

**ORDINANCE NO. 2003-66**

**AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, AMENDING THE SUBDIVISION REGULATIONS ORDINANCE, AS HERETOFORE AMENDED, REGARDING TESTING PERFORMED BY ENGINEERING LABORATORIES 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 Section 7, Inspection of Construction by Town Personnel, of Appendix 1 of the Subdivision Regulations Ordinance No. 2000-07 of the Town of Talty, Texas, as heretofore amended, without change or amendment to any other provision or subsection of Section 7, is amended to add the following requirement:

During the construction phase of the subdivision, when laboratory testing is required, the town engineer shall engage and direct, on behalf of the town, an independent engineering laboratory as to the required tests. The test results from the laboratory shall be sent directly to the town engineer. The developer shall reimburse the town the cost of the independent engineering laboratory charges.

**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of the ordinances of the Town of Talty in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other provisions of the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:

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Allison Weaver, Mayor

ATTEST:

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Carla Milligan, Town Secretary

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