

# City of Hitchcock

## Erosion and Sediment Control Ordinance

### SECTION 1. PURPOSE /INTENT

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 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.

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 Hitchcock. 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 or results in the movement of earth on land in the City of Hitchcock.

### SECTION 2. DEFINITIONS

Clearing. Any activity that removes the vegetative surface cover.

Drainage Way. Any channel that conveys surface runoff throughout the site.

Erosion Control. A measure that prevents erosion.

Erosion and Sediment. A set of plans prepared by or under the direction of a licensed professional engineer

Control Plan. Indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

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

Perimeter Control. A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing. Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control. Measures that prevent eroded sediment from leaving the site.

Site. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development. A permit issued by the municipality for the construction or alteration of ground

Permit. Improvements and structures for the control of erosion, runoff, and grading.

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, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse. Means a public or private permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway. A channel that directs surface runoff to a watercourse or to the public storm drain.

### **SECTION 3. PERMITS**

- A) No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of 5 acres or more without the approval of an Erosion and Sediment Control Plan approved by the City of Hitchcock.
- B) No site development permit is required for the following activities:
  - 1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  - 2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- C) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.
- D) 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 and Sediment Control Plan and that a contractor shall be on site on all days when construction or grading activity takes place.

### **SECTION 4. REVIEW AND APPROVAL**

- A) The City of Hitchcock will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 21 days after receiving a complete application, the City of Hitchcock shall, in writing:
  - 1) Approve the permit application;
  - 2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially 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 and/or submission.

### **SECTION 5. EROSION AND SEDIMENT CONTROL PLAN**

- A) The Erosion and Sediment Control Plan shall include 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. 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.
  - 2) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
  - 3) 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.
  - 4) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- B) Modifications to the plan shall be processed and approved or disapproved in the same manner



as Section 4 of this regulation, may be authorized by the City of Hitchcock by written authorization to the permittee, and shall include

- 1) Major amendments of the erosion and sediment control plan submitted to the City of Hitchcock
- 2) Field modifications of a minor nature

#### **SECTION 6. DESIGN REQUIREMENTS**

- A) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the STORMWATER MANAGEMENT HANDBOOK FOR CONSTRUCTION ACTIVITIES PREPARED BY HARRIS COUNTY/HARRIS COUNTY FLOOD CONTROL DISTRICT AND CITY OF HOUSTON, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Hitchcock. Cut and fill slopes shall be no greater than 3:1, except as approved by the City of Hitchcock to meet other community or environmental objectives.
- B) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in STORMWATER MANAGEMENT HANDBOOK FOR CONSTRUCTION ACTIVITIES PREPARED BY HARRIS COUNTY/HARRIS COUNTY FLOOD CONTROL DISTRICT AND CITY OF HOUSTON, shall be used to the satisfaction of the City of Hitchcock.
- C) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- D) Phasing may be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the City of Hitchcock.
- E) Erosion control requirements shall include the following:
  - 1) Soil stabilization shall be completed within five days of clearing or inactivity in construction.
  - 2) If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the City of Hitchcock may require the site to be reseeded or a nonvegetative option employed.
  - 3) Special techniques that meet the design criteria outlined in STORMWATER MANAGEMENT HANDBOOK FOR CONSTRUCTION ACTIVITIES PREPARED BY HARRIS COUNTY/HARRIS COUNTY FLOOD CONTROL DISTRICT AND CITY OF HOUSTON on steep slopes or in drainage ways shall be used to ensure stabilization.
  - 4) Soil stockpiles must be stabilized.
  - 5) Techniques may be required to prevent the blowing of dust or sediment from the site.
  - 6) Techniques that divert upland runoff past disturbed slopes shall be employed.
- F) Sediment controls requirements may include
  - 1) Settling basins, sediment traps, or tanks and perimeter controls.
  - 2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by City of Hitchcock
  - 3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls
- G) Waterway and watercourse protection requirements shall include
  - 1) A temporary stream crossing installed and approved by City of Hitchcock or Fort Bend County Drainage District if a wet watercourse will be crossed regularly during construction



- 2) Stabilization of the watercourse channel before, during, and after any in-channel work
  - 3) All on-site stormwater conveyance channels designed according to the criteria outlined in STORMWATER MANAGEMENT HANDBOOK FOR CONSTRUCTION ACTIVITIES PREPARED BY HARRIS COUNTY/HARRIS COUNTY FLOOD CONTROL DISTRICT AND CITY OF HOUSTON
  - 4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels
- H) Construction site access requirements shall include
- 1) a temporary access road provided at all sites
  - 2) other measures required by the City of Hitchcock in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains

#### **SECTION 7. INSPECTION**

- A) The City of Hitchcock or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City of Hitchcock shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the City of Hitchcock at least two working days before the start of construction.
- B) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control 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 of Hitchcock at the time interval specified in the approved permit.
- C) The City of Hitchcock or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed.

#### **SECTION 8. ENFORCEMENT**

- A) Stop-Work Order; Revocation of Permit  
In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit 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 development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City of Hitchcock may suspend or revoke the site development permit.

#### **SECTION 9. VIOLATIONS DEEMED A PUBLIC NUISANCE**

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**SECTION 10. CRIMINAL PROSECUTION**

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a penalties outlined in City of Hitchcock ordinance number 2006-11.

The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**SECTION 11. REMEDIES NOT EXCLUSIVE**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**SECTION 12. CERTIFICATION OF ADOPTION**

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby, shall take effect and be in full force from and after the date of its final passage and adoption.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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ANTHONY MATRANGA, Mayor

ATTEST:

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ROSE MARIE THEILER, City Secretary

APPROVED AS TO FORM:

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ELLIS ORTEGO, City Attorney