

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, FOR THE PURPOSE OF AMENDING THE IOWA COLONY ENGINEERING DESIGN CRITERIA MANUAL; REPLACING EARLIER VERSIONS OF THE DESIGN CRITERIA MANUAL, WITH EXCEPTIONS; REQUIRING COMPLIANCE; PROVIDING FOR DENIAL OR REVOCATION OF APPROVAL AND PERMITS DUE TO NONCOMPLIANCE; PROVIDING FOR OTHER REGULATIONS AND REQUIREMENTS; PROVIDING THAT A VIOLATION IS A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO \$500 PER DAY; PROVIDING FOR OTHER PENALTIES AND REMEDIES; REPEALING PRIOR ORDINANCES ADOPTING OR AMENDING PRIOR DESIGN CRITERIA MANUALS, WITH EXCEPTIONS; AND PROVIDING FOR NONWAIVER BY NONENFORCEMENT, NONWAIVER OF IMMUNITY, NONLIABILITY OF THE CITY, A SEVERANCE CLAUSE, AND AN EFFECTIVE DATE

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

1. Adoption of Engineering Design Criteria Manual

That the attached City of Iowa Colony Engineering Design Criteria Manual (the “Engineering Design Criteria Manual” or “Design Criteria Manual”) is hereby adopted and ordained, and the regulations and provisions therein stated are hereby established. Any reference in any other ordinance, policy, or other source to an engineering design criteria manual or design criteria manual of the City of Iowa Colony shall refer to the attached City of Iowa Colony Engineering Design Criteria Manual, as amended from time to time. Any reference herein to “this Ordinance” or similar terms shall also include the Engineering Design Criteria Manual hereby adopted, and that manual is a part of this ordinance.

2. Compliance Required

That any construction, planned construction, or plans for which a permit or approval from the City of Iowa Colony is required must be done in compliance with the Design Criteria Manual, according to its terms.

3. Denial or Revocation of Permits for Approval

That the failure of any plans, construction, or planned construction to comply with Design Criteria Manual shall be grounds for the City to deny or revoke any approval or permit from the City concerning such plans, construction, or planned construction.

4. Other Requirements

a. That the attached Engineering Design Criteria Manual replaces all prior Engineering Design Criteria Manuals of the City; provided, however, that to the extent of any vested rights under a prior version of the Design Criteria Manual, that prior version shall remain in effect.

b. That otherwise, the attached Engineering Design Criteria Manual is cumulative of all requirements from any other source and shall not authorize noncompliance with any other regulation or requirement from any source.

c. That in the event of any conflict in terms, the stricter requirement shall govern and control.

5. Offenses, Penalties, and Remedies

a. That any person who participates in any violation of any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day or portion of a day a violation continues, occurs, or recurs shall constitute a separate offense.

b. That the City shall have the right to enforce this ordinance by injunction and by other actions in a civil court and/or by any and all remedies from any and all sources.

c. That all rights and remedies of the City provided in this ordinance shall be cumulative of all other rights and remedies provided herein, by other ordinances, or by any source.

d. That the exercise of any right or remedy by the City shall not be construed as an election of remedies and shall not impair any other right or remedy of the City. The City may exercise any right or remedy herein either alone or together with any other right or remedy under this ordinance, any other ordinance, or any applicable law. Without limiting the generality of the foregoing, pursuing or receiving any civil remedy for any violation of this ordinance shall not preclude the pursuit or receipt of any criminal penalty for any violation hereof.

6. Nonwaiver by Nonenforcement

That the failure or omission of the City, upon one or more occasions, to enforce any right, obligation, or remedy under this Ordinance or any other law concerning the subject matter hereof shall never be construed as a waiver of the City's right to strictly enforce such right, obligation, or remedy, and the City may resume such strict enforcement without advance notice.

7. Nonwaiver of Immunity

That nothing in this Ordinance shall ever be construed as a full or partial waiver of governmental immunity, official immunity, or any other immunity of the City or its officers, employees, agents, or representatives.

8. Nonliability of City

That neither the City, nor its officers, employees, agents, or representatives shall be liable to any person, other than the City, for any act, omission, or condition in any way concerning this ordinance or the subject matter hereof.

9. Repeal

That this ordinance repeals all prior ordinances adopting or amending any prior versions of the Design Criteria Manual, except that such prior ordinances shall remain in effect only as to prosecution and other enforcement concerning violations accruing while those ordinances were in effect.

10. Severance Clause

That if any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

11. Effective Date

That this ordinance shall be effective immediately upon its passage and approval.

PASSED AND APPROVED ON FIRST READING ON JULY 17, 2023.

PASSED, APPROVED, AND ADOPTED ON SECOND AND FINAL READING ON AUGUST 21, 2023.

CITY OF IOWA COLONY

**By: _____
WIL KENNEDY, MAYOR**

ATTEST:

KAYLEEN ROSSER, CITY SECRETARY