

ORDINANCE NO. 441

AN ORDINANCE OF THE CITY OF MESQUITE TO BE ENTITLED "CONSTRUCTION AND REPAIR OF SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS"; DECLARING ITS PURPOSE; DEFINING TERMS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; REGULATING MATERIALS, DESIGN, CONSTRUCTION, RECONSTRUCTION AND REPAIR OF SIDEWALKS, CURBS, GUTTERS AND DRIVEWAYS; DECLARING LIABILITY OF ABUTTING OWNERS AND SPECIAL USERS; PROHIBITING THE ESTABLISHMENT OF FUTURE ANGLE PARKING AREAS ON PUBLIC PROPERTY; PROVIDING FOR ALTERNATE MATERIALS AND METHODS IN THE CONSTRUCTION, RECONSTRUCTION, DESIGN AND REPAIR OF SIDEWALKS, CURBS, GUTTERS AND DRIVEWAYS; PROVIDING A PENALTY; PROVIDING SAVING AND SEVERABILITY CLAUSES, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE:

SECTION 1. That this Ordinance is hereby enacted:

CONSTRUCTION AND REPAIR OF SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS

"ARTICLE 1. PURPOSE - The purpose and intent of this ordinance is to provide minimum standards, provisions and requirements for safe and convenient access to abutting private property along streets, roads and highways and to provide for suitable materials and methods of construction of sidewalks, driveways, curbs, gutters and appurtenances on public property which are constructed, surfaced, paved, changed, altered, repaired, replaced, removed or eliminated or changed in use. The intent herein is to assure that access is provided to abutting private property with a minimum of interference with the free and safe movement of vehicular and pedestrian traffic, to prevent traffic congestion along the streets and to prevent or alleviate traffic congestion arising from vehicular entry to or exit from abutting private property. This ordinance shall be deemed to be remedial and is enacted for the beneficial interests of the public and for the public safety and general welfare. The right of the public to free and unhampered passage on the streets and sidewalks shall be held paramount to other interests.

"ARTICLE 2. DEFINITIONS - For the purpose of construing and enforcing this ordinance, certain abbreviations, words, terms, phrases and their derivatives shall be construed as set out herein unless the context indicates otherwise. Words used in the singular include the plural and the plural include the singular. Words used in the masculine gender include the feminine and the feminine gender include the masculine. Words relating to buildings and structures on private property and their use shall be construed to conform to the meaning set out in the Building Code and the Zoning Ordinance of the City of Mesquite. All other words shall have their usual meaning. When a public official is referred to by the title of his office, such reference shall be construed as if followed by the words "of the City of Mesquite or his authorized deputy" unless the context indicates otherwise.

The following words when used in this ordinance are defined as follows:

(1) A.S.T.M. - American Society for Testing Materials - Any publication, pamphlet, booklet, book or document referred to by number, letter or other designation in this ordinance in connection with this definition, and any amendment thereto shall be a part of this ordinance as if attached hereto. Where an A.S.T.M. designation is used herein it shall be the latest revision of that A.S.T.M. designation.

(2) ANGLE PARKING - Parking where the longitudinal axis of a vehicle forms an angle with the alignment of the roadway.

(3) CONTRACTOR - Any person, firm or corporation engaged in the business of installing or altering walks, drives, curbs, gutters, or pavements or appurtenances on public property. This term shall also include those who represent themselves to be engaged in the business whether actually doing the work or not and includes any person who sub-contracts to do such work.

(4) CURB - A vertical or sloping member along the edge of a pavement forming part of a gutter, strengthening or protecting the pavement edge and clearly defining the pavement edge to vehicle operators. The surface at the curb facing the general direction of the pavement is called the "face".

(5) DRIVEWAY APPROACH - An area, construction or facility between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to private property.

(6) GUTTER - The artificially surfaced and generally shallow waterway provided usually at the side of the street adjacent to, and part of, the curb for the drainage of surface water.

(7) INTERSECTION - A. The area embraced within the prolongation or connection of the edges of the roadway of two or more streets which join at an angle whether or not one such street crosses the other.

B. Where a street includes two (2) roadways thirty (30) feet or more apart, then each crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) or more roadways thirty (30) feet or more apart, then each crossing of each roadway of such street shall be regarded as a separate intersection.

(8) OFF-STREET PARKING - A type of parking wherein the maneuvering of the vehicle while parking and unparking, as well as the actual parking itself, is done entirely on private property.

(9) PERSON - A human being, his heirs, executors, administrators, or assigns, and where the context permits, it also includes a firm, partnership, association, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

(10) ROADWAY - That portion of a highway, street or road, improved, designed, or ordinarily used for vehicular travel. In the event a street includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

(11) SIDEWALK OR WALK - That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, for the use of pedestrians.

