

Tuesday, September 1, 2020

6:00 PM

Council Chambers

CALL TO ORDER

CITIZEN COMMENTS

This is an opportunity for citizens to address the committee on any matter posted on the agenda or over which the committee has authority. Citizens may speak up to three (3) minutes or the time limit determined by the presiding officer.

ACTION ITEMS:

- A. Approval of the June 2, 2020 meeting minutes.
- B. **Discuss and make a recommendation to city council regarding the amendment of the Westworth Village Code of Ordinances, by adding a new article 3.08, "Water drainage, erosion, and sediment control" to chapter 3 "Building regulations", requiring a permit and an erosion and sediment control plan for certain land-disturbing activities; providing for requirements, review, inspection, enforcement of the plan and amending Appendix A, "Fee Schedule", setting the permit filing fee.** *(On May 12th the City Council approved changes to require a controlled method of water disposal from roofs such as a rain gutter system on all new residential dwellings. Their action did not include this same requirement for additions to existing residential dwellings and any roof structure modifications/alterations that require a building permit. On June 2nd the Ordinance Committee appointed a panel to review, this is the proposal of the panel, which has been reviewed by the city attorney.)*

BRIEFING ITEMS:

- C. The next meeting will be scheduled as needed.

ADJOURN:

The committee reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.

This facility is wheelchair accessible and handicapped parking spaces are available. Requests for accommodations for the hearing impaired must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (817) 710-2526 for assistance.

A quorum of the council may be present at this meeting; however, no council discussion or action will be taken. I certify that the above notice was posted on the bulletin board at the Westworth Village City Hall, 311 Burton Hill Road, Westworth Village, Texas, and City website, on this, the 28th day of September 2020, by 5pm, in accordance with Chapter 551 of the Texas Government Code.


Brandy G. Barrett, City Secretary





Westworth Village

Ordinance Committee Meeting Minutes

Municipal Complex
311 Burton Hill Road
Westworth Village, TX 76114
cityofwestworth.com

Tuesday, June 2, 2020

6:30 PM

Council Chambers

ATTENDEES:	Rosa Mendez	Chair
	Sharon Schmitz	Member
	John Hendrix	Member
	Michael Dingman	Member
	Walt Feldman	Member
	Phillip Poole	Member
	Dani Briones	Member
	Brandy Barrett	City Secretary
	Kevin Reaves	Police Chief
	Nader Jeri	Building Official
	L. Kelly Jones	Mayor

ABSENT:

CALLED TO ORDER at 6:30pm by Rosa Mendez.

CITIZEN COMMENTS

This is an opportunity for citizens to address the committee on any matter posted on the agenda or over which the committee has authority. Citizens may speak up to three (3) minutes or the time limit determined by the presiding officer.

- There were no citizen comments.

ACTION ITEMS:

- A. Approval of the March 5, 2020 meeting minutes.

Motion to approve the minutes.

MADE by Phillip Poole. SECOND by Sharon Schmitz.

Motion passed by a vote of 7 Ayes and 0 Nays.

- B. Discuss and make a recommendation to city council regarding the Westworth Village Code of Ordinances, Chapter 3, section 3.02.081, modifying the 2018 Edition of the International Residential Code previously adopted to provide regulations governing roof drainage. *(On May 12th the City Council approved changes to require a controlled method of water disposal from roofs such as a rain gutter system on all new residential dwellings. Their action did not include this same requirement for additions to existing residential dwellings and any roof structure modifications/alterations that require a building permit.)*

Motion to discuss Item B.

MADE by Walt Feldman. SECOND by John Hendrix.

- Following a discussion on this issue, the committee decided more research was needed and requested the Chair appoint 3 people to work with Nader Jeri. This group will return a proposal to the August meeting for consideration.
- No further action was taken on this item.

- C. Discuss and make a recommendation to city council regarding the Westworth Village Code of Ordinances, Chapter 1, Section 1.03.004 updating the list of committees, and adding Section 1.03.006 adopting general conduct by members, staff, citizens and attendees. *(Based on prior meeting discussions draft changes to the ordinance have been prepared by Councilwoman Mendez for review and recommendation.)*

Motion to recommend council amend the Westworth Village Code of Ordinances, Chapter 1, Section 1.03.004 updating the list of committees, and adding Section 1.03.006 adopting general conduct by members, staff, citizens and attendees.

MADE by Sharon Schmitz. **SECOND** by Phillip Poole

Following a brief discussion, the motion passed by a vote of 7 Ayes and 0 Nays.

BRIEFING ITEMS:

- D. The next meeting will be scheduled in August.

ADJOURNED at 7:18pm.

MINUTES APPROVED on this, the 1st day of September 2020.

