

ORDINANCE _____

ORDINANCE AMENDING SECTION 98-123 OF CHAPTER 98, ARTICLE III OF THE CITY CODE OF ORDINANCES; REPEALING CONFLICTING ORDINANCES, PROVIDING FOR PUBLICATION, CODIFICATION, ENFORCEMENT, AND SAVINGS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 98 of the Bay City Code of Ordinances regulates subdivision of real estate and orderly development of the City; and

WHEREAS, this ordinance amends Article III of Chapter 98 to allow the use of High Density Polyethylene Pipe in the City of Bay City;

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

1. That Section 98-123(e), Chapter 98, Article III of the City Code of Ordinances is hereby amended to read as follows, by adding the **bold and underlined text** to and deleting the ~~struckthrough text~~ from the current City code:

Sec. 98-123. Drainage and storm sewers.

...

(e) The design of storm sewers, outfalls, culverts and drainage ditches will conform to the following requirements:

(1) Manholes (inlets or junction boxes) shall be provided at all changes in grade or alignment, sewer intersections, street intersections and at a minimum of 1,000 feet on straight lines. Design of manholes shall follow acceptable engineering practice and shall be constructed of reinforced concrete sections in accordance with latest revisions to ASTM C-478 and/or clay brick conforming to the latest revision of ASTM C-432, Grade NA.

(2) Pipe for storm sewers shall be **reinforced concrete pipe (RCP) when installed under any roadway pavement or may alternatively be high density polyethylene (HPDE) pipe when installed in a location not under any roadway pavement. All pipe for storm sewers shall be** in sizes as shown on the approved plans. All **RCP** pipe shall ~~be reinforced concrete pipe (RCP) conforming~~ **conform** to the latest revision of ASTM C-76, class III. **All HPDE Pipe shall conform to the latest revision of ASTM F2619/F2619M-13.** Where, in the opinion of the director of public works, added strength of pipe is needed for traffic loads over minimum cover or for excessive height of backfill, concrete pipe shall be ASTM C-76, class IV or V. Pipe shall have a minimum cover of not less than one foot over the top of the pipe.

(3) Drainage ditches may be used for outfalls to natural or major drainage channels. Ditches shall have a minimum grade of not less than 0.10 percent, side slopes not steeper than 3:1 with a maximum velocity of three feet per second.

(4) Outfalls from sewers and ditches into major drainageways shall enter at a grade of the major drainage channel. Connection to major drainage channel shall be made with pipe to preserve integrity of channel bank. If necessary, drop-type outfall structures shall be used to prevent erosion.

(5) The design of major drainageways shall be coordinated and approved by Matagorda County Drainage District No. 1 and the city's director of public works. Outfalls, culverts and drainage ditches will conform to the specifications of the director of public works.

2. That all ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

3. That the City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after final passage of the ordinance in a newspaper of general circulation in the City of Bay City.

4. That it is the intention of the City Council that this ordinance shall become a part of the Code of the City of Bay City, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney. The Code of the City of Bay City, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

5. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor. In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this ordinance by injunction or civil remedy issued by a court of competent jurisdiction.

6. That if any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

7. That the provisions of this ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Bay City, Texas.

[SIGNATURE PAGE FOLLOWS.]

PASSED AND APPROVED on this 24th day of January, 2023.

Robert Nelson, Mayor
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary
City of Bay City Texas

Anne Marie Odefey, City Attorney

COUNCIL MEMBER	VOTED AYE	VOTED NO	ABSENT
James Folse	_____	_____	_____
Mayor Pro Tem			
Floyce Brown	_____	_____	_____
Brad Westmoreland	_____	_____	_____
Becca Sitz	_____	_____	_____
Blayne Finlay	_____	_____	_____
Robert K. Nelson	_____	_____	_____
Mayor			

Robert K. Nelson, Mayor
City of Bay City, Texas