(12) STREET - A term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. This term shall also be used in urban areas to denote a highway or street.

(13) TRAFFIC ISLAND or MEDIAN STRIP - A barrier within a roadway to exclude vehicles, designed for the purpose of separating or directing streams of vehicular traffic.

(14) DIRECTOR OF PUBLIC WORKS - The Director of Public Works or his authorized representative.

"ARTICLE 3.

A. ABUTTING OWNER'S LIABILITY - The abutting property owner or person, firm or corporation enjoying the use of any property abutting on a sidewalk or curb that has become defective and has resulted in causing damage or injury as a result of such defective condition, shall be primarily liable in damages for any loss or damage sustained as a result of such defective condition. The City of Mesquite shall not be held as assuming any such liability by reason of inspection or re-inspection authorized herein or by reason of the approval or disapproval of any access, facilities, surfacing, or appurtenance not made in accordance with standards or specifications of this ordinance.

B. SPECIAL USER'S LIABILITY - It shall be the duty of any property owner, landlord, tenant, lessee, sub-lessee, person, firm or corporation making special use of any sidewalk or curb for the purpose of ingress or egress, for loading elevators, downspout drains, or any other special use of whatsoever kind or character, whether recited herein or not, to keep said sidewalk, parkway, curb and driveway abutting said property in a good and safe condition and free from any defects and hazards of whatsoever kind and character. Such special user shall be liable in damages for any loss or damage sustained as a result of any defective condition of the sidewalk, driveway, curb, loading elevator, downspout drain or any other special use or facility of whatsoever kind or character.

"ARTICLE 4. ADMINISTRATION AND ENFORCEMENT

A. Building Inspector to Enforce. The provisions of this ordinance shall be administered and enforced by the Building Inspector of the City of Mesquite or such other person as may be designated by the City Manager and for this purpose he shall have police power.

B. Responsibility of Building Inspector. When action is taken by the Building Inspector or his authorized representatives to enforce the provisions of this ordinance, such action shall be in the name of and on behalf of the City of Mesquite and the Building Inspector or his representatives so acting for the City shall not render themselves personally liable for any damage which may accrue to persons or property as a result of any action committed in good faith in the discharge of their duties and any suit brought against the Building Inspector or his representative by reason thereof shall be defended by the City Attorney throughout the proceedings.

C. Authority of the Building Inspector.

(1) The Building Inspector shall have authority to take the legal steps necessary to secure compliance with the provisions of this ordinance.

(2) The Building Inspector or his authorized agent shall have the right to enter any premises in the discharge of his official duties or for the purpose of making any inspection, re-inspection or test or otherwise to ensure compliance with this ordinance.

(3) The Building Inspector shall have the power to inspect or re-inspect surfacing, the laying of surfacing materials and issue notices or affix them to premises or to reject surfacing materials not meeting the standards provided herein, and shall have such other powers as are provided in this ordinance. The Building Inspector shall have the power to control and regulate improvements and facilities placed upon public property and the power to cause to be removed all obstructions and encroachments not in conformance with a valid permit and the requirements herein.

D. Bond Required. No person, firm or corporation, or any of their agents, servants or employees, shall construct, reconstruct or repair any public sidewalk, curb, gutter, or driveway approach in the City of Mesquite without executing and delivering to the City of Mesquite a bond in the sum of two thousand dollars, payable to the City of Mesquite, at Mesquite, Dallas County, Texas, with a good and sufficient corporate surety thereon, authorized to do business in the State of Texas, which bond shall be conditioned as follows:

