

**ORDINANCE NO. 12-02-14A**

**AN ORDINANCE OF THE CITY OF DILLEY, TEXAS REPEALING ORDINANCE NUMBER 3-13-84, SUBDIVISION ORDINANCE; AND ESTABLISHING THE LAND DEVELOPMENT CODE OF THE CITY OF DILLEY, TEXAS AND INCORPORATING THE FOLLOWING THEREIN: INCORPORATING ORDINANCE NUMBER 10-06-08, ESTABLISHING A PLANNING AND ZONING COMMISSION, WITHOUT AMENDMENT; ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR; ESTABLISHING THE DUTIES AND RESPONSIBILITIES OF THE UTILITIES DIRECTOR AS APPLICABLE TO THE ENFORCEMENT OF THE CODE; ADOPTING THE 2003 EDITION OF THE INTERNATIONAL BUILDING CODE; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL PLUMBING CODE; ADOPTING THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE; ADOPTING THE 2001 NATIONAL ELECTRICAL CODE; ESTABLISHING THE REQUIREMENT AND PROCEDURES FOR BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; ADOPTING SUBDIVISION REGULATIONS AND ESTABLISHING GUIDELINES, PROCEDURES, AND PUBLIC IMPROVEMENT REQUIREMENTS FOR THE SUBDIVISION OF LAND AND THE PLATTING OF PROPERTIES WITHIN THE BOUNDARIES OF THE MUNICIPALITY AND ITS EXTRATERRITORIAL JURISDICTION; AUTHORIZING THE MAYOR TO IMPLEMENT THE PROVISIONS OF THE ORDINANCE WITHIN THE CITY OF DILLEY AND ITS EXTRATERRITORIAL JURISDICTION; INCORPORATING ARTICLES 16, 17, 20, AND 21 OF ORDINANCE NUMBER 142-1 PASSED JUNE 12, 1967, ZONING ORDINANCE, CITY OF DILLEY TEXAS, WITHOUT AMENDMENT; INCORPORATING CITY OF DILLEY PROCEDURES FOR PROVIDING UTILITY SERVICES, WITHOUT AMENDMENT; INCORPORATING CITY OF DILLEY PROCEDURES FOR UTILITY SERVICE DISCONNECTS, WITHOUT AMENDMENT; PROVIDING A PENALTY; INCORPORATING RECITALS; PROVIDING A REPEALER; PROVIDING FOR SEVERABILITY; REQUIRING PUBLICATION AND SETTING AN EFFECTIVE DATE.**

**WHEREAS, the public health, safety and welfare, require the adoption and enforcement of codes governing the issuance of permits for inspection and completion of construction, plumbing, electrical, and fire protection for buildings within the City of Dilley, Texas; and**

**WHEREAS, the public health, safety and welfare will be served by adopting building and rehabilitation codes in the manner prescribed by Tex. Loc. Gov't Code Ann. § 214.211 et seq;**

**WHEREAS**, Subchapter A. Regulation of Subdivisions, Section 212.002, Rules, of the Texas Local Government Code authorizes a municipality to adopt rules governing plats and subdivisions to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality; and,

**WHEREAS**, the ordinance proposed herein provides for the orderly and healthful development of the City of Dilley; and,

**WHEREAS**, Subchapter A. Regulation of Subdivisions, Section 212.003, Extension of Rules to Extraterritorial Jurisdiction, of the Texas Local Government Code authorizes a municipality to extend to the extraterritorial jurisdiction of the municipality the application of municipal ordinances adopted under Section 212.002; and

**WHEREAS**, The Planning and Zoning Commission of the City of Dilley, held a public hearing on February 1, 2012 and has recommend approval of the ordinance.

**WHEREAS**, the City Council of Dilley, held a public hearing on February 14, 2012 in conformance with Subchapter A. Regulation of Subdivisions, Section 212.002, Rules, of the Texas Local Government Code; and,

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DILLEY, TEXAS THAT:**

**SECTION 1:** That the Land Development Code of The City of Dilley, City of Dilley, Texas is hereby established to read as follows:

**CITY OF DILLEY**  
**LAND DEVELOPMENT CODE**

**ARTICLE I**

**SECTION 1-1 BOARDS AND COMMISSIONS**

**Section 1.1.1 Planning & Zoning Commission**

**(a) Purpose**

**The purpose of the Planning and Zoning commission is to act as an advisory board on all matters relating to zoning, planning and development applications.**

**(b) Membership**

**The planning and Zoning commission shall consist of five (5) members who are residents of the city and are registered voters, each to be appointed by the city council for a term of two (2) years and removable for cause by the appointing authority upon written notice and after a public hearing.**

The City council shall designate one (1) member as chairman. Vacancies shall be filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. The City Council may appoint two (2) alternate members of the Commission who shall serve in the absence of one (1) or more of the regular members when requested to do so by the Commission Chairman or City Secretary, as the case may be. In the absence of a Planning and Zoning Commission the City council shall serve as the Commission.

(c) Duties and Responsibilities

The duties and responsibilities of the Planning and Zoning Commission are as follows:

- (1) To initiate and conduct planning sessions too proactively address needed changes within the community relating to the master plan including but not limited to: thoroughfare plan, property zoning/rezoning and future development;
- (2) Recommend boundaries for initial zoning districts and appropriate zoning regulations;
- (3) Take a proactive role in drafting, reviewing and making recommendations to the City Council relating to new zoning ordinances, amendments to existing ordinances, and thoroughfare planning.
- (4) Make preliminary reports and hold public hearings prior to submitting proposals to the City Council as they relate to zoning and environmental quality issue.
- (5) Receive, review and take appropriate action on all platting and subdivision proposals.

(d) Quorum

Any three members shall constitute a quorum of the transaction of business. The affirmative vote of a majority of voting members attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Commission.

(e) Meetings

All meetings of the Planning and Zoning Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the City Secretary.

Section 1.1.2 Zoning Board of Adjustment

(a) There is, hereby created, a Board of Adjustment consisting of five (5) members, each to be appointed by the City Council for a term of two years and removable, for cause, by the appointing authority. Vacancies shall be filled by the appointment, by the original appointing authority, of a suitable person to serve out the unexpired term of any member whose place on the Board has become vacant for any cause.

The Board is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards, to make such exemptions to the terms of this ordinance, in harmony with its general purpose and intent and in accordance with general or special rules therein contained, for the purpose of rendering full justice and equity to the general public.

The Board may adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this ordinance. Meetings of the Board shall be held at the call of the chairman and at such other times at the Board may determine. The chairman, or in his absence, the acting chairman, may administer oath and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceeding showing the vote of each member upon each question, or, if absent, or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be a public record.

