

# Chapter 12

## Erosion Control Regulations

Rev. 02/01/05

### Section 12-100 Purpose

The purpose of this Chapter is to establish minimum standards to deter erosion and sedimentation problems within the City of Colleyville which are associated with building construction activities, new developments or when other soil erosion conditions have potential to create a public erosion nuisance. These erosion control regulations are intended to prevent a public erosion nuisance by:

- A. reducing sedimentation in streams, creeks, lakes, waterways, storm drains;
- B. protecting the quality of the water in the City of Colleyville;
- C. protecting and preserving wildlife habitat, and
- D. reducing the negative environmental impacts of construction activity.

### Section 12-105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of:

- A. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
- B. *Chapter 217 – Municipal Regulation of Nuisances and Disorderly Conduct of the Texas Local Government Code*, which authorizes a municipality to define and prohibit any nuisance.
- C. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

### Section 12-110 Applicability of This Chapter

The provisions of this Chapter shall be applicable to every lot, parcel, or tract of land situated within the corporate limits of the City of Colleyville and to any property situated outside the corporate limits where a building permit has been approved by the City of Colleyville.

### Section 12-115 Exemptions for Certain Activities

The following activities shall be exempt from these erosion control regulations, provided that an exempt activity which causes a public erosion nuisance may be required to install erosion control measures:

- A. A property containing an existing single-family residence where any earthwork performed is for the sole purposes of gardening, landscaping, sprinkler installation, or other earthwork activity not related to urban development.
- B. Any non-residential earthwork where the volume of material does not exceed 100 cubic yards or where the area disturbed does not exceed 1,000 square feet.
- C. When the City inspector has determined that:
  - 1. the amount of earthwork will not cause a public erosion nuisance, or

2. the topography and the amount of existing vegetation is sufficient to prevent a public erosion nuisance.
- D. The Director of Public Works may approve a waiver of a provision of these erosion control regulations where strict adherence to these requirements will result in unnecessary hardship and not fulfill the intent of these erosion control regulations. The owner shall submit a written request for such waiver stating the specific waiver sought and reasons for requesting the waiver. The Director of Public Works shall not grant a waiver unless and until sufficient specific reasons justifying the waiver are provided by the owner.

## Section 12-120 Definitions

Definitions applicable to this Chapter may be found in *Chapter 2 – Definitions* of this Land Development Code.

## Section 12-125 Earthwork Permit

- A. General Requirement – It shall be unlawful to remove trees, perform excavation, grading, leveling, filling or otherwise disturb soil without prior approval of an earthwork permit by the Director of Public Works, or his designee, except where such work is exempted by a provision contained in this Chapter. Approval of an earthwork permit and installation of erosion control measures may be required by the Director of Public Works anytime that an offense of these erosion control regulations is imminent. No earthwork permit is required where engineering construction plans for a subdivision or a building permit for a structure has been approved which includes an approved erosion control plan.
- B. Earthwork Permit – All applications for an earthwork permit shall be reviewed by the Director of Public Works, or his designee, for compliance with the regulations contained in this Chapter. No earthwork permit shall be approved until the developer has submitted, and the Director of Public Works has approved, an erosion control plan as defined elsewhere in this Chapter. Any earthwork permit approved under the authority of this Chapter shall expire one hundred and eighty (180) days from the date of issuance, unless a time extension has been authorized by the Director of Public Works. When the area proposed for earthwork is located within the limits of the 100-year flood area, approval of a separate Development Permit issued by the Flood Plain Administrator shall also be required.

## Section 12-130 Requirements for Developments

- A. Subdivisions – All applications for subdivision plat approval where excavation or filling is proposed or where public improvements are proposed shall include an erosion control plan. No engineering construction plans for a subdivision shall be approved nor shall any grading, tree removal, excavation, or construction of public improvements commence until the erosion control plan has been approved by the City. Erosion control measures shall be installed and maintained during the construction of public improvements. Upon completion of the subdivision, the Director of Public Works shall not recommend final acceptance of the public improvements or authorize release of building permits for the subdivision until either (1) the construction site has been returned to a condition that will not create a soil erosion nuisance, or (2) erosion control measures have been installed, inspected and determined to be in conformance with an approved erosion control plan and/or the regulations contained in this Chapter. The developer, or lot owner, shall be responsible for the maintenance of all erosion control measures for the subdivision or applicable privately owned lot, except for any lot where a building permit has been issued for construction of a structure. The Director of Public Works shall notify the developer, or lot owner, of any non-compliance with the erosion control plan for the subdivision.
- B. Surety for Permanent Erosion Controls in New Subdivisions – The developer shall provide a surety in the form of cash, certificate of deposit, irrevocable letter of credit acceptable to the City, or surety bond underwritten by a surety company licensed to operate in the State of Texas to insure that vegetative cover or other permanent erosion control measures are maintained and functioning properly up to a two (2) year period from the date of final acceptance of the dedicated streets and/or utilities by the City of Colleyville.