Rosa Mendez, Chair

ATTESTED TO BY:

Brandy G. Barrett, TRMC
City Secretary



Westworth Village

ORDINANCE X

Municipal Complex
311 Burton Hill Road
Westworth Village, TX 76114
cityofwestworth.com

AN ORDINANCE OF THE CITY OF WESTWORTH VILLAGE, TEXAS, AMENDING THE WESTWORTH VILLAGE CODE OF ORDINANCES, AS AMENDED, BY ADDING A NEW ARTICLE 3.08, "WATER DRAINAGE, EROSION, AND SEDIMENT CONTROL," TO CHAPTER 3, "BUILDING REGULATIONS," REQUIRING A PERMIT AND AN EROSION AND SEDIMENT CONTROL PLAN FOR CERTAIN LAND-DISTURBING ACTIVITIES; PROVIDING FOR REQUIREMENTS, REVIEW, INSPECTION, AND ENFORCEMENT OF THE PLAN; AMENDING APPENDIX A, "FEE SCHEDULE," SETTING THE PERMIT FILING FEE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

- WHEREAS,** the City of Westworth Village is a Type A General Law city located in Tarrant County, Texas; and
- WHEREAS,** the City deems it necessary to adopt an ordinance to maintain and improve the quality of surface water and groundwater in the City, and to prevent the discharge of pollutants and other harmful or inappropriate substances into those waters; and
- WHEREAS,** during the construction process, soil is highly vulnerable to erosion by wind and water and eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species; and
- WHEREAS,** eroded soil also necessitates the repair of sewers and ditches and the dredging of lakes; and
- WHEREAS,** the City desires to promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of certain development or other activity that disturbs or breaks the topsoil or results in the movement of earth or land in the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTWORTH VILLAGE, TEXAS:

Section 1: That Chapter 3, "Building Regulations," of the Westworth Village Code of Ordinances, is hereby amended, by adding Article 3.08, thereof entitled "Water Drainage, Erosion, and Sediment Control Ordinance," to read as follows:

"ARTICLE 3.08 WATER DRAINAGE, EROSION AND SEDIMENT CONTROL ORDINANCE

Section 3.08.001. Introduction/ Purpose.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of storm sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. During construction, modification of existing properties may route the water flow from the modified property in manner that will be detrimental to adjacent properties.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the

environment in the City of Westworth Village ("City"). This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil, results in the movement of earth, or impacts the flow of water from one property to another in the City of Westworth Village.

This ordinance is a local regulation and does not replace other state or federal regulations. Requirements set by the Texas Construction General Permit or any individual or group NPDES general permit for stormwater discharges from construction sites (the "Construction General Permit") and the General Permit to Discharge Under the Texas Pollutant Discharge Elimination System must be followed. Additional information on these permits can be found on the Stormwater Permitting page of the Texas Commission on Environmental Quality's webpage.

Section 3.08.002. Definitions. When used in this Article, these terms shall be defined as follows:

Clearing. Any activity that removes the vegetative surface cover.

Construction activity. Construction activity that requires a right-of-way or building permit.

Erosion and Sediment Control Plan or "Plan". A site plan with necessary details, showing the property where construction or land-disturbing activities will take place, that indicates the locations and types of structures, devices, procedures and practices to be used to control erosion and sedimentation.

Grading. Excavation or fill of material, including the resulting conditions thereof.

Land-disturbing activity. Any activity, including but not limited to excavation, planting, tilling, and grading, which disturbs the natural or improved vegetative ground cover and exposes soil to the erosive forces of rain, storm water runoff or wind. Installation or maintenance of franchise utilities, such as telephone, gas, electric, etc., is considered a land-disturbing activity. Farming or ranching activities are considered land-disturbing activities.

Permanent ground cover. Permanent vegetative cover on all bare soil areas of a property not covered by a permanent structure or landscaping improvements, including but not limited to, live sod, perennial grasses or other materials which lessen runoff and soil erosion on the property.

Stabilization. The use of practices that prevent exposed soil from eroding.

Start of construction. The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footing, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Stop work order. The suspension of all City permits with no approvals or inspections of work for the site or project being performed.

Storm Water Pollution Prevention Plan ("SWPPP"). Is a plan of activities that includes an erosion and sediment control plan and SWP3 document that includes procedures to install, operate and maintain erosion, sediment and other construction pollutant controls in full compliance with the requirements of Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) General Permit TXR150000.

Temporary erosion and sediment control measures. Devices installed or practices implemented and maintained during construction or land-disturbing activities to prevent, minimize or control the erosion and deposit of soil materials.

Section 3.08.003. Permits.

