be allowed to remain in "as-is" condition, as determined by the Town. The property owner is solely responsible for any necessary or routine maintenance, such as removing any obstructions of water flow, and repairs, including both the culvert and driveway. Existing culverts that are determined by the Town to be in less than good condition shall be subject to corrective measures, as outlined herein.

PART 4: AUTHORITY TO ABATE DEFECTIVE CULVERTS

(a) Declared a Nuisance: It is unlawful and declared a nuisance for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the Town, to violate any of the provisions contained herein.

(b) Abatement by Town: To the greatest extent permitted by law, the Town reserves the right to prevent any nuisance within the corporate limits of the Town, and shall have each nuisance removed at the expense of the person who is responsible for the nuisance or who owns the property on which the nuisance exists.

PART 5: PENALTY PROVISION

Any person, firm, corporation or business entity violating or failing to comply with any provision or requirement of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, be fined in an amount not to exceed two thousand dollars (\$2,000.00) for any violation involving litter, fire, safety, zoning, public health, or sanitation, and in an amount not to exceed five hundred dollars (\$500.00) for all other types of violations. The Town retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION II.

Repeal of Conflicting Ordinances: This Ordinance, upon its enactment and effective date, shall repeal all conflicting ordinances relative to conflicts of interest.

SECTION III.

Severability: Should any part, subpart, section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Poetry hereby declares that it would have passed this Ordinance each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION IV.

Effective Date. This Ordinance shall take effect immediately after its passage and publication of the caption as the law in such cases provide.

DULY PASSED by the Town Council of Poetry, Texas on the 16th day of October, 2025.

ATTEST:



TOWN SECRETARY

APPROVED:



Mike Jaffe, Mayor