The City Secretary of the City of Dilley, Texas, shall be an ex official member of the Board; shall be its secretary, and shall keep all records for the Board. All meetings of the Board shall be held at the City Hall.

(b) Appeals to the Board of Adjustment can be taken by any person aggrieved or by any officer or department of the municipality affected by any decision of the administration officer. Such appeal shall be taken within fifteen (15) days' time after the decision has been rendered by the administrative officer, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal, specifying the grounds thereof. The officer, from whom the appeal is taken, shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

An appeal shall stay all proceedings of the action appealed from, unless the officer from whom the appeal is taken, certified to the Board Adjustment, after the notice of appeal shall have been filed with him that, by reason of the facts stated in the certificate, a stay would in his opinion, cause imminent peril to the life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney or by agent.

(c) The Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination, made by an administrative official in the enforcement of this ordinance.

(2) To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under this under this ordinance.

(3) To authorize, upon appeal in special cases, such variances from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice be done.

(4) In exercising its powers, the Board may, in conformity with the provisions of ARTICLE 1011-A and including 1011-J of the 1925 Civil Statutes of Texas, revise or

reform, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.

(5) The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance in said ordinance.

(6) Any person or person, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer, any officer, or department of the Municipality, my present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the Office of the Board and not thereafter.

## SECTION 1-2 CITY DEPARTMENTS

### Section 1.2.1 Building Inspector

(a) The provisions of this ordinance shall be administered and enforced by the building inspector of the city of Dilley, Texas. It shall be the duty of the building inspector or his designee to issue permits, provided he is satisfied that the structure, building or premises and the proposed use thereof conforms to all the requirements of this code. All applications for building permits shall be accompanied by a plat drawn in duplicates showing the actual dimensions of the lot to be built on, the size of the buildings to be erected, the use of the property, and such other information that may be necessary and requested by the building inspector of the City of Dilley, Texas, to permit enforcement of these regulations. The record of the application plat and other information shall be carefully preserved in the office of the building inspector.

### Section 1.2.2 Utilities Director

(a) The water and waste water provisions of this ordinance shall be administered and enforced by the utilities director of the City of Dilley, Texas.

## SECTIONS 1.3 THROUGH 1.10 RESERVED

## ARTICLE II

### BUILDINGS & BUILDING REGULATIONS

#### SECTION 2.11 BUILDING CODES

The Codes and Standards adopted herein shall govern the design and construction of all structures within the City of Dilley.

- a.) The International Building Code, 2003 Edition as published by the International Code Council, is hereby adopted, and designated as the building code of the City of Dilley, and is made a part hereof, as amended. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding.
- b.) The International Fire Code, 2009 Edition, including Appendix Chapters B, C, D, F, H, I and J as published by the International Code Council, is hereby adopted, and designated as the fire code of the City of Dilley, and is made a part hereof, as amended. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding.
- c.) The International Plumbing Code, 2009 Edition, including Appendix Chapters C, D, E, F and G as published by the International Code Council, is hereby adopted, and designated as the plumbing code of the City of Dilley, and is made a part hereof, as amended. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding.
- d.) The International Residential Code, 2009 Edition, is adopted, and designated as the residential code of the City of Dilley, and is made a part hereof, as amended. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding.
- e.) The National Electrical Code, 2001 Edition, is adopted, and designated as the electrical code of the City of Dilley, and is made a part hereof, as amended. Unless deleted, amended, expanded, or otherwise changed herein, all provisions of such code shall be fully applicable and binding.

#### SECTION 2.12 PERMITS REQUIRED

It shall be unlawful for an owner to use or permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a permit or permits shall have been issued by the Building Inspector or his designee.

#### SECTION 2.13 EXPIRATION OF BUILDING PERMIT

The building permit shall expire twelve months from the date of issuance.

#### SECTION 2.14 CERTIFICATE OF OCCUPANCY

(a) No building, hereafter erected or structurally altered, shall be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the city inspector stating that the building, or proposed use of a building premises, complies with the building laws and provisions of the regulations.

(b) Certificate of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection or structural alterations of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall furnished on request to any person having a property or tenancy interest in the building affected.

(c) No permit, for excavation for any building, shall be issued before application has been made for a certificate of occupancy and compliance.

#### SECTION 2.15 COMPLIANCE OF PLANS, PERMITS, AND CERTIFICATES

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector authorized only the use and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be punishable as provided herein.

#### SECTIONS 2-16 THROUGH 2-30 RESERVED

### ARTICLE III SUBDIVISION REGULATIONS

#### SECTION 3-31 : PURPOSE

This chapter is intended to adopt rules governing plats and subdivisions of land within the boundaries of the municipality and its extraterritorial jurisdiction. This chapter is enacted in accordance with the powers of the City of Dilley granted under the Texas Constitution and the statutes of the State of Texas, including, but not by the way of limitation, Texas Local Government Code Chapter 212.

#### SECTION 3-32: DEFINITIONS

1. Plat – shall mean a drawing meeting all the format requirements established herein and in Chapter 212 of the Texas Local Government Code to be recorded in the plat records at the office of the County Clerk upon proof of compliance with all regulations contained herein and approval of the City Council.
2. Subdivide – shall mean the act of dividing a tract of land into two or more parts.
3. Subdivision of land – shall mean the subdividing land for the purpose of conveyance, development, or contract for a deed. Excluded from the definition of subdivision of land is any division specifically excluded by Section 212.004 of the Texas Local Government Code.
4. Construction improvements – shall be defined as all public and private improvements required as part of the platting process to include, but not limited to, streets, stormwater, water, and waste-water.
5. Public Improvements – shall be defined as any construction improvement to be dedicated to the public.

6. Developer – for purposes of this chapter shall mean the property owner, individual, entity, or party responsible for the installation of improvements in conjunction with any plat submitted and approved in accordance with these regulations.

### SECTION 3-33: GENERAL RULES

It shall be unlawful to subdivide or create a subdivision of land except by an approved and recorded plat within the City of Dilley and its extraterritorial jurisdiction.

It shall be unlawful to construct improvements requiring a building permit on any parcel of land within the city limits of Dilley except on a parcel as platted in accordance with these regulations.

It shall be unlawful to construct public improvements except in conjunction with a plat or as otherwise approved by the City Council of the City of Dilley.

It shall be unlawful to connect to existing public utilities within the City of Dilley except on a parcel as platted in accordance with these regulations.

No building permit shall be issued on a plat recorded in conformance with these regulations until all water and sewer improvements are constructed, tested, disinfected, and accepted by the City of Dilley.