Said bond shall be conditioned that all work shall be done in a good and workmanlike manner, and that such person, firm or corporation shall faithfully and strictly comply with the specifications and with the terms of such ordinances, resolutions or regulations that may be passed by the governing body, governing and relating to the construction, reconstruction or repair of sidewalks, curbs, gutters, or driveway approaches, and that the City of Mesquite shall be fully indemnified and be held whole and harmless from any and all costs, expense or damage, whether real or asserted, on account of any injury done to any person or property in the prosecution of said work, or that may arise out of or be occasioned by the performance of said work; said bond shall be conditioned further that the same persons, firm or corporation shall, without additional cost to the person for whom the work was done, maintain all such construction for a period of five years from the date of such construction, reconstruction or repair, to the satisfaction of the Director of Public Works of the City of Mesquite, and shall reconstruct or repair same to the satisfaction of the Director of Public Works of the City of Mesquite at any time within five years after the construction, reconstruction or repair of such facility, and after ten days' notice from the Director of Public Works to reconstruct or repair the same, and the opinion of the Director of Public Works of the City of Mesquite as to the necessity of such reconstruction or repair shall be binding on the parties thereto; which bond shall for such purpose be in force for five years after the construction, reconstruction or repair of such facility, and one recovery shall not exhaust said bond, but such bond shall be a continuing obligation against the sureties thereon until the entire amount therein provided for shall have been exhausted. That in case the bond herein provided for shall be decreased on account of any recovery which may be obtained, arising out of the violation of any condition of the same, the governing body shall require, upon notice to it of such fact, an additional bond to be given by any person, firm or corporation in accordance with this chapter in an amount sufficient, when added to the unexhausted amount of the original bond to be at all times equal to the sum of two thousand dollars. The City of Mesquite may for itself or for the use and benefit of any person injured or damaged by reason of any defective construction, reconstruction or repair of any sidewalk, curb, gutter, or driveway approach, by any person, firm or corporation, maintain suit on said bond in any court having jurisdiction thereof, or suit may be maintained thereon by any person injured or damaged by reason of the failure of any person, firm or corporation who shall construct, reconstruct or repair any sidewalk, curb, gutter, or driveway approach in the City of Mesquite, to observe the conditions of said bond; provided, however, that nothing in this chapter shall affect the bond of any person, firm or corporation now engaged in constructing, reconstructing or repairing such facilities which have already been executed in accordance with the terms of the existing city ordinance, nor shall this be construed to in any manner diminish the liability of any surety or principal on said bond. No person, firm or corporation having a bond to construct, reconstruct, alter, repair, remove or replace sidewalks, curbs,

gutters, or driveways on public property within the City of Mesquite shall be permitted to take out a permit for the reconstruction, alteration or repair of any such facility on any public property within the City of Mesquite and allow any person other than the bona fide holder of such bond to do any of the work. No permit for the reconstruction, alteration or repair of any sidewalk, curb, gutter or driveway on any public property within the City of Mesquite shall be granted unless the five year maintenance bond provided for herein shall be in full force and effect at the time of request for such permit and the doing of the work.

E. Liability. This ordinance shall not be construed to relieve from or to lessen the responsibility or liability for damages of any person owning, controlling or installing any surfaces to persons or property caused by a defect therein.

F. Permits Required. No person, firm or corporation shall construct, reconstruct, alter, repair, remove, replace, pave, repave, surface or resurface any walk, drive, curb, gutter, paved area or appurtenance on public property in the City of Mesquite without first obtaining from the Building Inspector a permit so to do.

G. Permits. To obtain a permit as required by this ordinance, the bonded contractor or his authorized representative shall file with the Building Inspector an application in writing therefor on a form to be furnished for that purpose. Such bonded contractor shall be registered with the Building Inspector, and the contractor shall furnish a list of the authorized representatives who are to secure permits for him. Each application for a permit shall describe the abutting property adjacent to which the proposed work on public property is to be done, either by lot, block, or tract and house number, location on the street or similar description which will readily identify and definitely locate the site of the proposed work. Each applicant shall give such other pertinent information as shall be required by the Building Inspector. Where the contractor is required by regulations adopted under City of Mesquite Council Resolution 62-61 to furnish a performance bond, then the requirement for a permit under this clause will be waived.

H. Plans Required. When required by the Building Inspector, an applicant for a permit shall file a lot or plot plan showing the following: (1) the exact location of the proposed building or structure; (2) every existing building or structure on abutting property; (3) every existing facility on public property adjacent thereto, to the center line of the street right-of-way; (4) all proposed walks, drives, curbs, gutters, pavements, public utility poles, fire hydrants, gas meters, water meters, storm sewer inlets, manholes, or any other appurtenances. Such plan shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature.

character and extent of the work proposed, and shall show in detail that the work will conform to this ordinance and to all related ordinances, rules and regulations. Plans submitted at the time an application is made as provided in the Building Code, for construction on abutting property, may be used to meet this requirement.

I. Limitations. Each permit shall expire and become null and void if the work authorized therein is not commenced within six (6) months of the date of permit or if the work authorized by the permit is suspended or abandoned after the expiration of the initial six (6) months period. Before the work may be recommenced a new permit shall be obtained. No permit issued in violation of this ordinance shall operate as granting any vested right, and such permit shall be deemed to be null and void and confer no right whatsoever under it.

"ARTICLE 5. REGULATING MATERIALS AND CONSTRUCTION

A. Materials. Materials used in sidewalks, drives, curbs, gutters, and pavements shall be in accordance with the following standards:

(1) Cement: Portland Cement shall conform to the Standard Specifications for Portland Cement (Serial Designation C-150-56) of the A.S.T.M. High-Early-Strength Portland Cement shall conform to the Standard Specifications for High-Early-Strength Portland Cement (Serial Designation C-150-56) of the A.S.T.M.

