

CITY OF HASLET

ORDINANCE NO. 035-2016

AN ORDINANCE AMENDING CHAPTER 10, EXHIBIT A, THE SUBDIVISION ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF HASLET, TEXAS, AS AMENDED, SECTION 2 “ADMINISTRATIVE RULES AND REGULATIONS”, BY ADDING A NEW SECTION 2.10 “GRADING PERMIT”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Haslet, Texas is a Type A general-law municipality located in Tarrant and Denton Counties, Texas, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the disturbance and/or grading of land for the purposes of development prior to recording of a final plat is not currently permitted in the Code of Ordinances of the City of Haslet; and

WHEREAS, the disturbance and/or grading of land can create flooding, and erosion, and other conditions that can adversely affect the public health, safety and welfare when done improperly; and

WHEREAS, the creation of a Grading Permit will allow for the disturbance and/or grading of land and assure compliance with federal, state and local requirements; and

WHEREAS, public hearings were held by the Planning and Zoning Commission on September 26, 2016 and the City Council on October 17, 2016, with respect to the proposed changes in the subdivision regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HASLET, TEXAS.

SECTION 1.

That Section 2 “Administrative Rules and Regulations” of Exhibit A “Subdivision Ordinance” of the Haslet Code of Ordinances is hereby amended to add a new Section 2.10 “Grading Permit” to read as follows:

SECTION 2 ADMINISTRATIVE RULES AND REGULATIONS

...

“2.10 GRADING PERMIT

A. GRADING PERMIT REQUIRED.

A person shall not disturb and/or grade any lot, tract or parcel within the City of Haslet or its Extraterritorial Jurisdiction without first obtaining a grading permit. A permit is required for any of the following activities:

1. Excavation, land clearing or any activity precedent to development of open, vacant, or unimproved land greater than 0.5 acres.
2. Dredging, filling, grading, excavation or clearing of land within any Federal Emergency Management Agency (FEMA) designated floodplain areas.
3. Any "improvement" including the construction of a utility, road, parking or drainage system prior to development of a lot, tract or property.
4. The clearance of trees, except as may be permitted by a Tree Preservation Permit or valid agricultural use of the property.

B. APPLICATION.

An application for a grading permit must contain all information as required by the application form.

C. ISSUANCE.

A grading permit shall be issued unless:

1. The application submittal fails to provide all the information required in the application form;
2. The City Engineer disapproves the plans for the excavation based on engineering criteria or interference with other utilities or facilities;
3. The proposed activity will substantially interfere with vehicles or pedestrians and no procedures have been proposed, or procedures which are inconsistent with this section have been proposed, to minimize the interference;
4. The proposed activity will interfere another activity for which a permit has been issued;
5. The proposed activity will take place in the 100-year floodplain or floodway and no floodplain development permit has been issued; or

6. The applicant fails to pay the permit fee, if applicable.

D. RESTRICTIONS.

The City Engineer shall state on the permit the activity for which the permit is issued and any restrictions or requirements which the City Engineer determines are necessary.

E. INSURANCE REQUIRED.

Proof of insurance shall be submitted with the grading application showing:

1. Surety bond, insurance, or other acceptable proof of financial responsibility that guarantees the work of the applicant or contractor performing the work; and
2. Comprehensive general liability insurance with coverages of at least \$1,000,000 per occurrence for property damage and bodily injury, including death, and aggregate coverage of at least \$2,000,000 or acceptable evidence of equivalent self-insurance.

A single lot residentially zoned and used for single-family development is exempt from the insurance and financial responsibility requirements of this subsection.

F. COMPLIANCE WITH LAWS.

A person issued a permit under this section shall comply with all restrictions and requirements of the permit, this section, and other applicable city ordinances, and state and federal laws.

G. NOTIFICATION.

A person desiring to perform work pursuant to a grading permit shall notify other utility companies through the Texas One-Call network "811" as required by the Underground Facility Damage Prevention and Safety Act, V.T.C.A. Utilities Code, title 5.

