

SECTION 1.

Chapter 12.5, “Environmental Protection and Compliance,” Article I “Administration and Enforcement,” Division 3 “Enforcement,” Section 12.5-111 “Enforcement Options,” Subsection (b)(1) of the Code of the City of Fort Worth, (2015), as amended, is hereby amended to be read as follows:

- (1) Department of environmental management:
 - a. Article I, Division 4 - Environmental Use Agreements;
 - b. Article II - Air Quality;
 - c. Article III - Stormwater; and
 - d. Article IV - Groundwater and Surface Water Quality;
 - e. Article IX – Fill Material; and
 - f. Article X – Grading Permit.

SECTION 2.

Chapter 12.5, “Environmental Protection and Compliance,” Article X “Grading Permit” of the Code of the City of Fort Worth, (2015), as amended, is hereby repealed and restated in its entirety to be read as follows:

ARTICLE X: GRADING PERMIT

§ 12.5-874 ~~DEFINITION~~ DEFINITIONS.

The following words, terms and phrases, when used in this ~~article~~Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

~~**COMMERCIAL CONSTRUCTION.** Includes all construction activity other than detached single-family or two-family residences and their associated accessory structures.~~

CAPITAL INFRASTRUCTURE PROJECT (CIP). Public infrastructure design and construction that is funded and managed by the City of Fort Worth.

COMMON PLAN OF DEVELOPMENT. Shall have the meaning ascribed to that term in the Stormwater Criteria Manual.

DRAINAGE STUDY. A drainage study performed in accordance with the Stormwater Criteria Manual.

HUD.- The United States Department of Housing and Urban Development.

~~*iSWM MANUAL.* The latest edition of the *Fort Worth Integrated Stormwater Management Criteria Manual.*~~

~~*iSWM PLAN.* A stormwater management plan that conforms to the *Fort Worth Integrated Stormwater Management Manual.*~~

~~**LAND DISTURBANCE** or **DISTURBANCE OF LAND.** Any construction or other activity caused by a person, which disturbs the surface of the land, including, but not limited to, clearing, grubbing, grading, excavations, embankments, development ~~and/or, demolition activities,~~ the moving, depositing, stockpiling, staging or storing of fill material, soil, rock or earth materials. ~~**LAND DISTURBANCE** shall not mean agricultural plowing or tilling, timber harvesting activities, road maintenance activities, routine channel maintenance nor utility maintenance.,~~ regardless of whether the activity is related to a public or private infrastructure project.~~

~~**SINGLE-FAMILY RESIDENTIAL INFRASTRUCTURE PROJECT (SRIP).** Public infrastructure design and construction for a single-family residential development project in the City of Fort Worth that will submit construction plans to the City's Infrastructure Plan Review Center.~~

~~**STORMWATER CRITERIA MANUAL.** The current edition of the *Fort Worth Stormwater Criteria Manual*, and all subsequent revisions and amendments thereto.~~

§ 12.5-875- INCORPORATION OF STORMWATER CRITERIA MANUAL

~~The Stormwater Criteria Manual is incorporated herein by reference and made a part of this Article for all purposes.~~

§ 12.5-876 CONSTRUCTION OF SINGLE-FAMILY AND DUPLEX HOMES; EXEMPTION FROM GRADING PERMITS.

~~(a) Grading permits shall not be required for construction of detached single family or duplex homes.~~

~~(b)(1)~~

~~(a) An applicant for a detached single-family or duplex building permit shall submit the grading pattern of the land to be disturbed to the ~~city~~City at the time of building permit application.~~

~~(2)~~

~~(b) The applicant shall identify one of the following grading patterns:~~

~~a:~~

~~(1) HUD Type A grading-all drainage to the front;~~

~~b:~~

~~(2) HUD Type B grading-drainage to the front and rear; or~~

~~c:~~

~~(3) HUD Type C grading-all drainage to the rear.~~

~~(3)~~

~~(c) The applicant ~~will also be required to~~shall affirm that ~~these~~the drainage ~~patterns are in~~ conformance pattern conforms with ~~the~~any approved subdivision grading ~~plan if such~~~~

~~exists~~plans. If the applicant cannot affirm that the proposed grading pattern of the land to be disturbed conforms to one of the ~~aforementioned~~ HUD drainage patterns in this section and an approved subdivision grading plan, ~~if such exists,~~ the ~~transportation~~Transportation and ~~public works department~~Public Works Department shall review the proposed lot grading prior to approval of the building permit.