(2) Water: Water used in mixing and curing concrete and mortar shall be clean and free from oil, acid, alkali, foreign organic matter or other deleterious substances.

(3) Fine Aggregate: Fine aggregate shall consist of a natural sand, or a combination of natural sand and not more than 50 per cent of stone screenings. Sand shall be uniformly graded, composed of clean, hard, durable particles of natural materials free from adherent coatings. It shall contain no lumps, soft or flaky particles, clay, loam, foreign organic or other deleterious matter. Stone screenings shall consist of the clean, dustless product resulting from the crushing of stone or gravel, meeting all the requirements for coarse aggregate except for grading. Fine aggregate containing more than 5 per cent by weight of deleterious substances shall not be used. Fine aggregate shall be well graded in size from coarse to fine, and shall conform to the following requirements, the percentages to be determined by weight:

Used in	3/8 in	Percentage passing No. 4	Laboratory No. 8	Sieves No. 16	No. 30	No. 50	No. 100
Concrete	100	75-100	60-90	45-80	30-60	6-20	0-4
Mortar			100			15-40	0-10

All tests for fine aggregate shall be made in accordance with the current applicable Methods of Tests of the A.S.T.M.

(4) Coarse Aggregate: Coarse aggregate shall consist of the uniformly graded, clean, hard, durable, uncoated particles of natural gravel or crushed stone or gravel, free from adhering coatings. Coarse aggregate shall not contain more than 5 per cent by weight of deleterious substances. Coarse aggregate shall be well graded in size from coarse to fine, and shall conform to the following requirements, the percentages to be determined by weight:

Max. Size in Inches	Percentage passing square-opening Laboratory Sieves						No. 4
	2 In.	1-1/2 In.	1 In.	3/4 In.	1/2 In.	3/8 In.	
2	95-100	60-80	30-55	15-40	8-25	5-15	0-3
1-1/2			45-85	25-70	10-40	5-18	0-5
1			95-100	50-80	25-50	10-30	0-5
3/4				95-100	35-80	15-50	0-5
1/2					75-100	30-80	0-8

All tests for coarse aggregate shall be made in accordance with the current applicable Methods of Tests of the A.S.T.M.

(5) Pit-Run Aggregate: Pit-run aggregate will be permitted provided that portion passing the No. 4 sieve shall conform to these specifications for fine aggregate, and that portion retained on the No. 4 sieve shall conform to these specifications for coarse aggregate.

(6) Reinforcement: Material for reinforcement shall conform to requirements of the Standard Specifications for Billet Steel Bars for Concrete Reinforcement (A.S.T.M. Designation A-15-57T) for structural, intermediate or hard grade; or for Rail Steel Bars for Concrete Reinforcement (A.S.T.M. Designation A-16-57-T) or for Axle Steel bars for concrete reinforcement (A.S.T.M. Designation A-160-57T) or for Cold-drawn steel wire for concrete reinforcement (A.S.T.M. Designation A-82-34) or for Welded steel wire fabric for concrete reinforcement (A.S.T.M. Designation A-185-56T). All reinforcement shall be free from rust, scale, oil, paint and other substances which prevent bonding to the concrete.

(7) Expansion Joint Filler: Expansion joint filler shall be of the pre-moulded type, 1/2 inch in thickness; the width shall conform to the section of concrete in which incorporated. Expansion joint filler shall be placed where new work abuts old concrete work. Upon completion of the work, expansion joint filler shall be cut off level with the top of the finished concrete. Expansion joint filler shall conform to the Standard Specification for Bituminous Types (A.S.T.M. Designation D-994-53) or Non-extruding and Resilient Types (A.S.T.M. Designation D-544-56T).

(8) Foundation: Foundations or sub-grades for all work shall be set at the grades determined by the Director of Public Works. Inspection of such foundation or sub-grade shall be made and approved by the Director of Public Works before concrete is placed thereon.

(9) Forms: Forms shall be straight, smooth, free from warps, and aligned with the stakes approved by the Director of Public Works and shall be of sufficient strength to retain this alignment. Depth shall be not less than the total thickness of the section for which used. Forms shall be securely staked, anchored, braced, and set to the established line and grade, the upper edge conforming to the grade of the finished work. Forms shall be cleaned of all mortar and dirt. Surface for forms next to concrete may be required to be oiled. Forms shall be of either wood or metal.

