

ORDINANCE NO. 2003-65

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, AMENDING THE SUBDIVISION REGULATIONS ORDINANCE, AS HERETOFORE AMENDED, REGARDING MAINTENANCE BOND REQUIREMENTS WITHIN THE TOWN OF TALTY AND ITS EXTRATERRITORIAL JURISDICTION. PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the Town of Talty and the governing body of the Town of Talty, in compliance with state laws with reference to amending the Subdivision Regulations Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the governing body of the Town of Talty is of the opinion that said Subdivision Regulations Ordinance should be amended as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS:

Section 1. That the Subdivision Regulations Ordinance No. 2000-07 of the Town of Talty, Texas, as heretofore amended, Section 5. Preliminary Plans and Final Plats, without change or amendment to any other provision or subsection of Section 5, is amended to read as follows:

Section 5.04 Maintenance Bond

The owner/subdivider/developer shall furnish a good and sufficient maintenance bond in an amount not less than one hundred percent (100%) of the total cost of all street, alley, street sign and drainage construction within the subdivision with a reputable and solvent corporate surety authorized to do business in this state, in favor of the Mayor of the Town of Talty, to indemnify the Town or association of homeowners or property owners against any repairs which may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the entire project. Final acceptance will be withheld until said maintenance bond is furnished to the Town.

An Irrevocable Letter of Credit may be submitted in lieu of bonds for the purpose of insuring a developer's promise to maintain the streets, alleys, street signs and drainage construction in the subdivision. Irrevocable Letters of Credit in lieu of Bonds are required under the same conditions as Maintenance Bonds.

A fee of seven hundred fifty dollars (\$750) shall be assessed for the inspection of the streets, alleys, street signs and drainage construction by the town's engineer prior to the expiration of the maintenance bond. This fee shall be paid to the Town prior to final plat approval.

Section 2. That all provisions of the ordinances of the Town of Talty in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the Town of Talty not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Subdivision Regulations Ordinance as a whole.

Section 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Subdivision Regulation Ordinance of the Town of Talty, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption as the law and charter in such cases provide.

DULY APPROVED AND PASSED by the Board of Aldermen of the Town of Talty, Texas on the 30th day September, 2003.

APPROVED:

Allison Weaver, Mayor

ATTEST:

Carla Milligan, Town Secretary

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