

CITY OF LAVON, COLLIN COUNTY TEXAS

ORDINANCE NO: 2008-04-02

Drainage Control

AN ORDINANCE OF THE CITY OF LAVON, COLLIN COUNTY, TEXAS ESTABLISHING REGULATIONS RELATED TO STORM WATER DRAINAGE; MAINTENANCE OF DRAINAGE EASEMENTS; PROVIDING A PENALTY AND PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lavon has been presented with a request from residents to regulate the drainage systems within the City.

WHEREAS, the City Council recognizes the need to maintain the storm water control systems in the City and to minimize the negative impact of changing drainage patterns.

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

NOW THEREFORE:

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

SECTION 1 Regulation of Work Effecting Storm Water Drainage

- 1.1 It shall be unlawful for any person to perform any construction activities, including dirt work, which results in an increase to the quantity, velocity or concentration of storm water flowing from one lot to another without first obtaining a permit from the City of Lavon to make such changes.
- 1.2 It shall be unlawful for any person to perform any construction activities, including dirt work, which results in the blockage of water flowing from one lot to another without first obtaining a permit from the City of Lavon to make such changes.
- 1.3 Exceptions to the permit requirements describe in section 1.1 shall be:
 - 1.3.1 Work performed pursuant to an approved set of subdivision construction plans;
 - 1.3.2 Work performed pursuant to an approved single family residential building permit;
 - 1.3.3 Work where the increase of storm water would flow directly from the lot to a public street designed to handle such flows;
 - 1.3.4 Work where the increase of storm water would flow into a drainage easement designed to accept the increase;

- 1.3.5 Work where the increase would flow in to a stream, river or other drainage system intended to carry storm water and capable of carrying any additional flows.
- 1.3.6 Routine maintenance of an easement not intended to reduce, change the route or alter the intended flow of water through the easement.
- 1.4 The application for a permit described in section 1.0 shall include either a storm water study as approved by the City Engineer or a written agreement between the original property owner and all effected downstream property owners.

SECTION 2 Drainage Easement Maintenance

- 2.1. The property owner and/or resident of any piece of property that has a drainage easement on the property shall be responsible for maintaining such easement. Maintenance of the easement shall include but not be limited to:
 - 2.1.1. Mowing weeding and trimming of all vegetation in the easement
 - 2.1.2. Removing trash and debris;
 - 2.1.3. Removing silt, sediment and obstructions; and
 - 2.1.4. Filling of washouts or regrading.
- 2.2. Upon written request of the landowner and/or resident, the City may participate in the maintenance or repair of a drainage easement where flow from a City owned drainage system has impacted said easement.

SECTION 3 Penalty

- 3.1. Except where otherwise specified, 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 two hundred dollars (\$200.00).
- 3.2. Each day the property remains in violation of any section of this Ordinance shall be a separate violation and shall result in a separate fine.

SECTION 4 Severability

- 4.1. 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 valid judgment or decree of any court of competent jurisdiction, such event shall not effect any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 4 Effective Date

- 5.1. 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, TEXAS ON THIS 1st DAY OF APRIL, 2008.**

Norma Martin
The Honorable Norma Martin, Mayor

Attest:

Linda Ardis

Linda Ardis, City Secretary