(10) Concrete: Concrete shall consist of a mixture of Portland Cement, fine and coarse aggregate, and water in such proportions that will secure a dense, plastic, workable concrete of the strength specified at 28 days. The quantity of water specified per sack of Portland Cement shall include the moisture on the surface of the aggregate, but shall not include the amount of water absorbed by the aggregates in 30 minutes. Concrete which has partially set shall not be retempered or remixed by adding additional ingredients. Concrete shall not be mixed during freezing weather, and shall not be placed when the temperature is 40° F. or less. No frozen ingredients or conglomerates shall be used in concrete. Test for slump of concrete shall be made in accordance with the Method of Test for Consistency of Portland Cement Concrete (Serial Designation C-143-52) of the A.S.T.M. All tests for ingredients and concrete shall be made in accordance with the current applicable Methods of Tests of the A.S.T.M.

(11) Placing Concrete: Concrete shall be placed in as near its final position as possible, and in such manner as to prevent separation or segregation of the ingredients. Concrete shall be placed in such quantities that after being thoroughly compacted it will be the required thickness, the upper surface true, uniform, and parallel to the finished surface.

(12) Protection of Concrete: Concrete shall be protected against freezing or excessive heat. Concrete shall be kept continuously moist for four days. Concrete shall be protected from traffic until it has developed 80% of the required strength.

B. Sidewalks. Sidewalks shall comply with the following standards:

(1) Description: Sidewalks shall be a minimum width of four (4) feet and shall be four (4) inches thick with a monolithic finish by floating with a wooden float until a slight excess of sand appears on the surface. In no case shall surface be left with a slick or glossy finish. The edge of all concrete shall be neatly rounded with an edging tool.

(2) Concrete: Concrete for walks shall have a minimum compressive strength of 2,500 pounds per square inch at 28 days. The quantity of mixing water shall not exceed seven (7) U. S. Gallons per sack (94 lbs.) of Portland Cement. The slump of the concrete shall not exceed two inches.

(3) Forms: Forms shall be set to provide for drainage from the property line to the curb line; the slope in general will be 1/4 inch per foot of width of sidewalk, and it shall not exceed 3/4 inch per foot of width of sidewalk.

(4) Blind Joints: The course shall be cut entirely through at intervals of not more than 5 feet, with a joint cutter, previous to surfacing. Upon finishing the surface, a jointing tool shall be run across the sidewalk exactly over the center of the blind joint.

(5) Placing Concrete: Concrete shall be placed upon the approved foundation and thoroughly compacted so that the minimum thickness is 4 inches. Concrete shall be free from honey-combing, rock pockets, and segregation of ingredients. The addition of neat cement to concrete in order to absorb excess water or to accelerate hardening is prohibited.

(6) Finish: The surface shall be thoroughly troweled not less than two times to a uniformly even surface and float finished. The edges of the sidewalk, blind, and expansion joints shall be tooled to a smooth finish, not less than 2 inches in width. Exposed edges of the sidewalk shall be rounded with an edger to a radius of 1/2 inch. The surface of the sidewalk shall not be left with a slick or glossy finish.

C. Driveway Approaches. Driveway approaches shall conform to the following standards:

(1) Description: Driveway approaches shall be constructed of one-course concrete, reinforced, 5 inches minimum thickness.

(2) Concrete: Concrete shall have a minimum compressive strength of 2,500 pounds per square inch at 28 days. The quantity of mixing water shall not exceed six (6) U. S. gallons per sack (94 lbs.) of Portland Cement. The slump of the concrete shall not exceed 2 inches.

(3) Reinforcement: Reinforcement shall consist of No. 3 (three-eighths 3/8 inch diameter) round bars placed not more than 24 inches on centers, both directions. Where steel is lapped, the lap shall be not less than 15 inches.

(4) Placing Concrete: Concrete shall be placed upon the approved foundation, and only after the reinforcing has been inspected and approved by the Building Inspector for size and location. Concrete shall be thoroughly compacted with an open faced tamper and struck off with a straight edge so that the minimum thickness is 5 inches. Concrete shall be free from honeycombing, rock pockets, and segregation of ingredients.

(5) Finish: After striking off the concrete to the exact grade of the finished surface, the surface shall then be troweled to a uniform, smooth surface. The final finish shall be made with a wooden float. The edges of the driveway and expansion joints shall be tooled to a smooth finish. Exposed edges of the driveway shall be rounded with an edger to a radius of 1/2 inch. The surface of the driveway shall not be left with a slick or glossy finish.

(6) Protection: Driveways shall be protected from vehicular traffic for not less than six (6) days.

