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Construction Plan Ordinance 030816-2

AN ORDINANCE TO PROVIDE CERTAIN REQUIREMENTS WHICH MUST BE MET BEFORE COMMERCIAL AND NON-RESIDENTIAL CONSTRUCTION CAN BEGIN WITHIN THE JURISDICTION OF THE CITY OF FRANKSTON AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF. BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS, THAT:

Section 1 Legislative Findings.

The City of Frankston relies upon a water drainage system primarily consisting of bar ditches and creek beds for storm water runoff. The City has suffered serious erosion caused by commercial and non-residential construction projects, where little thought was given to the impact of such construction projects on the City's water drainage system. Erosion has a significant impact on the citizens of the City and leads to unexpected costs to the City and its taxpayers. To avoid future erosion and the costs association with it from commercial and non-residential construction projects, the City adopts this Construction Plan Ordinance.

Section 2 Submission of Construction plans.

(a) *Purpose and applicability.* All commercial and non-residential construction plans shall be submitted to the Frankston City Council for all existing or proposed streets, sidewalks, parking lots, drainage and utility improvements, and any other improvements that are required or proposed to be constructed, reconstructed, improved, or modified. Where the construction is to be completed in phases, each phase shall be submitted to the Frankston City Council. The construction plans shall provide for the detailed engineering drawings for all improvements required to complete the construction project. The construction plans shall be kept as a permanent record of the City.

(b) *Responsibility of project engineer.* The project engineer is responsible for the accuracy and completeness of the construction plans. The purpose of the City review is to ensure that the City's water drainage system will not be damaged or otherwise adversely impacted by the planned construction. However, the City review is limited to facts as presented on submitted plans. The City has no project engineering responsibility. The engineer certifying the plans is responsible for the accuracy and completeness of the documents submitted for review and actual construction. The City reserves the right to require corrections to actual conditions in the field which are found to be contrary to or omitted from submitted plans.

Section 3 Contents of construction plans.

The construction plans shall include the following information:

(a) *General.* North arrow, scale, date, and mean sea level elevations of all improvements. The plans shall provide for a reference to elevation benchmark or monumentation used in the development of the plans. The construction plans shall be signed and sealed by a professional engineer licensed by the State of Texas prior to the start of construction.

(b) *Sanitary sewer systems.* Plan and profile for each sanitary sewer line showing existing ground level elevation at center line of pipe, pipe size, flow line elevation at all drops, and turns, and station numbers at fifty-foot intervals, with a section showing embedment, unless specified or permitted otherwise by the committee.

(d) *Water systems.* Plan and profile, when required, of the water distribution system showing pipe sizes and the location of valves, fire hydrants, fittings and other appurtenances, with a section showing embedment.

(e) *Stormwater management systems.* Plans and profile of all proposed channels, ditches, underground systems, detention areas, and any other stormwater improvements, modifications, or facilities proposed to serve the development. The plans shall specify in detail the materials and sizing for all channels or ditches, stormwater pipes, pipe connections, inlets, outlets, manholes, culverts, bridges and any other drainage structures and improvements. Each improvement shall show the hydraulic data on which the design of the improvement was based.

(f) *Grading.* A grading plan showing the existing and proposed topography in two-foot contours, proposed or minimum finished floor elevations, and the 100-year flood limits, if any. The grading plan shall consist of contours and spot elevations with water directional arrows to define the flow patterns.

(g) *Erosion control.* The location, size and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.

Section 4 Processing procedure for construction plans.

(a) *Submittal.* The application for building permit and two (2) copies of the construction plans, along with any applicable fee, shall be submitted to the City of Frankston for final review and approval by the Frankston City Council prior to the start of construction. In addition, if a Stormwater Permit is required by the Texas Commission on Environmental Quality (TCEQ), then a copy of the Stormwater Pollution Prevention Plan (SWP3) and approved TCEQ Stormwater Permit for the construction project shall also be submitted to the City of Frankston along with the proposed construction plans. It is the sole obligation of those person(s) in charge of the planned construction to be in full compliance with the TCEQ's rules and regulations.

(b) *Council review.* The Frankston City Council shall review the construction plans to determine if the construction project poses a substantial risk of erosion to the City's water drainage system. The applicant shall be afforded an opportunity to meet with the Frankston City

Council to receive its comments and recommendations on the sufficiency of the plans, so as to allow the applicant to make any recommended or desired changes, corrections, or modifications. At the City's election, the City may hire an engineer of its choice to participate in the review of the construction plans and the likely impact the construction will have on the City's water drainage system. Upon completion of the review process, the Frankston City Council will vote to approve the construction plans so long as the Frankston City Council concludes that the City's water drainage system will not be damaged or otherwise adversely impacted by the proposed construction plans.

(c) *Council action.* The Frankston City Council shall take action on the proposed construction plans at a regularly scheduled meeting held within thirty (30) days of the date the final construction plans for which approval is requested is submitted, unless the applicant requests and consents in writing to waive the time deadline for action.

Section 5 Violations and Penalties

Any person, firm, or corporation violating any of the provisions hereof, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than Fifty Dollars (\$50.00), nor more than One Thousand Dollars (\$1,000.00) and each and every day during which this ordinance or any part thereof shall be violated shall be deemed a separate offense and punishable as such.

Section 6 Effective Date

This ordinance shall be in force and take effect from and after its passage and publication as provided by law.

Passed and approved this _____ day of March, 2016.

Mayor Sharyn Harrison
City of Frankston