

**ORDINANCE NO. 739**

**AN ORDINANCE AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI, MAINTENANCE OF PROPERTY DURING CONSTRUCTION, OF THE CODE OF ORDINANCES OF THE CITY OF HEDWIG VILLAGE, TEXAS, BY ADDING A NEW SECTION 14-221 TO CHAPTER 14, ARTICLE VI, TO ESTABLISH MINIMUM EROSION AND SEDIMENT REQUIREMENTS AND CONTROLS DURING CONSTRUCTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT**

**WHEREAS**, the City of Hedwig Village, Texas (the "City") adopted a Stormwater Management Plan ("SWM Plan") as part of the City's municipal separate storm sewer system ("MS4") permit;

**WHEREAS**, the SWM Plan requires the City to regulate erosion and sediment during construction and adopt regulations the same; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS:**

**Section 1.** That the Code of Ordinances of the City of Hedwig Village, Texas is hereby amended by amending Chapter 14, Buildings and Building Regulations, Article VI, Maintenance of Property During Construction, adding a new Section 14-221 titled "Erosion and Sediment Control," to Chapter 14, Article VI, of the Code of Ordinances of the City. The new Section 14-221 shall read as attached hereto in Appendix "A."

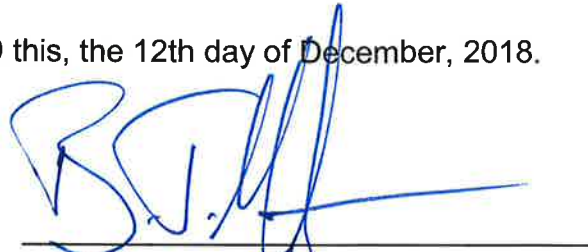
**Section 2.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 3.** If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

**Section 4.** The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

**Section 5.** This Ordinance takes effect immediately upon its passage and adoption.

**PASSED, APPROVED and ADOPTED** this, the 12th day of December, 2018.



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Brian T. Muecke, Mayor  
City of Hedwig Village, Texas

**ATTEST:**



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Kelly Johnson, City Secretary  
City of Hedwig Village, Texas

## Appendix A

(deletions shown by strike-out, additions shown by underline)

Chapter 14 – Environment.

Article VI – Condition of Premises.

Sec. 14-221. – Erosion and Sediment Control.

- (a) Any construction activity, regardless of size, shall be performed in such a way as to minimize the export of loose soil, sediment or other on-site material from the development site by way of runoff or wind erosion.
- (b) No person shall be granted a construction permit or construction plan approval, as applicable, for construction activity causing more than 10,000 square feet of soil to be disturbed or otherwise vulnerable to water or wind erosion, without the inclusion of an erosion and sediment control plan in the construction plans. The building official or his or her designee may make a determination as to whether soil will be considered vulnerable to erosion.
- (c) If required, an erosion and sediment control plan shall include, at a minimum, the following:
  - 1) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure and buildings; and final grading and landscaping;
  - 2) Proposed features to contain loose soil, sediment and other on-site material within the site, such as silt fencing;
  - 3) Proposed features within the site to protect underground drainage systems (storm sewer pipe) from intrusion by soil, sediment or other on-site material; and
  - 4) Areas proposed for seeding and/or sodding to establish vegetative cover over loose soil, including a schedule related to activities causing soil disturbance.
- (d) During construction, erosion and sediment control measures shall be inspected regularly by the permit applicant or his or her designee to ensure that they are performing as intended. Such measures deemed to be faulty or inadequate shall be immediately revised so that the measures serve their intended purpose.
- (e) The building official or his or her designee may revoke a building permit if:
  - 1) He or she observes erosion, sediment or on-site materials which are not controlled by adequate measures (even if those measures were approved/permitted);
  - 2) He or she makes reasonable efforts to notify the permit applicant and allow the applicant an opportunity to respond to the proposed revocation; and
  - 3) The applicant fails to respond to the proposed revocation within 48 hours of notification.
- (f) If seeding or other vegetative erosion control is used, it shall become established within 14 days of placement; otherwise, reseeding or non-vegetative measures shall be implemented.
- (g) All vegetative erosion controls shall be established and functioning properly before temporary non-vegetative controls (silt fencing, sediment traps, etc.) are removed.