NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN THAT THE ROCKWALL COUNTY COMMISSIONERS COURT WILL MEET IN A SPECIAL MEETING ON OCTOBER 4, 2016, AT 9:00 A.M. AT THE ROCKWALL COUNTY HISTORIC COURTHOUSE, 3rd FLOOR, 101 EAST RUSK, CITY OF ROCKWALL, FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

AGENDA:

1. Discuss/Act on approving the cost for removal of a structure located at 1171 South State Highway 205, Mclendon-Chisholm, Texas 75032, at a fee not to exceed $10,000 and to construct a driveway/culvert from League Road to radio tower site at a fee not to exceed $2,000. All monies to be paid out of the Rockwall County IRN project, and all related issues; (Bailey)

2. Discuss/Act on moving Commissioners Court from Tuesday, October 11, 2016, to Monday, October 17, 2016, due to members of the Commissioners Court attending the 94th Annual Judges and Commissioners Association Annual Conference, and all related issues; (Sweet)

3. **EXECUTIVE SESSION**:
   The Commissioners Court of Rockwall County reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Chapter 551, Open Meetings, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.0745, 551.075 and 551.076, or to seek the advice of its attorney and/or other attorneys representing Rockwall County on any matter in which the duty of the attorney to the Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Texas Government Code or as otherwise may be permitted under chapter 551.

   a) **Pending or Contemplated Litigation and Attorney-Client Information:**
      None
   b) **Real Estate Matters:**
      None
   c) **Personnel Matters:**
      Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, specifically the Assistant Criminal Assistant District Attorney/Civil Division Chief, pursuant to Section 551.074 of the Texas Government Code.
   d) **Advice of Counsel:**
      None
   e) **Security Related Matters:**
      None
   f) **Contract Deliberations:**
      None
   g) **Economic Development Prospects:**
      None

4. **RECONVENE IN OPEN SESSION**: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.001, *et seq.*, the Commissioners Court will reconvene into Open Session to take any action necessary on matters discussed in Executive Session.

5. **WORKSHOP** to discuss the future Public Relations Contract Services for Rockwall County, and all related issues; (Sweet)

6. **WORKSHOP** to discuss the Rockwall County Subdivision Rules and Regulations, and all related issues; (Magness)

7. **COMMISSIONERS COURT REPORTS:**
Pursuant to Texas Government Code Section 551.0415, the County Judge and the County Commissioners may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming County events; (5) information community events; (6) announcements involving an imminent threat to public health and safety.

8. **ADJOURN**

NOTE: THE COMMISSIONERS COURT RESERVES THE RIGHT TO CONSIDER AND TAKE ACTION ON THE ABOVE AGENDA ITEMS IN ANY PARTICULAR ORDER. THE ROCKWALL COUNTY COMMISSIONERS COURT COMPLIES WITH A.D.A. REQUIREMENTS. IF YOU PLAN TO ATTEND THIS PUBLIC MEETING AND YOU HAVE A DISABILITY THAT REQUIRES SPECIAL ARRANGEMENTS AT THE MEETING, PLEASE CALL IN ADVANCE OF THE MEETING AT (972) 204-6000.

Draft

SPECIAL MEETING REQUEST FORM

NAME: Judge Sweet

COURT DATE: 10-4-16

ACTION REQUIRED:

Discuss/Act on approving the cost for removal of a structure located at 1171 South State Highway 205, Mclendon-Chisholm, Texas 75032, at a fee not to exceed $10,000 and to construct a driveway/culvert from League Road to radio tower site at a fee not to exceed $2,000. All monies to be paid out of the Rockwall County IRN project, and all related issues;

HAS THIS ITEM BEEN BEFORE COMMISSIONERS COURT OR WORKSHOP

PREVIOUSLY? No **IF SO, WHEN** _____

RETURN TO:

COUNTY JUDGE
101 EAST RUSK, ROOM 202
ROCKWALL, TEXAS 75087
Phone: 972-204-6000
Fax: 972-204-6009

Draft

SPECIAL MEETING REQUEST FORM

NAME: Judge Sweet

COURT DATE: 10-4-16

ACTION REQUIRED:

Discuss/Act on moving Commissioners Court from Tuesday, October 11, 2016, to Monday, October 17, 2016, due to members of the Commissioners Court attending the 94th Annual Judges and Commissioners Association Annual Conference, and all related issues;

HAS THIS ITEM BEEN BEFORE COMMISSIONERS COURT OR WORKSHOP PREVIOUSLY? No **IF SO, WHEN** _____

RETURN TO:

