FORT WORTH

City of Fort Worth
Planning & Development Department

Registration of Intent to Fill Land

Operator/Applicant: _____
Drivers License #: _____ State: _____
Mailing Address: _____ Phone:(___)_____-_____
City: _____ State: _____ Zip Code:_____+_____
E-Mail Address: (If Available) _____

Individual designated to receive notice:_____
Drivers License #: _____ State: _____
Mailing Address: _____ Phone:(___)_____-_____
City: _____ State: _____ Zip Code:_____+_____
E-Mail Address: (If Available) _____

Property Owner: _____
Mailing Address: _____ Phone:(___)_____-_____
City: _____ State: _____ Zip Code:_____+_____
E-Mail Address: (If Available) _____

Type of Fill Activity Proposed: (Check One)

__ Reclaim Land for Future Development
__ Deposit Clean Waste Fill
__ Store Fill Dirt for Off-Site Development

Site Information:

Site Address: _____
Property Legal Description: _____
Block: _____ Lot: _____ MapsCo: _____
Site Area: (Acers) _____ Approx Cubic Yards of Fill: _____

Planning & Development Fill Site Checklist:

_____1. Provide the correct legal description of the property.
(application must be complete & page 3 notorized)

_____2. Provide a map showing proposed transportation route and road access.

_____3. Operator/Applicant: If the operator is a corporation provide the name of the corporation and the responsible official. If it is a partnership, please list the names, addresses, and driver's license of each individual partner. Include with the application packet the name and copy of the driver's licenses for the individuals who will be available for the on site inspection.

_____4. Indicate the name of the representative or official with supervisory authority over all on site operations and a 24hr telephone number:

_____5. Provide a photo or drawing of the on site sign, required by ordinance #15789, that will be located at the proposed fill site.

_____6. Approval by the Water Development Department must be indicated by a stamp on the site plan with the Representative's initials this also must include an 11"x 17" copy with the approval stamp on it to be scanned and attached to the registration.

_____7. A copy of the Storm Water Prevention Plan as required by the Environmental Protection Agency must be submitted with application. A copy of the notice of intent shall be submitted to the Environmental Management Department of the City of Fort Worth no later than 3 days prior to the commencement of any on site activities.

____8. If required, provide a copy of the Flood Plain Permit from the City of Fort Worth storm Water Department. If not required provide documentation stating that the Floodplain permit is not required.

_____9. Provide site plan showing proximity of proposed fill to existing trees. Urban forestry permit is required if trees will be removed, or fill will be placed within 50 feet of existing trees.

____10. Provide the required $150.00 Fill Site Registration fee.

____11. Approval from the Code Compliance Solid Waste Division

FORT WORTH

Acknowledgements:

I certify that the enclosed information is correct and complete to the best of my knowledge. I further certify that I have read, understand, and will comply with the information contained in City Ordinance 15789 and the Fort Worth City Code, Article IX, Chapter 12, "Fill Material", Sections 12.5-865 through 12.5-874.

Operator/Applicant: (Please Print) _____

Signature: _____ Date:_____

STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned authority, A Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, as the act and deed of _____, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 200__

Signature: _____ Date: _____

Notary Public in and for the State of Texas

Department Contact Information:

Code Compliance
818 Missouri Ave, Fort Worth, TX 76104
1234@fortworthtexas.gov

Environmental Quality
908 Monroe Street, 7th Floor, Fort Worth, Texas 76102
constructionstormwater@fortworthtexas.gov

Stormwater Development Services (SDS)
200 Texas St, 2nd Floor City Hall, Fort Worth, Texas 76102
SDS@fortworthtexas.gov

Urban Forestry
200 Texas St, Lower Level City Hall, Fort Worth, Texas 76102
urbanforestry@fortworthtexas.gov

Water Development
200 Texas St, Lower Level City Hall, Fort Worth, Texas 76102
zz_WTRDevelopment@fortworthtexas.gov

ORDINANCE NO. 15789

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 12.5, "ENVIRONMENTAL PROTECTION AND COMPLIANCE" BY ADDING A NEW ARTICLE IX ENTITLED "FILL MATERIAL"; TO DEFINE "FILL MATERIAL" AND TO ADD REGULATIONS FOR PLACEMENT OF FILL MATERIAL ON TRACTS, PARCELS, OR PLATTED LOTS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the current City Code of Fort Worth does not provide regulations for the placement of fill material on tracts, parcels or platted lots within the City of Fort Worth;

WHEREAS, the citizens of Fort Worth have expressed concerns about the blight caused by uncontrolled fill activity in the City;

WHEREAS, it is advisable to adopt regulations that control the placement of fill material in order to preserve the character of neighborhoods and to prevent the accumulation of fill material for non-construction activity;

WHEREAS, it is the intent of the following regulations to establish additional supplemental development standards and regulations that will address issues related to uncontrolled fill activity in the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

Chapter 12.5, "Environmental Protection and Compliance" of the code of the City of Fort Worth, is hereby amended by creating and adding Article IX "Fill Material" to

provide a definition for "Fill Material" and to add regulations for the placement of fill material to read as follows:

ARTICLE IX. FILL MATERIAL

DIVISION 1. Definition of Fill Material.

Section 12.5-864 Definition.

FILL MATERIAL: Fill Material shall be defined as soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill the land.

DIVISION 2. Registration, Notice, and Placement of Sign.

Sec. 12.5-865. Registration.

