

ORDINANCE NO. 2006-004

AN ORDINANCE AMENDING CITY OF EAST BERNARD, TEXAS, ORDINANCE NO. 2004-017, SAME BEING AN ORDINANCE ESTABLISHING PROCEDURES FOR THE FILING OF PRELIMINARY AND FINAL PLATS FOR THE SUBDIVISION OF LAND WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION, AND ADOPTING RULES AND REGULATIONS GOVERNING PLATS AND THE SUBDIVISION OF LAND, BY ADDING TO PARAGRAPH 1 OF SECTION A OF ARTICLE VI OF THE PLATTING POLICIES ADOPTED THEREBY AND A NEW SUBPARAGRAPH "a" AND BY ADDING TO SECTION D OF ARTICLE VI OF THE PLATTING POLICIES ADOPTED THEREBY A NEW SUBSECTION "4"; PROVIDING AN EXCEPTION TO ALLOW CREATION OF LOTS OF NOT LESS THAN ONE (1) ACRE EXCLUDING ROAD AND UTILITY EASEMENTS FOR SUBDIVISIONS NOT HAVING ACCESS TO A PUBLIC OR APPROVED COMMUNITY SEWAGE TREATMENT FACILITY IF THE APPLICANT CAN ESTABLISH THAT NO UNDUE RISK TO HEALTH WOULD RESULT THEREFROM; PROVIDING AN EXCEPTION TO ALLOW ASPHALT STREETS AND OPEN DITCHES IN SUBDIVISIONS HAVING LOTS NOT LESS THAN ONE (1) ACRE IN SIZE EXCLUDING ROAD AND UTILITY EASEMENTS; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EAST BERNARD, TEXAS:

**Section 1.** City of East Bernard, Texas, Ordinance No. 2004-017, passed and approved the 16<sup>th</sup> day of August, 2004, and being an ordinance establishing procedures for the filing of preliminary and final plats of land within the City and its extraterritorial jurisdiction, and adopting rules and regulations governing plats and the subdivision of land within the City and its extraterritorial jurisdiction, is hereby amended by adding to Paragraph 1 of Section A of Article VI of the Platting Policies adopted thereby, a new Subparagraph "a" to provide as follows:

VI. ENGINEERING REQUIREMENTS

A. Minimum Lot Sizes

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"a. Notwithstanding the foregoing, where an applicant can establish, through certification of a

registered professional engineer, county or state health official, or other person possessing qualifications to do so, that soil conditions permit the use of on site sanitary sewer disposal facilities without causing undue health risks, and such lots do not have reasonable access to a public or approved community sanitary sewer disposal system, lots may be permitted of not less than one (1) acre excluding road and utility easements. Provided further, the plat shall indicate the location of all such sanitary sewer disposal facilities and any potable water supply facilities, and all such facilities shall be installed in accordance with the approved locations indicated on the plat."

**Section 2** Said City of East Bernard, Texas, Ordinance No. 2004-017 is hereby further amended by adding to Section D of Article VI of the Platting Policies adopted thereby a new Subsection "4" to provide as follows:

VI. ENGINEERING REQUIREMENTS

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D. Streets and Roads

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**"4. Estate Lot Subdivisions. Notwithstanding the foregoing, in subdivisions having lots not less than one (1) acre in size excluding road and utility easements, local and collector streets may be constructed utilizing asphalt surfaces with open ditch drainage. In such instances, the minimum right-of-way width shall be 60 feet, and the standards for asphalt paving and open ditch drainage shall be as set forth in Exhibit "A" attached hereto and for all things made a part hereof."**

**Section 3.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.


**Section 4.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent

jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board of Aldermen of the City of East Bernard, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**PASSED, APPROVED, AND ADOPTED** this 5<sup>th</sup> day of June, 2006.

  
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**Buck Boettcher**  
**Mayor**

**ATTEST:**

  
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**Melvin R. Sands**  
**City Clerk**