H. PERMIT FEE REQUIRED.

The fee, if applicable, for a grading permit shall be in accordance with the city fee schedule and other applicable law, including chapter 283 of the Local Government Code.

I. CITY WORK.

Work performed by city personnel does not require a permit, but must be approved by the City Engineer and shall be in compliance with other requirements of this section.

J. EARLY GRADING PERMIT.

An early grading permit may be issued subject to compliance with all of the following conditions being fulfilled:

1. Acknowledgment that all grading completed prior to the final plat is at the risk of the developer/applicant and is subject to change based on the approval of any final plat by the City of Haslet City Council.
2. The City Engineer has reviewed the construction plans and released them for grading only. The placement of fill shall be in strict conformance to the plans and specifications approved for the project.
3. A Preliminary Plat has been approved by the City Council.
4. All work will comply with any applicable tree removal permit, floodplain development permit, or utility construction permit.
5. All erosion control and tree protection devices must be in place and properly maintained.
6. No construction shall take place in the 100-year floodplain without a floodplain development permit.
7. A Notice of Intent (N.O.I.) has been obtained from the Texas Commission on Environmental Quality (T.C.E.Q.).
8. No off-site construction shall commence prior to approval by the City of Haslet.”

SECTION 2.

This ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of Haslet, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of Haslet are expressly saved as to any and all violations of the provisions of the subdivision ordinance of the City of Haslet, Texas, as amended, which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Haslet is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

SECTION 7.


This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 17TH DAY OF OCTOBER, 2016.

Bob Golden
Bob Golden, Mayor

Attest:

Dianna Buchanan
Dianna Buchanan, City Secretary

The seal of the City of Haslet, Texas, is circular with a blue border. Inside the border, the words "City of Haslet" are written at the top and "Texas" at the bottom. In the center, there is a map of the state of Texas with the word "HASLET" written across it. There are two stars on either side of the map.



**CITY OF HASLET
GRADING PERMIT APPLICATION**

City of Haslet
101 Main St.
Haslet, Texas 76052
817-439-5931
817-439-1606 (F)

Date: _____

Property Information

Permit No. _____

Address: _____

Lot _____ Block _____ Subdivision _____

Property Owner Information

Name: _____

Address: _____

Telephone Number: () _____

Fax Number: () _____

This Grading Permit has been provided subject to the following conditions being fulfilled:

- All grading completed prior to the final plat is at the risk of the developer/applicant and is subject to change based on the approval of the final plat by the City of Haslet Planning and Zoning Commission and City Council.
- The City Engineer has reviewed the construction plans and released them for grading only. The placement of fill shall be in strict conformance to the plans and specifications approved for the project.
- A Preliminary Plat has been approved by the Planning and Zoning Commission.
- All work will comply with any applicable tree removal permit, floodplain development permit, or utility construction permit.
- All erosion control and tree protection devices must be in place and properly maintained.
- No construction shall take place in the 100-year floodplain without a floodplain development permit.
- No off-site construction shall commence prior to approval by the City of Haslet.

Contractor Information

Company Name: _____

Contact Name: _____

Phone No: _____

Mail Address: _____

City: _____

State & Zip: _____

Fax No: _____

License No.: _____

Email: _____

Type of Construction (check all that apply)

<input type="checkbox"/>	Right-of-Way Grading
<input type="checkbox"/>	Lot Grading
<input type="checkbox"/>	Maintenance
<input type="checkbox"/>	Clearing
<input type="checkbox"/>	Other: _____

Application must be submitted with the following

<input type="checkbox"/>	Grading Plans
<input type="checkbox"/>	Erosion Control Plans
<input type="checkbox"/>	TCEQ Notice of Intent (N.O.I.)
<input type="checkbox"/>	Tree Preservation Site Plan (If Necessary)
<input type="checkbox"/>	Application Fee

Applicant hereby acknowledges and agrees that the work as described herein shall conform to the City of Haslet construction standards and plan specifications.

Applicant Name _____
(Print name)

Applicant signature _____

OFFICE USE ONLY		
Permit Fee: _____	Comments:	Approved by: _____ Date: _____ Expires: _____