### SECTION 3-34: PENALTIES

Violations of the provisions under this chapter are hereby deemed violations of ordinances, rules, or police regulations that govern the public health, safety, and general welfare in the City of Dilley Ordinances. Each and every day's violation shall constitute a separate and distinct offense.

### SECTION 3-35: PLATTING PROCEDURES

#### Sec. 3-35.1. Master Plan.

A Master Plan is required when platting a portion of a tract where the total tract is less than 200 acres and owned by the person/entity making application for plat. A master plan is required when the development is proposed in phases. A master plan is required to be submitted simultaneously with the Preliminary Plat but may be submitted for review and approval prior to any platting activity on the parcel or tract. The master plan shall:

- 1) Be drawn to scale.
- 2) Contain a street layout showing extension and/or connection to existing streets and shall conform to all thoroughfares and collectors identified in the City of Dilley's Thoroughfare Plan.
- 3) Identify proposed land uses.
- 4) Provide topography and a general layout of proposed stormwater improvements.
- 5) Provide a general layout of proposed water and waste-water.

#### Sec. 3-35.2 Preliminary Plat.

The purpose of the preliminary plat is to address all issues relevant to compliance with these regulations and provide direction to the developer and consulting engineer for purposes of the design of public improvements.

The Preliminary Plat application shall include:

- 1) A letter by the developer expressing the intent.
- 2) A copy of the deed showing ownership or interest by the applicant.
- 3) Verification that all municipal taxes are paid to date.



The Preliminary Plat shall:

- 1) Be drawn to a scale of 1 inch equals 100 feet or increments of 100 to accommodate sheet size,
- 2) Identify existing and proposed roadway improvements,
- 3) Identify existing and proposed water and waste-water improvements,
- 4) Provide topography and a general layout of proposed storm-water improvements,
- 5) Identify proposed land uses,

**Sec. 3-35.3. Final plat.**

The purpose of the final plat is to approve the design of the proposed public improvements, authorize the construction of improvements, and approve the plat content for recordation.

The final plat shall contain:

- 1) All of the provisions and conditions imposed by City Council with the approval of the preliminary plat.
- 2) Numerated notes necessary to ensure stormwater improvements are not compromised as a result of site construction and post-development improvements.
- 3) Existing and proposed floodplains and floodways as reflected on FEMA Panels for the area and numerated plat notes establishing/reflecting the guidelines for construction in flood prone areas with Base Flood Elevations for each lot within the floodplain.
- 4) All lot lines, easements, and right of ways.
- 5) All survey bearings and distances.
- 6) Other relevant survey information including legal descriptions of the tract and off-site easements.
- 7) Water lines, waste-water lines, and tap locations.
- 8) Signature spaces for the Mayor, County Clerk, Surveyor of Record, Engineer of Record, Lien Holder, Property owner and any grantor of off-site easements, notary, etc.
- 9) A warranty statement specifying all public improvements are guaranteed by the developer for a one year period.
- 10) A notation identifying the party responsible for the long term maintenance of drainage improvements (Association, adjacent property owners, property owners, or City of Dilley).
- 11) Other information as deemed appropriate.

Construction Plans for all public improvements, sealed by a Professional Engineer licensed in the State of Texas, shall be submitted in conjunction with the Final Plat for approval by the City Council. The profile sheets shall be submitted on paper copies 11" x 17" (larger if necessary for legibility) and shall reflect compliance with all the development provisions contained in this Code, any conditions or improvements mandated as part of the preliminary plat, as well as all State and Federal guidelines.

**Sec. 3-35.4. Simultaneous Submittal.**

A developer may request the simultaneous approval of preliminary and final plat provided however that all provisions for both have been met.

**Sec. 3-35.5 Submittal deadline.**

All plats and master plans shall be submitted prior to the third Wednesday of each month to be reviewed and acted upon by the Planning and Zoning Commission at the regularly scheduled meeting of each month.

**Sec. 3-35.6. Action of the City Council.**

The City Council may deny any plat based on non-compliance with these regulations or non-compliance with any relevant State or Federal guideline.

**Sec. 3-35.7. Security in Lieu of Improvements.**

A developer may provide securities in lieu of improvements for the purpose of recording a plat. The amount of security in lieu shall be based on an estimate of the total cost of improvements sealed by a profession engineer licensed in the State of Texas. However, this does relinquish the developer from the responsibility of constructing all public improvements. Securities shall be returned or released upon acceptance of public improvements by the City of Dilley.

**Sec. 3-35.8. Recordation of plat.**

The plat shall be submitted to the City of Dilley for signature and recordation. The developer or his representative shall provide a check made out to Frio County for the amount established by the County Clerk's Offices for the recordation of plats. The City of Dilley shall transport the original plat to the County Offices for recordation and, after making copy of the recorded plat, shall return the original to the developer or his representative.

After recordation, the developer or his representative shall provide the plat and improvement plans in a digital format compatible with ArcGIS.

**Sec. 3-35.9. As-Built Plans.**

The developer or his representative shall provide a set of as-built plans to the City of Dilley upon completion and acceptance of all public improvements.

**Sec. 3-35.10. Formal Acceptance of Public Improvements.**

The City of Dilley shall, after inspection of all public improvements, issue a letter of acceptance to the developer and assume maintenance of the improvements upon the expiration of the warranty period.

**Sec. 3-35.11. Warranty.**

The developer, successor, and assigns shall cause to be repaired the failure of any public improvement resulting from negligence or improper construction for a period of one year after formal acceptance of the public improvement. The developer, successor, and assigns shall be responsible for the maintenance of all improvements for a period of one year after acceptance.

**Sec. 3-35.12. Maintenance of Drainage Improvements.**

Drainage improvements outside of the street right of way shall be maintained indefinitely by the property owner, property association, adjacent property owner, or other entity as defined. However, the City of Dilley reserves the right to assume maintenance of the drainage improvement.

**Sec. 3-35.13. Expiration of Plats and Master Plans.**

All plat approvals are valid for a period of 36 months. If the plat is not recorded within a 36 month time period following approval, the approval shall be deemed expired and void.

All master plan approvals remain valid unless 36 months elapses without a plat or phase submittal. At such time the master plan shall be deemed expired and void.

