

ORDINANCE NO. 16-S

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS AMENDING CHAPTER 21, SUBDIVISIONS AND PROPERTY DEVELOPMENT, BY ADDING A NEW SECTION 21-42.1 - ALLOWING FOR A FEE IN LIEU OF SIDEWALK INSTALLATION; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE, AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

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

Section 1. That Article III, Section 21 - 42 of the Code of Ordinances, City of Alvin, Texas, is hereby amended to read as follows:

ARTICLE III.

MINIMUM REQUIREMENTS FOR SUBDIVISION AND/OR RESUBDIVISION

...

“Sec. 21-42. Sidewalks, ADA ramps, driveways and driveway approaches.

Sidewalks, Americans with Disabilities Act (ADA) ramps, driveways and driveway approaches shall be required and shall be constructed in accordance with the City’s design criteria. ADA ramps shall be constructed at all street intersections and other locations deemed necessary for adequate accessibility. The construction of ADA ramps shall be included in the paving contract and are therefore the responsibility of the developer. If not constructed prior to issuance of a building permit, sidewalks, driveways, and driveway approaches must be constructed as part of the issuance of the building permit for each tract.”

Sec. 21-42.1.

- (1) Fee payment in lieu of sidewalk installation.* Where a sidewalk is required by the City of Alvin Subdivision Ordinance and the installation is not feasible due to construction or site constraints, the City Engineer may require the Developer/Property Owner to satisfy the sidewalk requirement by payment of a fee to the City’s Sidewalk Fund in lieu of installing the sidewalk. Said payment shall be at the current rate of construction per square foot or square yard of sidewalk, and such rate shall be based on the City’s most recent annual Concrete Maintenance Contract bid pricing. Once approved by the City Engineer payment of the fee shall be rendered at the time of building permit issuance.
- (2) Sidewalk Fund.* There is hereby established a special fund for the deposit of all sums paid in lieu of sidewalk installation under this section or any preceding ordinance, this

fund shall be known as the "Sidewalk Fund". Funds shall only be utilized to build, maintain, or replace sidewalks within the City.

Section 3. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code* and the *City of Alvin Charter*.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on first and final reading on the _____ day of _____, 2016.

ATTEST:

CITY OF ALVIN, TEXAS:

By: _____
Dixie Roberts, City Clerk

By: _____
Paul A. Horn, Mayor