

Ordinance No. 191

ROAD USE PERMIT

An ordinance that establishes a permitting process and fee for extensive use of town roads by heavy equipment material haulers (dump trucks).

WHEREAS, the town has seen degradation to its roads during use by dump trucks hauling excessive numbers of loads of dirt and other materials during dredging of the lake, and other construction projects,

WHEREAS, it now has become necessary to establish a reasonable criteria and fee for use of the roads in order to maintain the structural integrity of the road system.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS

SECTION I That the Town of Enchanted Oaks building official shall make the determination for use of the permitting process as per Ordinance 61, utilizing this ordinance when excess road use loading is anticipated.

SECTION II That all dump trucks used in permitted town construction projects under this ordinance shall be minimum dual rear axle duallys, and shall not be loaded above the side boards, and be covered per state requirements.

SECTION III That the minimum fee for road uses in these circumstances shall be ten (10) percent of the total contracted project cost. New home or remodel construction projects shall not be applicable to this fee.

SECTION IV Construction clean up and repairs of roads caused by construction equipments is covered in Ordinance 148 Construction.

SECTION V. SEVERABILITY

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION VI. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates any provision of this ordinance or fails to comply with any of its requirements shall upon conviction thereof be subject to a fine for each violation, and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent Enchanted Oaks from taking such other lawful action as is necessary to prevent or remedy any violation.

In addition, failure to comply with this ordinance shall allow the town building official to issue a stop work order on the project until compliance is satisfied.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE
TOWN OF ENCHANTED OAKS, TEXAS ON JUNE 12, 2012.

Donald G. Warner III Mayor

Attest: _____
Pam Foster, City Secretary