COUNTY JUDGE
101 EAST RUSK, ROOM 202
ROCKWALL, TEXAS 75087
Phone: 972-204-6000
Fax: 972-204-6009

EXECUTIVE SESSION

STATE OF TEXAS
COUNTY OF ROCKWALL

EXECUTIVE SESSION:
The Commissioners Court of Rockwall County reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed in this agenda, in the order deemed appropriate, as authorized by Chapter 551, Open Meetings, Texas Government Code, Sections 551.071, 551.072, 551.073, 551.074, 551.0745, 551.075 and 551.076, or to seek the advice of its attorney and/or other attorneys representing Rockwall County on any matter in which the duty of the attorney to the Commissioners Court under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with chapter 551 of the Texas Government Code or as otherwise may be permitted under chapter 551.

a) **Pending or Contemplated Litigation and Attorney-Client Information:**
None

b) **Real Estate Matters:**
None

c) **Personnel Matters:**
Deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, specifically the Assistant Criminal Assistant District Attorney/Civil Division Chief, pursuant to Section 551.074 of the Texas Government Code.

d) **Advice of Counsel:**
None

e) **Security Related Matters:**
None

f) **Contract Deliberations:**
None

g) **Economic Development Prospects:**
None

RECONVENE IN OPEN SESSION: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.001, *et seq.*, the Commissioners Court will reconvene into Open Session to take any action necessary on matters discussed in Executive Session.

Draft

COMMISSIONERS COURT WORKSHOP REQUEST FORM

NAME: Judge Sweet

WORKSHOP DATE: 10-4-16

TOPIC TO BE DISCUSSED:

Discussion of future Public Relations Contract Services for Rockwall County, and all related issues;

REMARKS:

Item was pulled from the Commissioners Court agenda on 9-27-16 by Judge Sweet to be placed on the 10-4-16 Workshop agenda for discussion.

HAS THIS ITEM BEEN BEFORE THE COMMISSIONERS COURT PREVIOUSLY? Yes **IF SO, WHEN:** 9-27-26

RETURN TO:

COUNTY JUDGE
101 EAST RUSK, ROOM 202
ROCKWALL, TEXAS 75087
Phone: 972-204-6000
Fax: 972-204-6009

Draft

COMMISSIONERS COURT WORKSHOP REQUEST FORM

NAME: Commissioner Magness

WORKSHOP DATE: 10-4-16

TOPIC TO BE DISCUSSED:

Discussion of Rockwall County Subdivision Rules and Regulations, and all related issues;

REMARKS:

Commissioner Magness requested this item to be placed on the 10-4-16 Workshop agenda for discussion.

HAS THIS ITEM BEEN BEFORE THE COMMISSIONERS COURT PREVIOUSLY? Yes **IF SO, WHEN:** 9-27-26

RETURN TO:

COUNTY JUDGE
101 EAST RUSK, ROOM 202
ROCKWALL, TEXAS 75087
Phone: 972-204-6000
Fax: 972-204-6009

Rockwall County Subdivision and Land Development Rules and Regulations

Rockwall County

Subdivision and Land Development

Rules and Regulations

As amended by Order of the Commissioners Court of Rockwall County, Texas

On the 12th day of July 2011.

ROCKWALL COUNTY HISTORICAL COURTHOUSE
101 EAST RUSK
ROCKWALL, TEXAS 75087

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Rockwall County
Subdivision and Land Development
Rules and Regulations

ARTICLE 1. INTRODUCTION

Section 1.01 Findings

1.01.01 Upon review and consideration of the best facts at its disposal, the Commissioners Court of Rockwall County finds that:

A) The Commissioners Court has the authority and obligation to protect the general public health, safety and welfare of the citizens of Rockwall County;

B) Rockwall County is located near one of the major urban areas of the United States and has experienced rapid population growth, agricultural land conversion and urbanization during the past 10 years;

C) The United States Census Bureau study issued in the spring of 2003 reports that Rockwall County was the fastest growing county in the nation in 2002, in percentage population increase;

D) Demographic studies prepared by the Texas State Data Center and other reputable sources predict continued rapid land development and population growth for the Dallas area in general and for Rockwall County in particular during the coming decades;

E) Rapid population growth and development, without proper regulation and management, have caused both economic and environmental problems in other communities, and would be likely to strain County infrastructure, devalue existing property, impose an unwarranted tax burden on the citizens of the County, threaten the natural resources and natural beauty of the County, and adversely affect the public health and safety;

F) A number of studies and reports, including one at the University of Texas (Managing Growth Pressures in Unincorporated Texas: Problems and Options for Change, by Dr. Robert Paterson and Schleen Johnson, School of Architecture, Community and Regional Planning, 1998), document the particular need for careful regulation of subdivision and development activity in suburban and "urban ring" counties, such as Rockwall, citing potentially serious threats to traffic management, traffic safety, road maintenance, 9-1-1 addressing, emergency response, adequate water and utility availability, wastewater and disease control, and floodplain management;