**SECTION 3-36: PUBLIC AND PRIVATE IMPROVEMENTS**

**Sec. 3-36.1. Streets, Roadways, and Access Easements**

Traffic Load, Reliability and Pavement Structures. The traffic load is the cumulative expected 18-Kip equivalent single axle loads (ESAL) for the service life. The following 18-Kip ESAL Reliability Level and Pavement Structure shall be used in the design of streets for each street classification:

**Pavement Specifications for Public and Private Streets**

<u>Street Classification</u>	<u>Minimum Right of Way Width</u>	<u>Minimum Pavement Width</u>	<u>18-KIP ESAL</u>	<u>Reliability Level</u>	<u>Minimum Pavement Structure</u>
<u>Industrial Street</u>	<u>70'</u>	<u>40'</u>	<u>2,000,000</u>	<u>R-90</u>	<u>SN = 2.92</u>
<u>Local Collector</u>	<u>60'</u>	<u>32'</u>	<u>1,000,000</u>	<u>R-70</u>	<u>SN = 2.58</u>
<u>Local street and access easements intended for primary access to a proposed lot or building.</u>	<u>50'</u>	<u>28'</u>	<u>100,000</u>	<u>R-70</u>	<u>SN = 1.98</u>

Note: Rural roadway sections are permissible.

Street, roadways, and access easement designs shall conform with the latest American Association of State Highway and Transportation Officials publication of "A Policy on Geometric Design of Highways and Streets." The design shall be prepared and signed by a professional engineer registered in the State of Texas. For purposes of design of intersections, it shall be assumed that local residential streets and local collectors will have passenger vehicles only, industrial streets will carry single-unit trucks.

Pavement Structure. The design of pavement structures shall be in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Guide for Design of Pavement Structures latest approved edition. The pavement design report shall be prepared and signed by, or under the supervision of, a professional engineer registered in the State of Texas. The design requirements in the table above shall be used for pavement design.

Minimum Layer Thickness (Compacted). If the following components are utilized in proposed pavement sections, the minimum thickness for the components shall be:

- 1) Hot mix asphaltic concrete pavement shall not be less than one and one-half (1 1/2) inches thick for surface course (Type D).
- 2) Hot mix asphaltic concrete pavement shall not be less than two and one-half (2 1/2) inches thick for a leveling-up course (Type B).
- 3) Asphalt treated base shall not be less than four (4) inches thick.
- 4) Flexible base shall not be less than eight (8) inches thick.
- 5) Lime treatment for subgrade shall not be less than six (6) inches thick.

Existing streets. If platting or replatting (a tract greater than 20,000 square feet) adjacent to an existing roadway, or if accessing a development through an existing roadway, improvements to the existing roadway shall meet the following criteria:

- 1) If unpaved – full improvements as outlined above.
- 2) If paved but no pavement work or overlay within the last 20 years – milling and overlay required.
- 3) If intended for industrial traffic – Reconstruction to the standards as outlined above.
- 4) If paved but existing pavement is less than 1.5 inches – asphalt overlay required.

### **Sec. 3-36.2. Sidewalks**

Sidewalks shall be provided on both sides of all streets, including cul-de-sacs, in conformance with the American with Disabilities Act (ADA). Sidewalks shall be constructed of concrete having a minimum width of 4 feet, a minimum depth of 4 inches, and designed to 2500 psi with #6 – 6x6 welded wire fabric.

For roadways constructed with curb and gutter, the sidewalk shall be placed adjacent to the curb. For roadways constructed with a rural section, the sidewalk shall be placed adjacent to the property line or within a designated pedestrian easement.

### **Sec. 3-36.3. Street Signs, Traffic Signs, and Pavement Markings**

Street signs, traffic signs, and pavement markings shall be provided and installed by the developer.

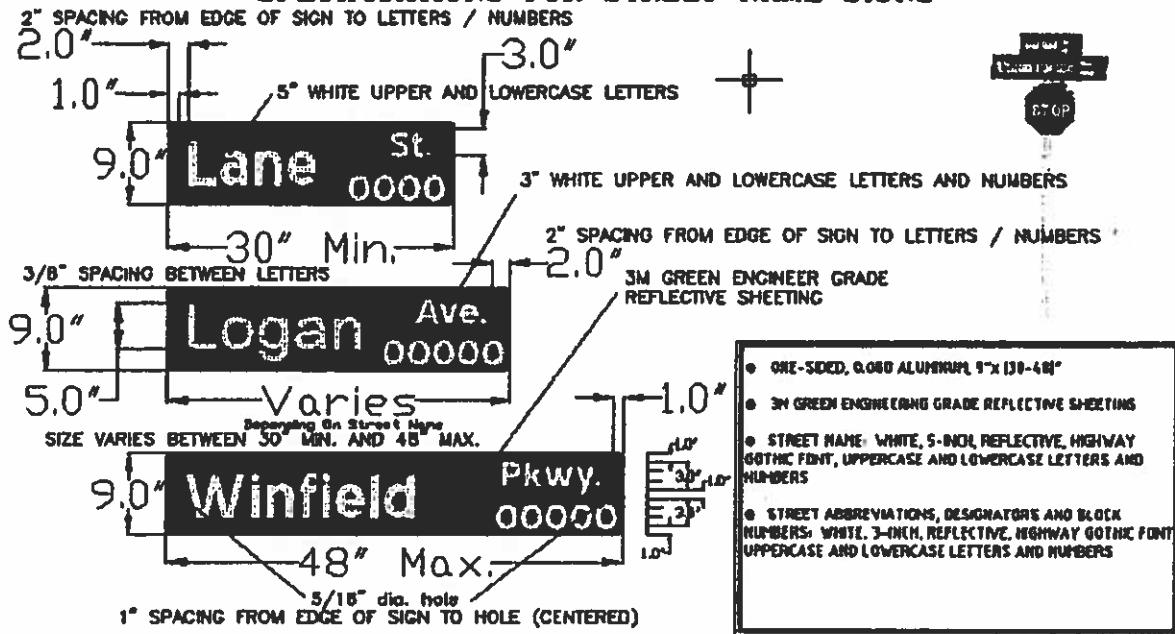
#### Pavement Markings

Type II pavement markings shall be used on all roadways within the City of Dilley with marking materials conforming to TxDOT Department Materials Specifications DMS-8200, YPT-12 and/or WPT-12, and DMS-8200.

