

ORDINANCE NO. 07 - 58

AN ORDINANCE OF THE VILLAGE OF PLEAK REQUIRING A BOND FOR THE REPAIRS AND MAINTENANCE OF VILLAGE ROADS AND RIGHT-OF-WAYS LOCATED WITHIN THE INCORPORATED LIMITS OF THE VILLAGE OF PLEAK BEFORE FINAL PLAT APPROVAL; PROVIDING FOR PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, it is the intention of the Village Council that a bond be given for the repairs and maintenance of the Village's roads and right-of-ways as a result of damage due to construction on residential and commercial developments;

WHEREAS it is the Village Council's intention with this ordinance to provide for the orderly, safe, and healthful development of the areas within the Village and its extraterritorial jurisdiction and to assure that such development does not result in damage to the Village's roads and right-of-ways;

NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COUNCIL FOR THE VILLAGE OF PLEAK the following maintenance and repair bond ordinance is hereby adopted.

Section 1. Bond Requirement.

The Village council will not approve any final plat or construction design and plans unless such final plat or construction design and plans are accompanied by a maintenance and/or repair bond which will be valid each year construction will occur through one full year after the completion of the construction. The bond shall be from a surety company authorized to do business in the State of Texas, with a home office in Fort Bend County or Harris County. The amount of such bond shall be determined by the Village Council payable to the Village of Pleak. The bond shall be for the estimated amount of the cost to maintain, repair or restore the Village's roads and right-of-ways for the work anticipated to be done that year, including but not limited to repairs to road pavement, curbs, landscaping, or irrigation systems or Village utilities.

The bond requirement is to be considered on a project by project basis and can be waived by the Village Council on a showing that such a bond is not required for the particular development or construction being considered.

Section 2. Penalty.

- a. Violation of this ordinance shall constitute a misdemeanor and upon conviction of such violation a fine not exceeding \$500.00 shall be imposed. Each day of the occurrence of any such violation or failure to perform such act shall constitute a separate offense.

- b. The imposition of a fine upon conviction shall not prevent the denial, revocation or suspension of any license, franchise or permit issued or granted by the Village, nor shall it be deemed to prevent, impede or delay the rights of the Village to proceed in any other court of competent jurisdiction to secure other equitable relief, including but not limited to, injunctions or to file suits in the name of the Village or as a member of a class for damages or other relief as provided by law.

- c. Any person, corporation or contractor who permits, aids, assists or employs another person, corporation or contractor in failing to provide a bond as shall be required in this ordinance shall be deemed in violation as if such person, corporation, or contractor had actually committed such act or failed to act as herein required. Such person or corporate representative need not actually be present at the time of the violation; and a person or corporation may be deemed in violation whenever the act of permitting, aiding, assisting or employing occurs before or after the violation.

PASSED AND APPROVED this _____ day of _____, 2007.

APPROVED:

Mayor Margie Krenek

ATTEST:

City Secretary, Ruth Elster