

**CITY OF SUNRISE BEACH VILLAGE  
ORDINANCE NO. 271**

**AN ORDINANCE OF THE CITY OF SUNRISE BEACH VILLAGE  
ESTABLISHING REQUIREMENTS FOR A DRAINAGE STUDY  
AND DRAINAGE FACILITIES IN RELATION TO DEVELOPMENT  
OF PROPERTY AND ISSUANCE OF PERMITS; AND PROVIDING  
FOR RELATED MATTERS**

**Whereas**, the City Council of the City of Sunrise Beach Village, Texas (the “City”) determines that regulating storm water run-off and drainage that is altered or created due to development of land within the City and its extraterritorial jurisdiction is reasonable and necessary to protect property and the health, safety and welfare of the present and future residents of the City;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SUNRISE  
BEACH VILLAGE THAT:**

**Section 1. Findings.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**Section 2. Definitions.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Development.* The new construction, reconstruction, placement or the enlargement of any exterior dimension of any building, parking improvement, or utility, drainage and road system; the excavation, mining, dredging, grading or filling of land; and the clearing or removal of vegetation from land. Activities not considered as development or improvement of land include lawn and yard care; selective removal of trees or other vegetation damaged by natural forces; and repair or maintenance of a utility, drainage or road system that does not require the disturbance of land.

*Driveway.* The surface connecting lot or parcel’s access point to an adjacent street with a parking space, parking lot, loading dock or garage, regardless of the material used.

*Street.* Any public or private rights of way which affords the primary means of vehicular access to abutting property.

*Structure.* Any building or anything constructed or erected on the ground or which is attached to something located on the ground. Structures include but are

not limited to buildings, telecommunications towers, sheds, bulkheads, breakwaters, docks, piers, parking lots, driveways, patios, and permanent signs.

**Section 3. Alteration of Water Flow Prohibited.** (a) Under no circumstances shall any owner of any lot or parcel of land be permitted to deliberately alter the topographic conditions of his lot or parcel of land in any way that would permit additional quantities of water from any source, other than what nature originally intended to flow from his property onto any adjoining property or streets, or that would permit water from any source to flow in an increased velocity that would overwhelm or breach existing drainage facilities.

(b) Any person who develops property within the city limits shall be responsible for the design and control, or causing the design and control, of storm water drainage that would result from development of the person's property or the creation of impervious surfaces on the person's property in accordance with this ordinance at the person's expense.

**Section 4. Drainage Study Required.** (a) All applications for building permits on lots with a three foot or more elevation over adjacent properties or a 8% slope rating or higher shall be accompanied by a drainage study sealed by a licensed engineer that addresses the drainage patterns that affect the lot or any other lots or properties, including adjacent streets, that may be adversely affected by the development of the lot. The drainage study shall include the impact that any structures to be placed on the property, including driveways, patios, or other impervious cover, may have on drainage patterns. Drainage water leaving a development site shall be directed to a road side ditch or to a drainage easement with a defined ditch. The drainage study shall either: 1) verify that the run-off will not drain onto a downstream property or street uncontrolled or breach existing drainage facilities due to quantity or velocity of the flow; or 2) shall identify drainage facilities to be installed so that run-off will not drain on to a downstream property or street uncontrolled or breach existing drainage facilities due to quantity or velocity of the flow. The drainage study shall determine and show the drainage patterns coming onto the lot and leaving the lot. The drainage patterns shall be determined at least two lots away including two lots depths across the street, two lots on either side of and two lots behind the lot being developed, and including any streets adjacent to said lots. The drainage patterns of the road side ditch, drainage culverts, including driveway culverts existing and proposed, shall be determined and shown on the drainage study.

(b) Any person intending to construct a driveway must secure a permit before beginning construction from the City Building Official or City Council's designee. The application must be made in accordance with Section 6(a) of this ordinance, and shall be accompanied by a drainage study that complies with this Section.

(c) A building permit or driveway permit shall not be issued unless a drainage study that complies with this section has been submitted to the City and approved by the City Building Official or the City Council's designee.

**Section 5. Drainage Facilities.** (a) Upon consultation and approval of the city, the property owner shall direct, through the grading of the property and/or the construction of drainage facilities, drainage runoff to the nearest drainage culvert, public right-of-way with a roadside ditch or natural drainage way. The grading of property and/or construction of drainage facilities shall be done in accordance with design plans prepared and sealed by a licensed engineer and approved by the City Building Official or City Council's designee.

(b) If the drainage study shows that drainage facilities are required, then plans for the drainage facilities prepared and sealed by a licensed engineer shall be submitted to the City with the building permit application. A building permit or driveway permit shall not be issued unless plans for the drainage facilities that comply with this section have been submitted to the City and approved by the City Building Official or the City Council's designee.

(c) Where required for the drainage of surface water, a culvert of sufficient size, with a minimum size equivalent to fifteen inches (15") in diameter, to insure proper drainage of all water from the property concerned and to preclude overflow onto other adjacent property shall be installed before a parking apron or access driveway of any type, temporary or permanent, is constructed across a street right-of-way.