#### Street signs and traffic control devices.

All traffic signs shall comply with the latest edition of the Texas Manual of Uniform Traffic Control Devices. Street signs shall comply with the figures below:

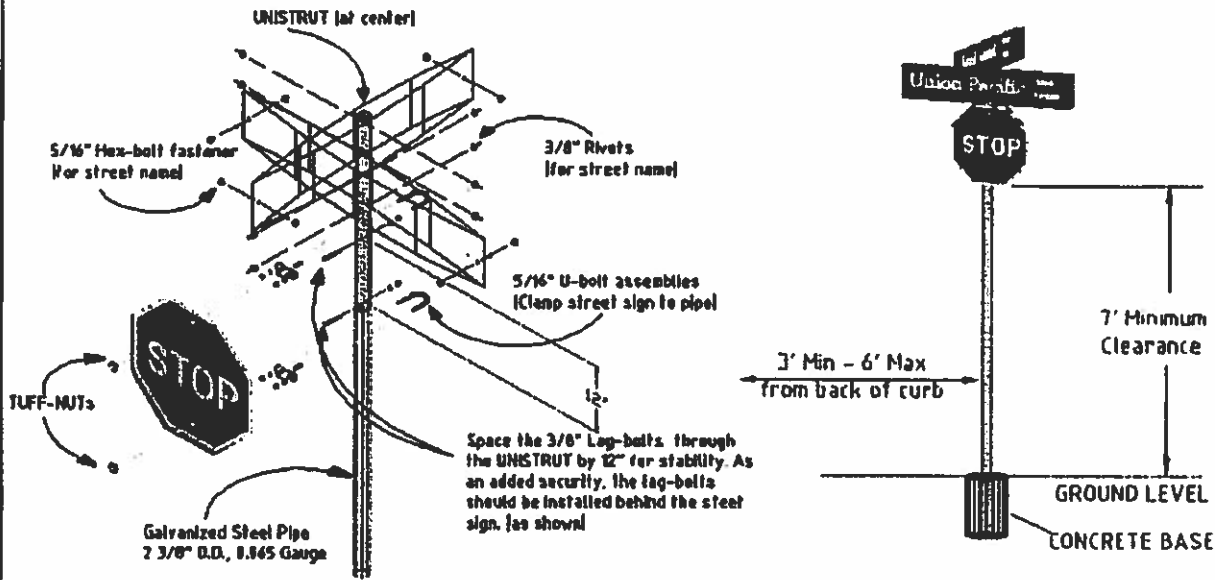
**SPECIFICATIONS FOR STREET NAME SIGNS**



**USE HIGHWAY GOTHIC FONT**

Reference Sheets: Street Name Assembly, Street Name Assembly Hardware

Street Name signs are fastened to UNISTRUT only.  
UNISTRUT is fastened to pipe with 3/8" x 4" Hex-bolts. (as shown)



NOTES:  
Reference Sheets: Street Name Specifications, Street Name Assembly Hardware

**Sec. Sec. 3-36.4. Water**

The design and installation of water systems are required of the developer in all subdivision. The design shall be prepared and sealed by a Professional Engineer licensed in the State of Texas. The designed system shall, at a minimum, meet the following standards:

- 1) The minimum diameter of all water mains shall be 8", PVC of the rigid (unplasticized) type bearing National Sanitation Foundation seal of approval for potable water, DR 18 C-900 for depths less than 8 feet, DR 14 C-900 for depths of 8 feet or greater.
- 2) The design shall be based on 130 gallons per day per capita.
- 3) The design shall be based on 3.7 persons per dwelling unit.
- 4) The design shall provide for 1500 gallons per minute for four hours.
- 5) The designed system shall comply with 30 TAC Chapter 290 Subchapter D: Rules and Regulations for Public Water Systems as published and amended by the Texas Commission on Environmental Quality.
- 6) The designed system shall ensure City of Dilley compliance with 30 TAC Chapter 290 Subchapter F: Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Systems as published and amended by the Texas Commission on Environmental Quality.

The contractor shall disinfect all water mains in conformance with AWWA C651-92 the results of which shall be submitted to the City of Dilley for approval prior to acceptance of the water lines.

The contractor shall perform hydrostatic tests on water lines in accordance to AWWA C600-93, pressure and leakage tests in accordance with Section 3 of AWWA C-600, and the results of which shall be submitted to the City of Dilley for approval prior to acceptance of the water lines.

Water used to fill proposed lines for flushing, disinfecting, and testing shall be potable water from the City of Dilley.

The developer shall be responsible for all City of Dilley water system improvements and line extensions necessary to deliver water at the standards set above; whether those improvements are on-site or off-site.

### **Sec. 3-36.5. Fire Hydrants**

Fire hydrants are required in all subdivisions and shall be installed with a minimum spacing of 500 feet. They shall be Dry Barrel, Traffic Model (break away), Post Type having Compression Type Main Valves (5 ¼ opening). They shall be cast-iron, fully bronze mounted, have a design working pressure of 150 psi (test pressure 300 psi), and shall conform to the latest specifications and revisions of American Water Works Association (AWWA) Standard C-502 for ordinary water works service.

### **Sec. Sec. 3-36.6. Wastewater**

The design and installation of wastewater systems are required of the developer in all subdivision. The design shall be prepared and sealed by a Professional Engineer licensed in the State of Texas. The designed system shall, at a minimum, meet the following standards:

- 1) The minimum diameter of all gravity flow wastewater mains shall be 8". All PVC sewer pipe and fittings shall be SDR-26.

- 2) The design shall be based on 100 gallons per day per capita.
- 3) The design shall be based on 3.7 persons per dwelling unit.
- 4) The designed system shall comply with 30 TAC Chapter 217: Design Criteria for Domestic Wastewater Systems as published and amended by the Texas Commission on Environmental Quality.

Deflection tests shall be performed on all flexible pipes using a rigid mandrel or televised. No pipe shall exceed 5.0% deflection. All pipes less than 24" diameter shall be given a low pressure air test in conformance to ASTM C-828, ASTM C-924, ASTM F-1417, or other appropriate procedures.

Manholes shall be tested separately and independently of the wastewater lines using the Exfiltration Method. The allowable drop of water depth from the top of the manhole is: 0.5 inches per hour in a 10 foot deep manhole.

The results of all testing shall be submitted to the City of Dilley for approval prior to acceptance of the construction improvements.

Any development or construction occurring within 200 feet of a municipal wastewater line must provide for the connection to that line and provide plans for the extension of the wastewater system in compliance with the provisions above.

The developer shall be responsible for all City of Dilley wastewater system improvements and line extensions necessary to provide the service standards set above; whether those improvements are on-site or off-site.

### **Sec. 3-36.7. Storm Drainage**

The design and construction of stormwater systems are required of the developer in all subdivision. The design shall be prepared and sealed by a Professional Engineer licensed in the State of Texas. The designed system shall, at a minimum, meet the following standards:

- 1) The discharge rate from the development shall be such that the pre-existing discharge rate from the site is not exceeded in the post-development condition for the design storm event. The precondition discharge rate shall be calculated assuming the site is in a natural state. However, the rates of discharge into the adjacent property may exceed the pre-development rates if the approved plat is part of a phased development wherein post-development rates have been accounted for in the drainage plans and improvements for the entire development.
- 2) Streets shall be designed on the basis of a 10-year frequency storm event (minimum).
- 3) Roadway culvert crossings shall be designed for a 25-year frequency storm event (minimum).
- 4) Open channels shall: a) be designed to the 25-year storm event, b) shall be designed to subcritical flow under normal conditions, and c) shall provide a minimum of one (1) foot freeboard above design flow depth.
- 5) Grass lined channels shall: a) have a maximum velocity of 5 f.p.s., b) include slope protection in bends where the curvature is less than twice the channel width.

