

CITY OF LAVON, COLLIN COUNTY, TEXAS

ORDINANCE NO: 2002-11-01

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS ESTABLISHING AN ORDINANCE TO PROMOTE TOPSOIL CONSERVATION WITHIN THE CITY OF LAVON, PROVIDING FEES FOR CLEANUP, PROVIDING A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE. PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon has been presented with concerns by citizens regarding topsoil washing into roadways within the City.

WHEREAS, the City Council of the City of Lavon has been presented with concerns by citizens regarding the hazards created by accumulation of silt in roadways within the City.

WHEREAS, the City Council has given thought to this concern.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS:

SECTION 1. Definitions

- A) Land Owner – shall include but not be limited to: Property owner of record, resident, developer, builder, construction company, employee of any of the above, or any responsible party as determined by the City of Lavon.
- B) Silt – Any dirt, rocks, soil plant matter or other debris that may be carried from a property by wind, water or construction activities.
- C) Silt Barrier – shall mean an approved barrier designed and installed so to stop the movement of silt from the property and designed to appear appropriate for the site.

SECTION 2. Silt Barrier Required

- A) It shall be the responsibility of any developer, builder, construction company, contractor, property owner or resident to install and maintain Silt Barriers along all roadways where silting could occur, prior to beginning any dirt movement, construction or demolition on any property where said work shall be undertaken.
- B) It shall be the responsibility of the property owner to install and maintain silt barriers along any roadway or public property where sufficient ground cover does not exist to prevent movement of silt from the property.

SECTION 3. Requiring The Control Of Silting

- A) It shall be unlawful for any property owner to allow silt to move from their property onto any roadway or public property.
- B) If movement of silt occurs the property owner shall remove the silt from the roadway or public property within 24 hours.
- C) In the case of aggregate silt, it shall be the responsibility of the property adjacent to where the silt is deposited if any of the silt came from that property.
- D) In the case where aggregate silting has occurred and no silting occurred from the property adjacent to where the silt was deposited, it shall be the responsibility of the first property upstream where silting has occurred.
- E) The city may elect to remove or cause to be removed any silt deposited on the roadway or public property.
- F) No Certificate of Occupancy shall be issued on any property for which silt removal fees are owed.

SECTION 3. Fines and fees

- A) Any person violating this Ordinance shall be deemed guilty of a Class "C" misdemeanor and upon conviction be punishable by a fine of not less than fifty dollars (\$50.00), nor more than one thousand dollars (\$1,000.00), with a maximum fine of \$1,000.00 per offense.
- B) Each day or portion of a day silt remains on the roadway on public property in violation of this Ordinance shall be a separate violation and shall result in a separate fine.

- C) In cases where the City removes or contracts to have removed any silting from any roadway or public property, the responsible property owner as determined in Section 3 (A-C) above shall pay a fee of twice the cost of the removal or two hundred dollars (\$200.00), whichever is greater. Said fee shall be applicable whether or not the actual removal was completed by the city or its designate. This administrative fee is separate from and independent of any criminal penalties.

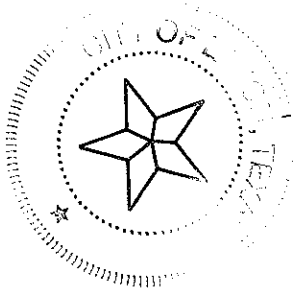
SECTION 4. SEVERBILITY

It is hereby declared by the City Council of the City of Lavon that if any of the sections, paragraphs, sentences, clauses or phrases of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not effect any remaining the sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 6. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS ON THIS 7 DAY OF *November* 2002.



James Albright
The Honorable James Albright, Mayor

Attest:

Rosa Stovall
Rosa Stovall, City Secretary