(d) Drainage facilities shall be designed and constructed in accordance with this Ordinance, the City's Consolidated Zoning Ordinance, the City's Subdivision Ordinance, and other applicable local, state, and federal regulations. Drainage facilities must be designed and constructed in accordance with good engineering practices and so that no additional quantity or velocity is created exceeds the capacity of the City's existing drainage infrastructure. Drainage facilities shall be inspected by the City Building Official.

**Section 6. Driveway Construction Application.** (a) *Required Contents.* An application for a driveway construction permit shall, at a minimum, contain the following:

- (1) Name and address of the applicant;
- (2) Where the driveway is to be located;
- (3) When the driveway will be constructed;
- (4) A plan (with specifications) which describes the driveway;
- (5) Payment of the permit fee;
- (6) If applicable, a drainage study pursuant to Section 4 of this ordinance.

(b) *Driveway Permit Application Review; Issuance or Denial; Appeal* The City Building Official and the City Council's designee will review the application and notify the applicant of his decision within ten (10) working days. If no notice is received within ten (10) working days, then the applicant may assume the permit has been denied. When an application is denied the applicant may appeal to the City Council. The City Building Official or the City Council's designee may prescribe special requirements for the construction and/or location of a driveway as a condition of the permit.

(c) *Driveway Permit Expiration.* If construction is not commenced within thirty (30) days and completed within ninety (90) of issuance of the permit or completion of new home construction, then the permit shall expire. The applicant may request an extension of the permit by submitting a written request and a renewal fee to the City Secretary prior to expiration of the permit.

(d) *Minimum Standards Posted; Special Requirements.* The City Building Official and/or the City Council's designee will prepare and post a list of minimum standards and requirements for the construction of driveways. The standards and requirements will be effective when filed in the City Secretary's office.

(e) *Driveway Inspection; Failure to Comply.* Completed projects will be inspected by the City Building Official or the City Council's designee to insure compliance. Those whose projects are not in compliance will be allowed thirty (30) days in order to comply. If they have not complied in thirty (30) days, then their permit is void. Any existing driveway which in the opinion of the City Council constitutes a threat to the safety and welfare of the citizens of the City shall be corrected at the property owner's expense within sixty (60) days after receiving notice.

**Section 7. Driveway and Culvert Maintenance.** (a) It shall be the responsibility and duty of the owner and the occupant of property within the City to construct, reconstruct, install, repair and maintain, from time to time as required, any driveway and/or culvert necessary to connect such property with a public street. The driveway and any culvert, whether existing or to be installed, to serve any property shall be constructed, reconstructed, installed, repaired and maintained by the owner and the occupant of such property in a manner to prevent such driveway and/or culvert from interfering with, diverting or obstructing the flow of storm water and drainage.

(b) It shall be the responsibility and duty of the owner and the occupant of any property for which a culvert exists or is maintained for the purpose of connecting, or providing access for, such property with a public street to keep such culvert open and free of obstruction or debris, and to repair, reconstruct, raise or lower the grade, and maintain such culvert from time to time to assure the culvert does not interfere with or obstruct the flow or drainage of storm water, or divert storm water from the bar ditch or drainage channel.

(c) It shall be unlawful for any person, firm or corporation, who is not a public employee or entity contracting with the City and in the course and scope of their public employment or public works contract, to dump, throw, deposit or leave any refuse, garbage, rubbish, trash, leaves, grass, lawn clippings, limbs, dead trees, tree trunks, junk, rock, rubble or soil on any street, right-of-way, easement, or public property within the City. It shall further be unlawful for any person to dump, throw, deposit or leave any refuse, garbage, rubbish, trash, leaves, grass, lawn clippings, limbs, dead trees or tree trunks or junk on any property, whether publicly or privately owned, that by design, elevation, slope, terrain or nature serves as a part of the man made or natural drainage

land owner from obtaining any permit authorized by City ordinance, to fill any land area in compliance with such permit and the ordinances and codes of the City; and provided further that this section shall not apply to or prohibit the dumping or deposit of any such materials or debris on public property designated for such purpose by the public entity owning such property, as authorized by an ordinance of the City.

**Section 8. Penalty; Stop Work Order.** (a) Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed five hundred dollars (\$500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein. Proof of a culpable mental state shall not be required as proof of a violation of this ordinance.

(b) Whenever any work is being done contrary to the provisions of this ordinance, another controlling ordinance or statute governing the building or structure, the City Building Official or the City Council's designee may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the City shall post a STOP WORK ORDER on the property, and any such persons shall forthwith stop such work until authorized by the City Building Official or the City Council's designee to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the City Building Official or the City Council's designee. The City Building Official or the City Council's designee may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the construction project. The work on other aspects of the construction not in violation of the City's ordinances may proceed, but work shall cease as to that aspect in violation of the City's ordinances.

**Section 9. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

**Section 10. Severability.** 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, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 11. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

**PASSED AND APPROVED** on this 17 day of September, 2009.

ATTEST:

**CITY OF SUNRISE BEACH VILLAGE, TEXAS**

Joyce Horton  
Joyce Horton, City Secretary

Pat Frain  
Pat Frain, Mayor