- 6) Closed stormwater systems shall: a) have a minimum pipe size of 24", b) minimum grade shall be no less than 0.004 ft/ft, c) shall be designed assuming full flow conditions.
- 7) All designs must comply with federal and state regulations including but not limited to: 404 Permitting, FEMA Regulations, Erosion control, and storm water quality.
- 8) The Rational Method shall be used for calculating runoff using the following tables:

Maximum Expected Rainfall Amounts (Inches) Per Duration for Recurrence Intervals							
Rainfall	Rainfall Recurrence Interval (Years)						
Duration (Hours)	1	2	5	10	25	50	100
½	1.3	1.6	2.1	2.4	2.7	3.0	3.3
1	1.7	2.1	2.5	3.0	3.5	3.8	4.3
2	1.9	2.4	3.1	3.6	4.2	4.7	5.3
3	2.1	2.6	3.3	3.9	4.6	5.2	5.8
6	2.3	3.0	4.0	4.7	5.5	6.2	7.1
12	2.7	3.4	4.6	5.5	6.6	7.4	8.3
24	3.0	3.8	5.3	6.5	7.6	8.6	9.8

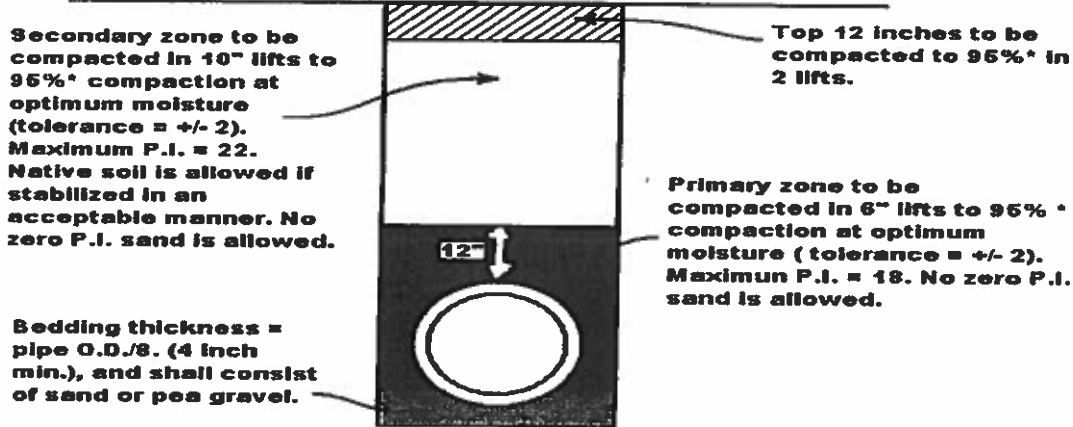
RUNOFF COEFFICIENTS BY SURFACE CHARACTER	
Character of Surface	Runoff Coefficient
Asphalt and Concrete	0.95
Brick	0.85
Roofs	0.95
Lawns with Sandy Soil (<2 percent)	0.1
Lawns with Sandy Soil (2-7 percent)	0.15
Lawns with Sandy Soil (>7 percent)	0.2
Lawns with Heavy Soil (<2 percent)	0.17
Lawns with Heavy Soil (2-7 percent)	0.22
Lawns with Heavy Soil (>7 percent)	0.35
Source: Design and Construction of Urban Stormwater Management Systems, ASCE	

RUNOFF COEFFICIENTS BY LAND USE	
Downtown Business	1.0
Neighborhood Business	0.7
Single Family Residential	0.5
Multi-family Residential	0.75
Light Industrial	0.8
Heavy Industrial	0.9
Parks, cemeteries	0.25
Playgrounds	0.35
Unimproved	0.1
Source: Design and Construction of Urban Stormwater Management Systems, ASCE	

**Sec. 3-36.8. Backfill Requirements**

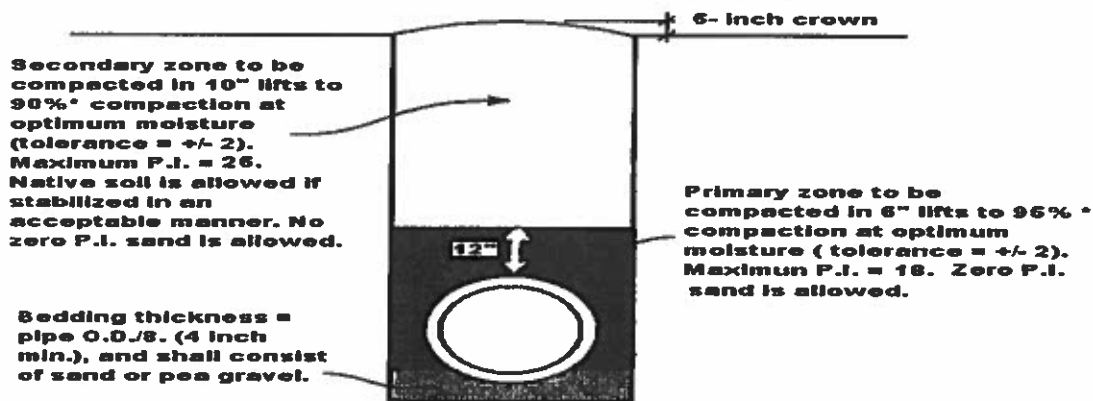


**Utility Trench Condition "A"  
Within Paved Areas**



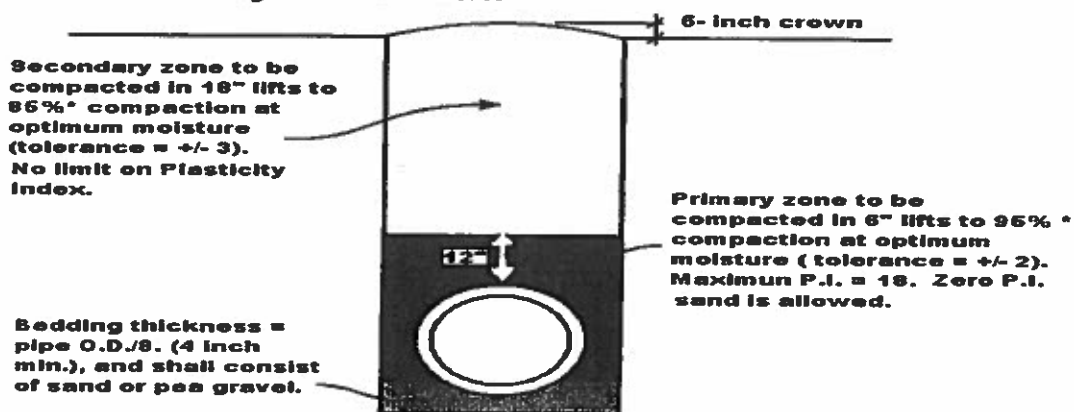
**\*Note: All compaction testing shall be performed as per TEX-113-E. All backfill material shall be free of rocks in excess of 3 inches in any direction.**