Except as provided in Section 12.5-870, no Fill Material may be placed on any tract, parcel, or platted lot within the city limits unless a valid registration and site map is filed with the Development Department of the City, the registration fee is paid to the City, notification is provided to all applicable property owners within 300 feet of the property and registered neighborhood associations within one-quarter mile of the property, and a sign is posted on the property as required by this Article.
All registrations must be renewed annually with City prior to the expiration of the current registration, but shall be exempted from the notice requirements of this Chapter.

Placement of Fill Material is used for landscaping purposes on improved property is exempted from the requirements of this section.

Sec. 12.5-866. Notice.

Upon registration and prior to the placement of Fill Material upon any tract, parcel, or platted lot, the city shall send written notice of the registration to the owners of real property lying within 300 feet of the property upon which the placement or import of Fill material is proposed. Such notice shall be given to all such owners who have rendered their said property for city taxes, as the ownership appears on the last approved city tax roll. Notice may be served by depositing the same, properly addressed and postage paid, in the United States Mail. Notice shall also be sent to all registered neighborhood associations within one-quarter mile of the proposed Fill Material site.

Placement of Fill Material used for landscaping purposes on improved property is exempted from the requirements of this section.

Sec. 12.5-867. Placement of Sign.

After registering with the city and prior to placement of Fill Material upon any tract, parcel, or platted lot, at least one legible sign, no less than three feet by three feet and no greater than four feet by eight feet must be placed by the registrant on the premises. The sign or signs shall be located in a conspicuous place or places upon the property at a point or points nearest any right-of-way, street, roadway or public thoroughfare adjacent and entry to such property. The sign(s) shall indicate that:

1. The site is a registered fill material site;
2. The date the registration was filed with the City; and
3. The registration number provided by the City of Fort Worth

Signs must be maintained as so to remain legible and graffiti free. All sign(s) shall be removed subsequent to the completion of all fill material from the tract, parcel, or platted lot.

Placement of Fill Material used for landscaping purposes on improved property is exempted from the requirements of this section.

DIVISION 2. Restrictions on Placement of Fill Material.

Sec. 12.5-868. Height and Slope Restrictions.

The placement or import of the Fill Material must meet the following conditions:

1. The purpose of the fill material is to make the land suitable for the construction of surface improvements;
2. The Fill Material shall not be higher than the highest elevation along the perimeter of the adjacent tracts, parcels or platted lots, however; fill material placed on pad sites shall not exceed three feet in height above the highest elevation along the perimeter of the adjacent tracts, parcels or platted lots.
3. The slope of the Fill Material is a maximum ratio of three feet horizontal to one foot vertical, unless a retaining wall system built in compliance with the city code and regulations is in place.
4. Fill Material must be leveled and graded for positive drainage no less than every thirty days.

Sec. 12.5-869. Additional Provisions.

The placement of Fill Material may not:

1. Causes the release of nuisance dust, noise and/or odor; or
2. Damage any public improvements or public infrastructure; or
3. Be placed in a flood plain or flood way without a valid permit; or
4. Result in flooding or significant increase in runoff to adjacent properties in accordance to state law.

Erosion control measures must be implemented to prevent any off site migration of silt and sediment.

DIVISION 3. Exemptions from Requirements of Division 2.

Sec. 12.5-870. Exemptions.

The registration, notice and sign requirements of Division 2, Sections 12.5-865, 12.5-866 and 12.5 867 for placement of Fill Material on any tract, parcel, or platted lot are not required if:

1. A valid building permit has been issued by the City for construction activity on the tract, parcel or platted lot where the Fill Material is to be placed; or
2. The Fill Material is placed on a landfill permitted by the State of Texas; or
3. The Fill Material is incidental to on-site filling operations necessary for governmental or utility construction projects; or
3. The Fill Material is part of a development that is final platted, has approved infrastructure plans or is being developed under an active Community Facilities Agreement.

The placement of the Fill Material under this Section is not exempted from the requirements of any other provisions of this Chapter.

DIVISION 4. Placement of Fill Material in Right-of-Ways.

Sec. 12.5-871. Placement of Fill Material in Existing or Proposed Right-of Ways.

Prior to the City infrastructure inspection, Fill Material placed in any existing or proposed dedicated right of way should be tested and certified by an independent soils laboratory to show that it meets the requirements of the City of Fort Worth Standard Specifications for Street and Storm Drain Construction. If testing and certification is not performed prior to a City infrastructure inspection, the City may require testing and certification by an independent soils laboratory and/or removal of the Fill Material.

DIVISION 5. FEMA and Drainage Standards.

Sec. 12.5-872. FEMA and City Storm Drainage Standards.

It is the responsibility of the property owner to insure that the placement of fill material complies with all applicable FEMA standards, the City of Fort Worth Standard Specifications for Street and Storm Drainage Construction, the City of Fort Worth's Storm Drainage Criteria and Design Manual, the City of Fort Worth Building Code, the City of Fort Worth's ordinance(s) pertaining to floodplains and any other applicable laws and regulations.

Sec. 12.5-873 Existing Drainage Pattern.

It is the responsibility of the property owner not to change the existing drainage pattern in such a way as to result in flooding or significant increase in runoff to adjacent properties and the property owner shall assume all liability concerning the same.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall

be fined not more than Five Hundred Dollars ($500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of Fort Worth which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

SECTION 7.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:
David Yett, City Attorney

By: Sara J. Mellenick
Assistant City Attorney

ADOPTED: 12-9-03

EFFECTIVE: 12-15-03