§ 12.5-~~876-877~~ GRADING PERMIT REQUIRED; EXEMPTIONS FROM GRADING PERMIT REQUIREMENT.

~~(a) Unless exempt pursuant to § 12.5-875, no person may commence with the disturbance of land of 1.0 acre or more unless that person has a valid grading permit from the city for such land disturbance or an approved current iSWM plan that shows the proposed disturbance of land. The placement of fill material, as defined by § 12.5-864 of the city code, from off-site locations or by multiple parties shall be subject to the registration requirements of Article IX of this chapter.~~

~~(b) A person commits an offense if a person causes a disturbance of land without a valid grading permit from the city or an approved current iSWM plan that shows the proposed disturbance of land. Such offense shall be punishable by a fine of up to \$500 for each day the land disturbance exists without a permit.~~

§ 12.5-877

~~(a) Except as otherwise provided by this Article, no person may commence with the Disturbance of Land of 1.0 acre or more, or commence with the Disturbance of Land that is part of a Common Plan of Development, unless a grading permit has been approved by the City for the Land Disturbance.~~

~~(b) A grading permit shall not be required for the following:~~

~~(1) Construction of detached single-family or duplex homes that will disturb less than 1.0 acre and are not a part of a Common Plan of Development;~~

~~(2) Disturbance of Land activities that consist of only agricultural plowing or tilling, timber harvesting activities, road maintenance activities, routine channel maintenance or utility maintenance;~~

~~(3) A CIP that disturbs one acre or more, or is part of a Common Plan of Development if the CIP complies with the review and approval process defined by the City Engineer for a CIP and is reviewed and approved by the Environmental Services Department, the Urban Forestry and Gas Well Sections of the Development Services Department, the Water Department, the Park and Recreation Department, and the Transportation and Public Works Department; or~~

~~(4) A SRIP that disturbs one acre or more, or is part of a Common Plan of Development if the SRIP complies with the review and approval process defined by the Infrastructure Plan Review Center for a SRIP and is reviewed and approved by the Environmental Services Department, the Urban Forestry and Gas Well Sections of the Development Services Department, the Water Department, the Park and Recreation Department, and the Transportation and Public Works Department.~~

(c) A person commits an offense if the person is required to obtain a grading permit and causes a Disturbance of Land without a grading permit that is approved by the City. A person commits an offense if the person is required to obtain a grading permit and allows a Disturbance of Land to remain without a grading permit that is approved by the City.

§ 12.5-878 APPLICATION FOR A GRADING PERMIT; APPROVAL.

(a) Applications for a grading permit shall be submitted to the ~~planning and development department~~ Development Services Department. The approval of ~~such any grading permit by the City~~ shall require the consent of the ~~code compliance department, the urban forestry section of the planning and development department, the water department and the transportation and public works department~~ Environmental Services Department, the Urban Forestry and Gas Well Sections of the Development Services Department, the Water Department, the Park and Recreation Department, and the Transportation and Public Works Department.

§ 12.5-878 CONFORMANCE WITH STORMWATER MANAGEMENT POLICIES.

(b) Submission of Grading and Drainage Plans. An applicant for a grading permit ~~shall~~ must submit grading ~~plans and a drainage study~~ plans prepared by a professional engineer with the permit application. ~~The Development Services~~ The grading permit application shall require an approved Drainage Study. Grading and drainage plans must conform to the approved Drainage Study. The Transportation and Public Works Director or his or her designee shall review these documents for conformance with stormwater design policies contained in the latest edition of iSWM manual. Design standards and criteria contained in the stormwater management design manual approved by the city in March, 2006 may, however, be used for stormwater infrastructure design for subdivisions approved after June 1, 2006 and before the adoption of this provision of the city code. Stormwater Criteria Manual.

(c) Submission of Stormwater Pollution Prevention Plan (SWPPP). An applicant for a grading permit must submit a SWPPP prepared by the applicant with the grading permit application. The grading permit application shall require an approved SWPPP. The SWPPP must comply with the Texas Commission on Environmental Quality (TCEQ) Stormwater Construction General Permit. The Environmental Services Department shall review SWPPP for conformance with the current State Construction General Permit as required under the City's Municipal Separate Storm Sewer System (MS4) permit issued by TCEQ.