This surety shall be given to the City before the final acceptance of the streets and/or utilities. This surety shall be in the amount estimated to be one hundred percent (100%) of the cost of constructing and maintaining the permanent erosion controls for a two (2) year period. Such estimate shall be signed and sealed by a registered professional engineer.

Vegetative cover which is planted and a permanent part of a public improvement project associated with a subdivision development will not be accepted by the City until the growth has been established and maintained by the developer for a two (2) year period from the date of final acceptance of the subdivision's streets and utilities.

After the two-year period has elapsed, the owner of the property shall be responsible for maintaining the erosion controls in good working order. If any future owner modifies or disturbs the erosion controls for the area, that owner must restore or replace the permanent erosion controls at the conclusion of the disturbing activity.

- C. Building Permit Applications – All applications for a building permit for any new structure or renovation or addition to an existing structure shall submit an erosion control plan for the proposed building site, unless the building official has determined that the proposed construction work does not pose a potential erosion control nuisance. The erosion control plan shall be similar to that shown in Exhibit 12-D. No building permit application shall be approved nor shall any grading, tree removal, excavation, or construction commence until the erosion control plan has been approved by the City. Erosion control measures shall be installed and maintained during the construction period of the structure.

No building inspection shall be approved unless the erosion control measures are in compliance with the erosion control plan and these erosion control regulations. Upon completion of the structure, the building official shall not approve the final inspection until either (1) all erosion control measures are found to be in conformance with the erosion control plan or (2) the lot has been adequately sodded. The building official shall notify the contractor of any non-compliance with the erosion control plan for the building site.

- D. Existing Developments – The City may require installation of erosion control measures on an existing development when it is determined by the City that a sufficient amount of soil erosion or siltation has potential for creating a public nuisance.

### Section 12-135 Erosion Control Plan Requirements

At a minimum, an Erosion Control Plan shall contain the following information:

- A. Name and address of the property owner
- B. Name and address of the person performing the earthwork
- C. A plan drawn to scale of the property showing the property boundary, street right-of-way, drainage easements and the general area where earthwork is proposed.
- D. The existing and proposed drainage flow by using arrows to indicate the direction of slope.
- E. The location and type of erosion control method proposed.
- F. The location where access is gained to the property.
- G. An estimate of the amount of soil being disturbed.

### Section 12-140 Acceptable Methods of Erosion Control

- A. The following are the minimum acceptable methods of erosion control permitted in the City of Colleyville. All methods of erosion control shall be installed to prevent siltation on public rights-of-way.
  1. Erosion control barriers, including the following
    - a. silt screen fencing installed in accordance with Exhibit 12-A.
    - b. sandbag sediment barrier installed in accordance with Exhibit 12-B.
    - c. silt collection ponds.

- d. storm drain inlets -Curb inlets shall be protected with wire mesh and sand bags in accordance with the requirements shown on Exhibit 12-C.
  - e. hay bale screening shall not be used as a primary silt screen barrier but may be approved by the City to supplement other erosion control methods.
2. Erosion control filters, including the following
    - a. filter berms
    - b. filter fencing
    - c. continuous block sodding at a width acceptable to the City Engineer.
  3. The City Engineer may approve an alternate method if said method meets the intent of these erosion control regulations.
- B. Erosion Control Barrier Standards – Where required by these regulations, there shall be an erosion control barrier constructed according to these standards. The erosion control barrier shall be installed to a minimum height of twelve inches (12”) with the base buried to protect from washout. Said erosion control barrier shall be placed behind any curb and extend across a minimum of 66% of the street frontage of the lot. Additional erosion control barriers may be required to provide erosion control for the entire width of the lot where required by the Administrative Official, except at the access point. There shall be a four-foot (4') transition section at each end of the barrier. The erosion control barrier shall provide for a minimum of one point of access which shall be a minimum width of ten feet (10') and a maximum width of twenty feet (20'). The access point shall have a minimum four inch (4") thick gravel base and extend a minimum of ten feet (10') from the curb. In the absence of any curb, the City inspector shall determine the proper location of the erosion control barrier.
- C. Re-vegetation Requirements – No erosion control measure shall be removed until the property has been replanted with vegetation and said vegetation prevents an offense of these erosion control regulations, or upon approval by the City.

## Section 12-145 Offense for Failure to Comply, Notification and Stop Work Order

- A. Public Erosion Nuisance Defined – It shall be unlawful for any person, firm or corporation which owns, possesses, is in custody of, or exercises control of property to permit a public erosion nuisance. A public erosion nuisance is an occurrence where erosion of, or sediment from, one location causes an unsafe, bothersome, or unsightly condition on property at another location, public property and/or public rights-of-way. An unsafe, bothersome or unsightly condition or burden includes silt, mud or similar debris, originating on one property, but being deposited onto a second off-site property, public property or a public right-of-way.