D. Curbs and Gutters. Curbs, curbs and gutters, and separate gutters shall comply with the following standards:

(1) Concrete: Concrete shall have a minimum compressive strength of 3,000 pounds per square inch at 28 days. The quantity of mixing water shall not exceed six (6) U. S. gallons per sack (94 lbs.) of Portland Cement. The slump of the concrete shall not exceed 2 inches.

(2) Reinforcing: Curb and gutter shall be reinforced with three (3) number 3 steel reinforcing bars throughout the entire length of curb and gutter.

(3) Joints: Curb, curb and gutter, and separate gutter shall be cut entirely through at intervals of not more than 5 feet, with a joint cutter. Expansion joints shall be provided at 25 foot intervals in the concrete curb and gutter. A 3/4-inch premoulded expansion joint should be provided, with three 3/4-inch round asphalt coated dowel bars, three feet long, spaced 12 inches on center in the middle of the gutter section.

(4) Forms: Wooden forms shall have a nominal thickness of 1 1/2 inches, surfaced one side and one edge and shall be straight and devoid of warps, twists, knot holes, and other defects to prevent leakage of concrete or mortar.

(5) Placing Concrete and Mortar: Foundation or sub-grade for all work shall be set at the grades determined by the Director of Public Works. Inspection of such foundation or sub-grade shall be made and be approved by the Building Inspector before concrete is placed thereon. Concrete shall be placed upon the approved foundation, and only after the reinforcing has been approved as to size and location. Concrete shall be thoroughly compacted so that the minimum thickness conforms to the requirements of this ordinance. Concrete shall be free from honeycombing, rock pockets, and separation and segregation of ingredients.

(6) Finish: The surface shall be thoroughly troweled, not less than twice, to a uniformly smooth surface and float finished. Exposed edges of the gutter and back of curb shall be rounded to a 1/2 inch radius.

(7) Protection: Curb, curb and gutter, and separate gutter shall be protected from vehicular traffic for not less than six (6) days.

(8) Backfill: Earth or sand shall be used for backfill and shall be thoroughly compacted, care being taken not to injure the completed work.

(9) Description: Curb and gutter shall have the back 13 inches deep and vertical. Curb shall be 6 inches thick at the top, face battered 1:3. The gutter shall be uniformly 6 inches thick and a minimum of 30 inches in width, except where gutter joins gutter of a greater width.

E. General. The installation of walks, drives, curbs, gutters, pavements and appurtenances shall comply with the following requirements:

(1) Material Approval: No materials of any kind shall be used until they have been examined and approved by the Building Inspector. The contractor shall furnish the required samples for the making of tests and other required examinations prior to the use of same.

(2) Alignment: The work authorized by such permits shall be aligned with the stakes and set to the grade as approved by the Director of Public Works.

(3) Protection of Stakes: Stakes approved by the Director of Public Works shall be protected by the contractor.

(4) Lights and Guards: The contractor shall provide necessary red lanterns and flares and safeguards so placed that pedestrians will not be injured and vehicular traffic shall not be unnecessarily impeded and be protected from injury. Provisions shall be made for the passage of water in the street gutter.

(5) Clean-Up: Immediately upon completion of the work the contractor shall remove from the area all unused material, dirt, debris and loose concrete. He shall see that the entire area is broom clean and usable.

(6) Retaining Walls: No buttresses, steps, projections, retaining walls or fences shall be constructed on any public property unless such construction is approved by the City of Mesquite.

(7) Name Plate: Sidewalks, curbs, and gutters shall be marked by means of a suitable stamp or die of a design approved by the Building Inspector, making an impression in the finish with the contractor's name and the month and the year the work is done. No lettering or signs shall be imprinted in the surfacing material except as above mentioned.

F. Access to Abutting Property. Walks, drives, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to abutting property shall be constructed, provided, or repaired in accordance with the following standards:

(1) Residential Driveway Approaches. Residential driveway approaches shall comply with the following standards:

(a) Width of Driveway Approach. Residential driveway approaches shall not be less than ten (10) feet nor more than thirty (30) feet in width measured at the property line.

(b) Radius. Residential driveway approaches shall be constructed with the return curbs having a rolled face disappearing at the sidewalk and joining the street curb with a five (5) foot minimum radius, except that on major thoroughfares the minimum radius shall be 10 feet.

(c) Sidewalk to be Removed. Where the residential driveway approach is designed to cross an existing sidewalk, the sidewalk included in the driveway approach area shall be removed and reconstructed as a driveway approach.

(d) Curb and Gutter to be Removed. Where a driveway approach is to be constructed at a location where there exists a curb and gutter, said curb and gutter shall be removed to the nearest construction joint, the steel exposed and tied into the new steel. The driveway approach shall extend to the back side of the existing or future sidewalk.