§ 12.5-879- EARLY GRADING PERMIT PERMITS.

(a) An applicant who intends to only perform earthwork on land, (no infrastructure or building construction) may request a preliminary grading permit prior to satisfying all stormwater management review requirements, once conformance with conceptual grading and drainage requirements have been met as provided for in the iSWM manual.

(b)

- (a) The City may issue an early grading permit for a Land Disturbance that involves only earthwork, prior to the issuance of a grading permit in accordance with the Stormwater Criteria Manual. An SRIP may obtain an early grading permit.
- (b) An applicant who has obtained an early grading permit must obtain a grading permit for any Land Disturbance beyond earthwork.
- (c) A person commits an offense if the person has been issued an early grading permit and performs, or allows to be performed, Land Disturbance activity that consists of more than earthwork.

§ 12.5-880 ADDITIONAL GRADING REQUIREMENTS.

- (a) All grading activities performed ~~under an~~ pursuant to a grading permit or early grading permit must conform to all ~~other~~ applicable city, state, and federal policies including, but not limited to the City's stormwater management, floodplain management, urban forestry, water department, and the stormwater pollution prevention (SWPPP) policies, and shall be done at the risk of owner/developer.

~~(e) Any~~

- (b) All fill material placed in existing or proposed right-of-way pursuant to a grading permit or early grading permit must conform to the requirements of the ~~city's~~ City's standard specifications for street and storm drain construction. If testing and certification of fill material is not performed in conjunction with ~~city~~ City infrastructure inspection, the ~~city~~ City may require ~~the same~~ testing and certification by an independent soils laboratory and/or, removal of the fill material at the expense of the applicant or property owner, or both.

§ 12.5-880 FINAL GRADING

- (c) The placement of fill material pursuant to a grading permit or early grading permit shall comply with Chapter 12.5, Article IX of the City Code.
- (d) The removal of trees pursuant to a grading permit or early grading permit shall comply with section 6.302 of the Zoning Ordinance.
- (e) A person commits an offense if the person fails to grade property in conformance with the construction plans approved by the City or in conformance with the grading permit issued by the City.

§ 12.5-881 GRADING CERTIFICATE.

- (a) A ~~final~~ grading certificate certifying that all grading and related stormwater infrastructure construction ~~have been~~ was completed in ~~substantial~~ compliance with this ~~Article X~~ Article, the grading permit, and the ~~approved~~ early grading permit if applicable, must be prepared by the land owner or owner's representative and submitted to the ~~transportation and public works department~~ Development Services Department prior to the issuance of a certificate of occupancy for ~~all commercial~~ any building ~~permits~~ permit involving a ~~land~~

~~disturbance greater than 0.5 acres~~Disturbance of Land of 1.0 acre or more, or that is part of a Common Plan of Development for which the City issues certificates of occupancy.

§ 12.5-881

(b) A person commits an offense if a person fails to submit the Grading Certificate upon completion of all grading and related stormwater infrastructure construction in compliance with this Article.

§ 12.5-882 PERMIT FEES.

~~(a)~~

(a) For all ~~land disturbances~~Land Disturbance involving 0.5 acres or more where there is no current approved iSWM plan, a \$500 plus \$10 per acre 1.0 acre or more, or that is part of a Common Plan of Development, for which an early grading permit or grading permit is required, a permit fee, as established by the City Council, shall be assessed to the applicant. The city council may change this fee from time to time. No permit fees shall be charged for commercial buildings which have an approved current iSWM plan.

~~(b)No permit fees will be charged for grading permits associated with public infrastructure construction.~~

~~(e)~~

(b) No fees will be charged for review of information concerning grading patterns for detached single-family or duplex residences pursuant to § ~~12.5-875~~. 12.5-876.

§ 12.5-883 VIOLATIONS.

(a) A violation of any provision of this article is a Class C misdemeanor punishable by a fine not to exceed \$2,000.00. Each separate occurrence of a violation or each day that a violation continues shall constitute a separate offense.

(b) The issuance of a citation shall not limit the City's ability to pursue civil remedies or take other actions as set forth in chapter 12.5, Article I, Division 3 of the City Code.