- (a) No person shall be granted a building permit for land-disturbing activity that would require the uncovering of 1 acre without the approval of SWPPP by TCEQ.
- (b) Each application shall contain the following:
 - 1) The name(s) and address(es) of the owner or developer of the site (applicant);
 - 2) The name(s) and address(es) of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm;
 - 3) The filing fee;
 - 4) An Erosion and Sediment Control Plan that meets the design requirements of this Article; and
 - 5) A description of the nature of the project.
- (c) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion Control Plan and that a contractor licensed by the State of Texas to inspect and maintain erosion and sediment control practices shall be on site on all days when construction or grading activity takes place.
- (d) Any developer, owner, or builder who fails to obtain the permit before beginning the subject project is in violation of this Article. In addition to penalties which may be assessed in accordance with this Article, no building permit, plat, site plan, or Certificate of Occupancy shall be issued for any development or construction upon any land where such development or construction is not in conformity with the requirements of this Article.

Section 3.08.004. Review and approval.

- (a) The City will review each application for a building permit to determine its conformance with the provisions of this regulation. Within thirty (30) business days after receiving an application, the City shall, in writing:
 - 1) Approve the permit application;
 - 2) Approve the permit application subject to conditions necessary to meet the objectives of this regulation, and issue the permit subject to these conditions; or
 - 3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application.

Section 3.08.005. Stormwater Pollution Prevention Plan (SWPPP).

- (a) A SWPPP shall be prepared and implemented in accordance with the requirements of the Texas Construction General Permit or any individual or group Construction General Permit) issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this ordinance and any other City ordinance.
- (b) Any permit holder who intends to obtain coverage for stormwater discharges from a construction site under the Construction General Permit shall submit a signed copy of its notice of intent ("NOI") to the City in conjunction with any application for a building permit, site development plan approval, and any other City approval necessary

to commence or continue construction at the site.

- (c) The SWPPP shall be completed prior to the submittal of the NOI to the City and, for new construction, prior to the commencement of construction activities. The SWPPP shall be updated and modified as appropriate and as required by the construction general permit and this ordinance.
- (d) An Erosion Control Plan is required for all sites regardless of size and shall include the following:
 - 1) A natural resources map at a scale no smaller than 1" = 100' that identifies soils, forest cover, and resources protected under other City, local, state, and federal regulations.
 - 2) 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. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - 3) All erosion and sediment control measures necessary to meet the objectives of this ordinance throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the submittal of intermediate plans may be required at the close of each season.
 - 4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - 5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

Section 3.08.006. Design Requirements.

- (a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system ("MS4") any discharge that causes or contributes to causing the City to violate a water quality standard, the City's NPDES permit, or any state-issued discharge permit for discharges from its MS4.
- (b) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation, or other construction activities, or associated with landfilling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on-site or capture by employing sediment and erosion control measures to the maximum extent practicable under prevailing circumstances.
- (c) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the latest edition of "Storm Water Quality Best Management Practices for Construction Activities in North Central Texas" by the North Central Texas Council of Governments (NCTCOG).
- (d) Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. Stabilization must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures.

- (e) The design engineer may consult with the NCTCOG for a list of best management practices (“BMPs”) to control site erosion. It is the responsibility of the design engineer to select and design appropriate construction controls for each site. Some acceptable forms of site erosion and sediment control devices include, but are not limited to:
- 1) Minimizing the area of disturbance;
 - 2) Preserving existing vegetation;
 - 3) Silt fence;
 - 4) Inlet protection;
 - 5) Rock check dams;
 - 6) Stabilized construction entrances;
 - 7) Sediment traps;
 - 8) Vegetated buffer strips; and
 - 9) Sedimentation ponds.
- (f) Temporary stabilization shall be provided.
- (g) Final stabilization consists of soil cover such as vegetation, geo-textiles, mulch, rock, or placement of pavement. For stabilizing vegetated waterways, sod or seeded soil retention blankets shall be used.
- (h) The plan for final stabilization shall be coordinated with permanent controls and with the landscaping plan, if applicable.
- (i) For sites that disturb five or more acres, or are part of a larger common plan of development that will disturb five or more acres, and meet the definition of an operator per TXR150000, the following applies:
- 1) Prepare and implement a SWPPP;
 - 2) Post a site notice; and
 - 3) Submit a copy of the site notice to the MS4 operator.
- (j) For sites that disturb five or more acres, and meet the definition of a primary operator per TXR150000, the following applies:
- 1) Prepare and implement a SWPPP;
 - 2) Submit an NOI to TCEQ;
 - 3) Post the NOI and site notice; and
 - 4) Submit a copy of the NOI to MS4 operator.