(2) Commercial Driveway Approaches. Walks, drives, curbs, gutters, pavements and appurtenances on public property and other facilities to provide access to premises used for other than residential purposes shall be constructed, provided or repaired in accordance with the following standards and requirements, except on State or Federal Highways, Freeways or Interstate Routes and City of Mesquite major thoroughfares of right-of-way width of 80 feet or more:

(a) Width of Driveway Approach. The width of any commercial driveway approach shall be not less than twelve (12) feet nor more than forty (40) feet measured along the property line, except driveway approaches for motor vehicle docks within a building shall not exceed sixty (60) feet in width at the property line. Where more dock space is required, the driveway approaches shall be separated by a traffic island meeting the standards set out in '(d)' below. On State or Federal Highways, Freeways or Interstate Routes and City of Mesquite major thoroughfares of right-of-way width of 80 feet or more, driveway approaches shall be according to the current Texas State Highway Department Standard Regulations for access driveways to State Highways as to design only. All materials and methods of construction shall conform to this ordinance.

(b) Maximum Space to be Occupied by Driveway Approaches. Driveway approaches shall not occupy more than seventy per cent of the frontage abutting the roadway of the tract of ground devoted to one use which

abuts the roadway.

(c) Number of Driveway Approaches Allowed. Not more than two driveway approaches shall be permitted on any parcel of property with a frontage of 150 feet or less. Additional openings, for parcels of property having a frontage of 150 feet or less, may be permitted, after proof to the Director of Public Works of necessity and convenience to the public.

(d) Separation Between Driveway Approaches. When more than one driveway approach is required to serve a parcel of property, a traffic island shall separate the driveway approaches. The width of the traffic island at the property line shall be a minimum of twenty (20) feet. Where the grade at the property line is the same as the sidewalk, a six inch raised curb shall be constructed at the back of the traffic island along the property line, and on private property. The raised curb shall be constructed so as to end twenty-four (24) inches from the intersection of the driveway approach with the property line.

(e) Provision for Joint Approaches. Driveway approaches shall be located entirely within the frontage of the premises abutting the work and shall be located not less than five (5) feet from each side of the property line, except that joint driveway approaches with adjoining property holders may be permitted provided joint application is made by all interested parties, and the width set out in Paragraph (1) is in this section is not exceeded.

(f) Angle of Driveway Approach. The angle of the driveway approach with the curb line shall be not less than forty-five (45) degrees.

(g) Radius. Commercial driveway approaches shall be constructed with the return curbs having a roll face disappearing at the sidewalk and joining the street curb with a five (5) foot minimum radius.

(h) Sidewalk to be Removed. Where a commercial driveway approach is to be built, the sidewalk shall be removed and the entire area replaced as a driveway. The driveway approach shall extend to the back side of the existing or future sidewalk.

(i) Curb and Gutter to be Removed. Where a driveway approach is to be constructed at a location where there exists a curb and gutter, said curb and gutter shall be removed to the nearest construction joint. The driveway approach shall extend to the back side of the existing or future sidewalk.

(j) Driveway Approaches at Intersections. Where existing right-of-way permits, driveway approaches nearest an intersection of two streets shall meet the following minimum requirements: The corner rounding shall have curbs constructed with a minimum radius of twenty

(20) feet continuously between the points of tangency of the curb lines of both streets. The first driveway may start from the point of tangency of the curb line and corner radius and be cut in with a five (5) foot minimum radius.

(k) Driveway Approaches at Roadway Facilities. Driveway approaches at or near streets and traffic interchanges, grade separations, and traffic circles, shall be so located that traffic entering or leaving the street will not impede, confuse, imperil, or otherwise interfere with vehicular traffic.

(l) Driveway Approaches at Pedestrian Crossings. Driveway approaches shall not be located at street intersections or at established pedestrian crossings.

(m) Driveway Approach in Angle Parking Area. Driveway approaches shall not be constructed in existing angle parking areas except when the curb is restored to its normal location along the roadway in front of the premises.

(n) Driveway Approach not to be Obstructed. Driveway approaches shall not be constructed or designed for use for the standing or parking of vehicles or for use as angle parking.

(o) Premises Used as Motor Vehicle Service Stations or Parking Lots. Premises used as motor vehicle service stations or parking lots shall have a six (6) inch raised curb or other approved traffic barrier along the entire street frontage except at the driveway approaches and access walks. The curb shall be placed so that automobile bumpers shall not extend over the sidewalk or public property.

"ARTICLE 6. ANGLE PARKING, REPAIR AND ABANDONMENT

A. No permit shall be granted for angle parking on public property or on abutting private property where a portion of public property is required for maneuvering into or out of the angle parking space.