**Utility Trench Condition "B"  
Within the R.O.W., Outside of Paved Areas**



**\*Note: All compaction testing shall be performed as per TEX-113-E. All backfill material shall be free of rocks in excess of 3 inches in any direction.**

**Utility Trench Condition "C"  
Beyond the R.O.W.**



**\*Note: All compaction testing shall be performed as per TEX-113-E. All backfill material shall be free of rocks in excess of 3 inches in any direction.**

Backfilling around the outside of manholes shall commence as soon as the concrete or masonry has been allowed to cure the required time and the forms and shoring have been removed. Unless otherwise provided in the plans, backfilling shall be compacted in 6" lifts to a 90% standard proctor density (ASTM D-690). Zero PI sand is prohibited.

Backfilling for closed stormwater systems shall be in 6" lifts to 95% maximum density at optimum moisture content as determined by procedures set out under TEX-113-E. The material shall be free of debris and have no stone particles greater than 4". Mechanical compaction is required.

SECTIONS 3-37 THROUGH 3-55 RESERVED

#### ARTICLE IV

#### ZONING REGULATIONS

SECTION 4-56 THROUGH 3-80 RESERVED

#### ARTICLE V

#### UTILITY CONNECTION

SECTION 5-81 PROCEDURES FOR PROVIDING UTILITY SERVICES

**(a) Application for Service**

An application for utility service may be made in person at the City Office at 101 S. Commerce Street, Dilley, Texas. Initial applications cannot be acted upon until a signed application with all required information and any applicable deposits or fees are received. Said application and any attachments thereto shall constitute an agreement between the City and the applicant. Although a signature shall be required for the initial application, subsequent changes shall be permitted via telephone, email, or fax provided such authority was given by the customer in writing and the proper verification information was provided at the time of the change.

**(b) Application contents**

The application will include the applicant's voluntary designation of a person or agency to receive a copy of any notice to disconnect service due to the applicant's nonpayment of a bill or deposit. In order for the application to be complete, the applicant must provide all of the following, which they possess (in addition to the above):

1. Full names of all Occupants of Premises over the age of 18 and the designation of the account holder(s)
2. Social Security Number(s)
3. Birth Date
4. Copy of Valid Driver's License or other acceptable proof of identity if the applicant has no license
5. Telephone Number

6. Previous Address
7. Employer name, address and telephone number
8. Name, Address and Telephone Number of Relative
9. If tenant, name, address and phone number of Landlord
10. Verification information that could be used to change account service or account inquiry, if so desired.

**(c) Approval/Denial of Application for Utility Service**

Upon receipt of a completed application a determination shall be made to approve or deny the application to provide a particular utility service. The City reserves the right to deny or refuse service for any of the reasons listed in part "D" of this section. The Utility may not deny or refuse service for any of the reasons listed in part "E" of this section. If an account holder has entered in a payment agreement or has a past due account, no additional utility service will be added to the account until the account is current. The customer shall not be required to receive any advance written notice for the denial of an initial utility service request or for an additional service request not previously held by the applicant. However, a written reason for the denial of the service shall be mailed to the customer pursuant to these service rules if contact information is fully provided. The notice shall be considered rendered to the customer when deposited in the U.S. mail with postage prepaid.

**(d) Reasons for Denial of Service**

1. In the event of a condition determined by the Utility to be hazardous
2. For violation of or noncompliance with Utility service rules
3. For failure of prospective customer to furnish service equipment, permits, certificates, or rights-of-way specified by the Utility as a condition of receiving service or for failure of prospective customer to fulfill his or her contractual obligations for service or facilities
4. In the case of customers who have been disconnected or for whom have defaulted on a payment agreement, service will not be reconnected or continued in the name of another occupant or user of the premises if the previous customer or any other person liable for payment of the delinquent bill(s) continues to occupy or receive benefit of the service provided at the premises, unless arrangements are made to pay for the unpaid service at the premises. Similarly, New or Transferred Accounts will not be established for customers who will have co-occupants that will benefit from service so long as they have delinquent accounts. This shall not apply to an established account holder with a good credit history who allows a delinquent account holder to reside with them.
5. Failure to pay the required deposit and/or tapping fees.

**(e) Insufficient Reasons for Denying Service**

The following shall not constitute cause for refusal of service to a present or prospective customer:

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1. Delinquency in payment for service by a previous occupant of the premises to be served provided the person was not also receiving the benefit of service at this location under the previous account holder.

2. Failure of a disconnected residential customer to pay the full amount due for past service if financial difficulty is confirmed and the customer is willing to enter into a reasonable agreement to pay the delinquent amount (This excludes those customers that have already defaulted on a reasonable payment agreement for the same delinquent amount owed).

**(f) Service installation and Authority to Turn on Utilities**

All customers will be provided service in a prompt, non-discriminatory manner. Standard installations and or turn on will be performed no later than five (5) working days after an order has been placed. All other installations will be completed as soon as practical using due diligence. The City shall supply service to the applicant in accordance with this service policy. No person shall have the authority to turn on a utility other than a properly authorized City employee.

**SECTION 5-82 PROCEDURES FOR UTILITY SERVICE DISCONNECTS**

**(a) Disconnection of service to customers for nonpayment of a bill or deposit shall be in accordance with the following procedures:**

1. The City shall make a reasonable attempt to affect collection.

2. The City shall give written notice to the customer and where applicable, the person or agency designated by the customer to receive such notice that service will be disconnected if the account is not settled within ten (10) calendar days from the date of notice. Notice shall include a written summary of the rights and remedies available to avoid disconnection.

3. The City may grant an extension to avoid disconnection of services. The extension shall not extend past the 15<sup>th</sup> of the following month when the bill was due. Extensions must be submitted in writing by the account holder or authorized representative. Failure to comply with a total of three (3) extension agreements in a calendar year will result in forfeiting future extensions for that year.