The owner, builder, developer, tenant, or any other person, firm, or corporation who owns, possesses, is in custody of, or exercises control of, property, building structures, subdivisions, excavations and fill operations, all development and all other similar development activities shall be responsible for any silt, mud, or sands transported from the property by drainage. Additionally, all persons, firms or corporations who, after construction and development, own, possess, are in custody of, or exercise control of the property, are responsible for preventing the erosion and sedimentation problems addressed by these erosion control regulations.

- B. Violation for Damaging Erosion Control Measures – It shall be a violation of these regulations to remove, damage or destroy an erosion control barrier or other erosion control measure without the approval of a city inspector or which is required for compliance with these regulations.
- C. Notice of Violation and Stop Work Provision – The City shall give written notice to the owner or agent in charge of any premises believed to be in violation of these erosion control regulations, and provide forty-eight (48) hours to secure an Earthwork Permit and/or to correct the public erosion nuisance and to remove the offending sedimentation.

A notice of less than forty-eight (48) hours may be given in the event that the City determines that the situation believed to be in violation poses an immediate threat to public health, and safety.

The City is hereby authorized to issue a "stop work order" at a construction site that is in violation of these erosion control regulations. However, no stop work order may be issued until the notice provisions of this section are fully complied with by the City and the owner or agent of the premises has been given the amount of time allotted to correct the public erosion nuisance and to clean up and remove the offending sedimentation.

### Section 12-150 Abatement by the City

In the event that the owner of any lot, tract, parcel of land, or a portion thereof situated within the corporate limits of the city shall fail to comply with these erosion control regulations, the Director of Public Works, or his designee, shall notify such owner by letter, addressed to him at the address shown on the last approved tax rolls of the city or at any residence or business structure located on subject property or at the last known address. The mailing of notice in accordance with any of the above shall satisfy this section. In the alternative, the city may notify the owner by publication in the City's official newspaper on one (1) occasion.

At the expiration of ten (10) days after notification or publication, the city may enter upon such premises and may do such work as is necessary, or cause the same to be done, in order that the premises may comply with the requirements set forth within this ordinance. A statement of the cost incurred by the city to abate such condition shall be mailed to the owner of said premises, which statement shall be paid within thirty (30) days of the date of the mailing thereof. In the event that said statement has not been paid within such period, the City Manager may file a statement with the Tarrant County Clerk of the expenses incurred to abate such condition on said premises, and the city shall have a privileged lien on any lot, tract or parcel of land upon which such expenses is incurred, together with ten (10) percent on the delinquent amount from the date such payment is due. For any such expenditure and interest, as aforesaid, suit may be instituted and recovery and foreclosure had in the name of the city and the statement so made, as aforesaid, or a copy thereof shall be prima facie proof of the amount expended in any such work performed by the city.

### Section 12-155 Administration and Approvals

- A. Duties of Officials – The Director of Public Works, or his designee, is hereby authorized to enforce these erosion control regulations.
- B. Effect of Approval – It is to be understood that the approval of an Erosion and Sedimentation Control Plan by the City does not constitute a recognition by the City that the Erosion and Sedimentation Control Plan will prevent any, or all, public erosion nuisances. By approval of the Erosion and Sedimentation Control Plan, the City does not warrant that the Erosion and Sedimentation Control Plan will be sufficient to prevent a public erosion nuisance, and the City waives no rights to pursue any legal remedies, both under these erosion control regulations, and all other applicable ordinance and laws.

If for any reason, after an Erosion and Sedimentation Control Plan is approved by the City, a public erosion nuisance occurs on property addressed by said Erosion and Sedimentation Control Plan, the approval of said Erosion and Sedimentation Control Plan shall not be a defense or bar to prosecution under this ordinance.

- C. Disclaimer of Liability – These erosion control regulations rely on a degree of erosion and sedimentation control and flood protection that is considered reasonable for regulatory purposes and that is based on scientific, engineering, and economic considerations. These erosion control regulations do not imply that erosion and sedimentation controls will survive inundation by runoff from storms or that land below such controls will be free from flooding or flood damages. These erosion control regulations shall not create liability on the part of the City of Colleyville, or any officer or employee thereof, for any flood damages, or erosion or sedimentation damages, whether to persons or property, that result from reliance these erosion control regulations or any administrative decision lawfully made thereunder.

**Section 12-160 Amendments to This Chapter**

Reserved for listing of amendments to this Chapter.

<b>Ord. Number</b>	<b>Date</b>	<b>Subject</b>
O-05-1508	02/01/2005	Re-organization of regulations

**Section 12-165 Exhibits**

The following Exhibits are included with this Chapter:

<b>Exhibit Number</b>	<b>Subject</b>
12-A	Typical silt screening fence
12-B	Typical sand bag screening
12-C	Typical curb inlet screening
12-D	Typical erosion control plan