B. When a sidewalk, driveway, curb, gutter, or appurtenance becomes defective, unsafe or hazardous, it shall be the duty of the owner of the abutting property to reconstruct or repair same and the expense of such work shall be borne by the abutting property owner. When a sidewalk, driveway, curb, gutter or appurtenance is found to be defective, unsafe or hazardous, the Building Inspector shall notify the owner of the abutting property to reconstruct or repair same. Any owner who fails to reconstruct or repair such defective, unsafe, or hazardous condition within 30 days from the date of the written notice from the Building Inspector to do so shall be guilty of a misdemeanor.

C. Whenever the use of any driveway approach is abandoned and no longer used for vehicular access to the abutting property, it shall be the duty of the abutting property owner to restore the curb according to the standards provided in this ordinance.

D. It shall be unlawful for any person to mix concrete or mortar or any mixture or substance containing cement on any existing pavement on public property or to leave or cause to be left any excess concrete or mortar or any mixture or substance containing cement on any existing pavement on public property, or to allow same to leak or fall from any container or receptacle onto pavement on public property. If any concrete, mortar or any mixture or substance containing cement is accidentally dropped or placed upon any pavement on public property within the City of Mesquite, the person responsible shall immediately remove same before said substance hardens or sets on said pavement.

E. Wherever water from roofs of adjacent buildings is drained or conducted under sidewalks from downspout drains to the street gutters through aqueducts or concrete troughs, these openings in the sidewalk shall be fitted with strong metal covers, which shall be securely held in place with screws or other fasteners which will not rust or corrode. Such cover shall be set flush with the surface of the sidewalk and securely bolted, fastened, or so constructed that it cannot slip, shift, or become out of alignment with the surface of the sidewalk.

"ARTICLE 7. ALTERNATE MATERIALS AND METHODS. The provisions of this ordinance shall not prevent the use of type, of construction or materials or methods of construction offered as an alternate for the types of construction or materials or methods of construction specifically required by this ordinance, but such alternate types of construction or materials or methods of construction to be given consideration shall be offered for approval as being sufficient, safe, and equal to the standards set out in this ordinance. When specifically authorized by the Building Inspector, upon review of the access facilities by the Director of Public Works and of the types of construction or materials or methods of construction by the Director of Public Works, materials and construction which have been so approved, shall be used and installed in accordance with the terms of approval. Such approvals and the conditions upon which they are issued shall be specific, shall be reasonable when considered in the light of convenience and safety to the general public, shall not create an injustice and shall be made a matter of public record.

"ARTICLE 8. FEEES. There shall be a two (\$2.00) dollar fee charged for each permit taken out for construction or repair of sidewalks, driveways, curb and/or gutters. Said fee shall be paid in advance to the Building Inspection office. The permit shall not be valid until such fee has been paid. The money collected shall defray the cost of administrative, clerical and inspection services necessary for such construction. Where such concrete construction is covered by a building permit this fee shall not be required.

"ARTICLE 9. In unusual circumstances, the terms and provisions of this ordinance may be varied by resolution of the City Council.

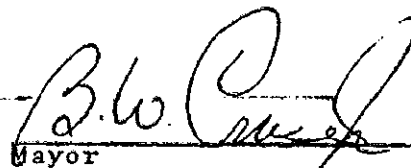
"ARTICLE 10. PENALTY. Any person, firm or corporation or others violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$1.00 nor more than \$200.00. Every day that the violation continues shall constitute a separate offense. This penalty shall be in addition to and cumulative of the primary liability for any loss or damage resulting from defective and unsafe condition of sidewalks or curbs imposed by this chapter upon the abutting property owner of said defective and unsafe sidewalks, curbs, gutters or driveways.

SECTION 3. If any section, article, paragraph, subdivision, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

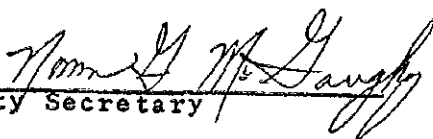
SECTION 4. That the repeal of an existing ordinance by this ordinance shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance; but prosecution for such offenses may be instituted and causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

SECTION 5. The fact that the City of Mesquite does not have an ordinance that is adequate for the regulation of construction and repair of sidewalks, driveways, curbs and gutters creates an urgency and an emergency in the preservation of the public peace, health, safety, and general welfare, and requires that this ordinance take effect immediately from and after its passage, and it is accordingly so ordained.

PASSED by the City Council of the City of Mesquite, Texas, on this the 6 day of Aug., 1962.


Mayor

ATTEST:


City Secretary