4. The City shall give the customer a reasonable opportunity to dispute the reason for disconnection to the utility. If the matter cannot be satisfactorily resolved, the customer will be referred to the City Administrator.

5. If no effort has been made on the part of the customer to pay the past due amount, dispute the account or request an extension, the City shall prepare a disconnect list for all delinquent accounts. The list will be prepared on the 5<sup>th</sup> of every month by 9:00 a.m. If the 5<sup>th</sup> of the month falls on Friday or a Holiday, disconnects will take place the next working day. A reconnect fee will be charged once the list has been prepared and forwarded to the Utility Department for action on disconnects.

**(b) Disconnection of services for other reasons**

1. The City will immediately disconnect services without notice when there has been Tampering or theft of services.

2. The City will disconnect services when payment by check is not honored by the bank. A notice will be posted on the customers' door allowing them twenty-four (24) hours to settle their account

with the city before services are disconnected. Payment must then be made in cash, money order or cashier's check and return check fee will be charged to the customer. The city will not accept payment by check from a customer when it has been returned and not honored by the bank more than three times.

**(c) Exceptions to Disconnection of Service**

**1. Financial Difficulty** – A residential account holder may avoid disconnection by providing confirmation of financial difficulty and entering into a reasonable payment agreement. Payment Agreements will be provided as follows:

**(a) A residential customer who has been disconnected or is about to be disconnected due to the inability to pay in full, will be offered the opportunity to enter into a reasonable agreement to pay the delinquent bill unless the customer currently has such an agreement. This procedure will take place only when an extension has proved to be insufficient and the customer is still having a hardship. The agreement**

**shall be in writing and shall be signed by a party for the City and by the customer (account holder). At no time will a payment agreement extend beyond ninety (90) days. A signed copy of the agreement shall be provided to the account holder.**

**(b) The City may require the account holder to provide confirmation of financial difficulty prior to entering into an agreement.**

**(c) The City will not offer a second payment agreement to a customer who currently has an existing agreement.**

**(d) Payment agreements shall include provisions for the payment of current bills pursuant to provisions of a level payment plan.**

**(e) Failure to enter into a reasonable payment arrangement will result in disconnection of service.**

**2. Health of Resident** – Disconnection of a residential customer shall be postponed if the discontinuance of service would present a special danger to the health of any permanent resident of the premises. A special danger to health is indicated if one appears to be seriously impaired and may, because of mental or physical problems, be unable to manage his/her own resources, carry out activities of family living or protect oneself from neglect or hazardous situations without assistance from others. Indicators of a special danger to health include but are not limited to: age, infirmity, or mental incapacitation; serious illness; physical disability, including blindness and limited mobility; and any other factual circumstances which indicate a severe or hazardous health situation. The City may require written verification of the special danger. If an extension proves to be to be insufficient, a payment agreement will be made to avoid disconnection of service. The procedures for a payment agreement will be followed as outlined in section C. 1 (a) of this policy.

**3. Weather Forecast** – Disconnection of a residential customer's gas will not take place when the National Weather Service forecast for the following twenty-four (24) hours covering the area in which the residence is located includes a forecast that the temperature will fall below 32 Fahrenheit.

**4. Disputed Bill** – In the event there is a dispute concerning a bill for utility services, the customer may avoid disconnection by prompt payment of the undisputed portion of the bill and

by filing a statement with the City of the reasons upon which the dispute is based. The City will delay disconnection pending settlement of the disputed portion of the bill.

SECTIONS 5-83 THROUGH 5-94 RESERVED

ARTICLE VI

BUSINESS PERMITS

SECTION 6-95 PROCEDURES FOR ISSUING PERMITS FOR BUSINESSES

SECTIONS 6-96 THROUGH 6-100 RESERVED

ARTICLE VII

PENALTIES

SECTION 7-101: PENALTIES

Violations of the provisions under this chapter are hereby deemed violations of ordinances, rules, or police regulations that govern the public health, safety, and general welfare in the City of Dilley Ordinances. Each and every day's violation shall constitute a separate and distinct offense.

SECTION 4-102. PENALTY FOR VIOLATION OF ARTICLE IV

Sec. 24-102.1. Any person, firm or corporation who shall violate the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use any building or structure in violation of any detailed statement of plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than One Hundred (100) dollars and each day that such violation shall be permitted to exist, shall constitute a separate offense. The owner, or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any builder, contractor, agent, person, firm, association or corporation employed in connection therewith and who may have assisted in the commission of any violation, shall be guilty of a separate offense, and upon conviction, shall be fined as hereinabove provided.

Sec. 24-102.2. A violator of these rules and regulations shall not plead failure to ask for a variance from the Board of Adjustment or a change in the Zoning Map from the Zoning and Planning Board as a reason for continuation of case in court.

SECTIONS 7-103 THROUGH 7-110 RESERVED

ARTICLE VIII

MISCELLANEOUS

SECTION 8-111 VALIDITY OF DILLEY LAND DEVELOPMENT CODE

If any section, paragraph, subdivision, clause, phrase or provision of this code shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this code as a whole or any part or provisions thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 8-112 SUBDIVISION FEES

SECTION 8-113 ZONING FEES

SECTION 8-114 PERMIT FEES

**SECTION 2. AUTHORIZATION.** The Mayor is authorized to order the implementation of the City of Dilley Land Development Code within the City of Dilley and is authorized to order the implementation of Article III, Subdivision Regulations, in the City of Dilley's Extraterritorial Jurisdiction.


**SECTION 3. INCORPORATION OF RECITALS.** The City Council finds the recitals contained in the preamble to this ordinance are true and correct and incorporates them as findings of fact.

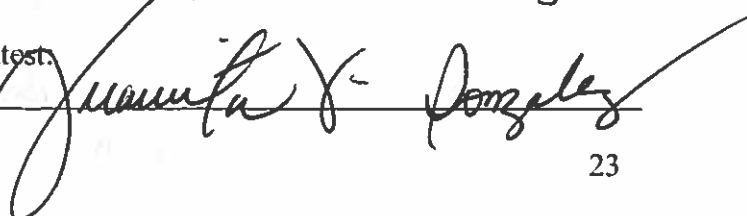
**SECTION 4. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

**SECTION 6. EFFECTIVE DATE.** The Ordinance shall be effective after approval by the City Council and publication in the Frio Nueces Current in the manner prescribed by Tex. Loc. Gov't Code Ann. Sec. 52.011.

PASSED, ORDERED AND APPROVED THIS 14th DAY OF February, 2012.

  
Honorable Mary Ann Obregon, Mayor

Attest:  


Juanita V. Gonzalez, City Secretary