

**TOWN OF LAKEWOOD VILLAGE
PUBLIC WORKS CONSTRUCTION STANDARDS 23-15**

AN ORDINANCE TO ADOPT THE PUBLIC WORKS CONSTRUCTION STANDARDS MOST RECENTLY ADOPTED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, WITHIN THE TOWN OF LAKEWOOD VILLAGE AND THE TOWN OF LAKEWOOD VILLAGE EXTRATERRITORIAL JURISDICTION; PROVIDING A SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas and the citizens inside the Town of Lakewood village Extraterritorial Jurisdiction (collectively “Lakewood Village”) to adopt the Public Works Construction Standards most recently adopted by the North Central Texas Council of Governments (“NCTCOG”), save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the Public Works Construction Standards

The North Central Texas Council of Governments, Public Works Construction Standards, including Appendix A, save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Public Works Construction Standards Code for Lakewood Village, regulating the design of subdivisions and municipal capital projects in Lakewood Village. The Public Works Construction Standards is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

Ordinances 14-11 is repealed.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

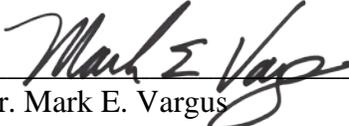
Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 12th day of October, 2023.



Dr. Mark E. Vargus
Mayor

ATTESTED:



Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary





PUBLIC WORKS CONSTRUCTION STANDARDS

**Adopted: September 11th, 2014
Amended: October 12, 2023**

USE AND MODIFICATION

The Public Works Construction Standards are regional provisions recommended by the Public Works Council and endorsed by the NCTCOG Executive Board. The use of these standards shall be under the supervision and seal of a professional engineer in the State of Texas. Any modification to these standard specifications and drawings shall be clearly noted on engineering plans and contract documents prepared under the supervision and seal of a registered professional engineer.

In the interpretation and application of the provisions of these standards, it is the intention of the Town Council that the principles, standards and requirements provided for herein shall be the minimum requirements for the design of both subdivisions and municipal capital projects in the Town and the ETJ. Where other Town ordinances or regulations of the Town are more restrictive in their requirements, such other ordinances or regulations shall govern.

AMENDMENTS

The Town Council may from time to time amend, supplement or change by ordinance the text of this Construction Standards Ordinance on its own initiative or upon petition for a text amendment.

VARIANCE REQUESTS

All variances from the requirements included in the Construction Standards shall be approved by the Town Council. An approval of an alternative material, design or method of construction shall not affect nor relieve the Engineer of the obligation and responsibility of such material, design or method of construction for the intended purposes.

In the event that specific circumstances dictate requirements not already included in the Public Works Construction Standards, it shall be the responsibility of the Engineer to provide the additional information as deemed necessary in writing for review by the Town Council.



End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

| Ordinance Number | Date | Summary |
|-------------------------|--------------------|--------------------------------------------------|
| 14-11 | September 11, 2014 | • Initial adoption. |
| 23-15 | October 12, 2023 | Adopted most current version of NCTCOG standards |
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