- (k) For sites that disturb at least one but less than five acres, or are part of a larger common plan of development that will disturb at least one, but less than five acres and meet the definition of an operator per TXR150000, the following applies:
- 1) Prepare and implement a SWPPP;
 - 2) Post a site notice; and
 - 3) Submit a copy of the site notice to the MS4 operator.
- (l) Sites that disturb less than one acre and that are not part of a larger common plan of development that would disturb one or more acres, are not required to have coverage under the Texas Construction General Permit. Refer to the general permit definitions for operator and primary operator.
- (m) In the event a permit is required, where modifications to the roof structure of an existing residential dwelling will be made, the city must receive a Grading and Drainage Plan. The plan must exhibit the pre-modification water flow as well as the post-roof modification water flow. Water must not flow into any adjacent properties after the modifications. This may require land grading or the use of water flow control measures (rain gutters, french drains, etc.) to ensure water from the property flows to the proper city water dispersal location. Exceptions will be made in the event when a permit is needed for roof decking during the course of new shingles or roof tiles where no pitch, size or overhang modifications are made.

Section 3.08.007. Inspection.

- (a) The City may make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permit holder wherein the work fails to comply with the Erosion Control Plan or Grading and Drainage Plan as approved. The SWPPP shall be maintained at the site during the progress of the work.
- (b) To obtain inspections, the permit holder shall notify the City at least two (2) business days before the following:
- 1) Start of construction;
 - 2) Installation of sediment and erosion measures;
 - 3) Completion of site clearing;
 - 4) Completion of rough grading;
 - 5) Completion of final grading;
 - 6) Completion of any gutters, downspouts, french/swale/trench/slot drains;
 - 7) Close of the construction season; and
 - 8) Completion of final landscaping.
- (c) The permit holder, operator, or their agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion Control Plan or Grading and Drainage Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for

additional control measures. All inspections shall be documented in written form and submitted to the City at the time interval specified in the approved building permit.

- (d) The City or its designated agent shall enter the property of the permit holder as deemed necessary to make regular inspections to ensure the validity of the reports filed in accordance with this Section and to ensure conformance with other requirements of this Article.

Section 3.08.008. Enforcement.

- (a) Stop-Work Order and Revocation of Permit – In the event that any person holding a permit pursuant to this Article contributes to illicit discharges, violates the terms of the permit or other provision of this Article, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or at the development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City may do one or more of the following:
- 1) Suspend or revoke the building permit;
 - 2) Issue a stop work order; or
 - 3) Issue a fee assessment and/or a Class C misdemeanor violation citation for each such violation, Each and every day, or part of the day, that such situation or condition continues to exist without correction shall be deemed to constitute a separate violation for which the stop work order shall remain in full force and effect and for which an additional fee assessments or citations may be issued.
- (b) Any person, firm, or corporation performing land disturbing activities and violates any of the provisions or terms of this ordinance and not complying within the time periods stated in this ordinance shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, be subject to a fine not exceeding \$2,000.00 for each offense, and each and every day, such violation shall continue shall be deemed to constitute a separate offense. In addition to any other penalty authorized by this Section, any person, firm, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

Section 3.08.009. Removal of Erosion Control Devices.

Upon issuance of a certificate of occupancy and upon establishing permanent ground cover, all temporary erosion control devices shall be removed.”

Section 3.08.010 – 3.08.030 Reserved.”

SECTION 2: That Appendix A, “Fee Schedule,” of the Westworth Village Code of Ordinances, is hereby amended, by adding Sec. A3.07, thereof entitled “Water Drainage, Erosion, and Sediment Control Permit,” to read as follows:

“Sec. A3.007. Water Drainage, Erosion, and Sediment Control Permit Fee

Filing Fee:

Projects that do not require erosion control devices: No Fee

Projects that require erosion control devices:

Residential, single lot: \$50.00

Subdivision/Commercial: \$100.00 per acre (\$100.00 minimum)”

SECTION 3: CUMULATIVE. This Ordinance shall be cumulative of all provisions of ordinances of the City of Westworth Village, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting ordinances are hereby repealed.

SECTION 4: SEVERABILITY. It is hereby declared to be the intention of the City Council of the City of Westworth Village, Texas, that the terms and conditions of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance.

SECTION 5: VIOLATIONS AND PENALTIES. Any person violating any provision of this ordinance shall be fined for each and every day during which any violation of any provision of this ordinance is committed, continued, or permitted in the maximum amount allowed by law as provided in section 1.01.009 of the City Code.

SECTION 6: SAVINGS. All rights and remedies of the City of Westworth Village, Texas, are expressly saved as to any and all violations of the provisions of any ordinances affecting food establishments within the City 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 7: PUBLICATION. The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance as an alternative method of publication provided by law.

SECTION 8: EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2020.

CITY OF WESTWORTH VILLAGE

By: _____
L. Kelly Jones, Mayor

ATTEST:

Brandy G. Barrett, City Secretary