G) Case studies compiled by the Texas Association of Counties (Substandard Subdivisions in Texas: Who suffers at what cost, 1999) illustrate the hardships on individuals and a financial cost to counties when growth and development are inadequately regulated in unincorporated areas;

H) In recognition of the special challenges faced by county governments in urbanizing areas, the Texas Legislature acted in its 77th Session to provide additional authority for certain counties, including Rockwall, enabling these counties to regulate infrastructure planning and to adopt rules with respect to subdivision platting that are designed to promote the health, safety, morals, or general welfare of the County, as well as to promote the safe, orderly, and healthful development of the unincorporated areas of the County;

I) Rockwall County has been designated by the Texas Commission on Environmental Quality as the authorized agent for licensing and regulation of on-site sewage facilities within the unincorporated areas of Rockwall County and these Regulations are a necessary component of such regulation;

J) These Regulations are needed to efficiently implement and enforce the powers and obligations conveyed to counties under the laws of the United States, and under the laws of the State of Texas, including but not limited to the Texas Local Government Code (Chapters 81, 232, 233, 235, 240, 352, 412, 422 and others), the Texas Government Code (Chapters 261, 263, 280, 301 and 331), the Texas Health and Safety Code (Chapters 121, 122, 341, 361, 364-366), the Texas Transportation Code (Chapters 251 and 396), the Texas Utilities Code (Chapter 181), and the Texas Water Code (Chapters 16 and 26);

K) The Commissioners Court has considered the potential burden to property owners and taxpayers of these Regulations, and has further considered the potential burden to property owners and taxpayers of substandard development, poor quality roads, flooding, immoral and unhealthful development that might reasonably be expected to occur in the absence of these Regulations; and

L) The future well-being and prosperity of Rockwall County demands that the County adopt an Order providing for a thorough set of Rules and Regulations for the subdivision and development of land, to help preserve and protect the natural resources, public health, safety, morals, financial resources, and the private property interests of the County and its citizens.

1.01.02 The Commissioners Court of Rockwall County, following due public notice, investigation, consultation with professional engineers and planners, and public hearing, has declared and hereby declares these Regulations to be necessary and appropriate to respond to the Findings enumerated above.

Section 1.02 Purpose

1.02.01 The purpose of this Court Order is to provide for the orderly, moral and healthful development of Rockwall County, and for the safety, health and well-being of the general public. By establishing procedures for the efficient, orderly and appropriate subdivision and development of land within its

unincorporated areas, Rockwall County intends to maintain the quality of life its citizens have come to expect without imposing an undue burden on the taxpayers. This Order and the Regulations it promulgates replace and supersede all prior rules and regulations adopted by this Court relating to the regulation of subdivisions in Rockwall County.

1.02.02 All departments and agencies of Rockwall County stand ready to assist individuals, builders, and developers in achieving overall performance standards as outlined in this Order and associated Regulations.

1.02.03 In specific cases where strict, literal interpretation of any section would work an undue hardship, variances may be sought provided that the overall performance standards are met. It should not be inferred, however, that specific requirements may be ignored. Enforcement authority and penalties for violations are outlined elsewhere in these Regulations and the Commissioners Court will press their legal rights to gain compliance. [See Variances] If any questions arise as to the interpretation of the language in any sections, the Commissioners Court of Rockwall County, or it's Designated Agent, will resolve all differences.

These regulations are in no way intended to restrict residential or commercial development in Rockwall County. Rather, it is hoped that through public and private sector cooperation, Rockwall County can achieve and maintain a quality and standard of life that reflects the highest traditions and standards of its citizens.

These Regulations apply to the unincorporated areas of the County only. For property within an unincorporated area of the County and also within the Extra Territorial Jurisdiction ("ETJ") of a city, applicants should consult with their County Commissioner to determine which rules apply. It is the intent of Rockwall County to work with local cities under state law to clarify and streamline subdivision review authority in the ETJs. The subdivision review process for property located within a city's ETJ will be conducted by that city's applicable department. Where a conflict does exist, the stricter of the rules shall apply, unless a written agreement is in force between the County and a city setting forth the rules that shall apply.

ARTICLE 2. ENFORCEMENT AND PENALTIES

Section 2.01 Enforcement

2.01.01 The Commissioners Court of Rockwall County shall have the authority to refuse to approve or authorize any map or plat of any Subdivision, unless such map or plat meets the requirements as set forth in these land development Rules and Regulations and there is submitted at the time of approval of such map or plat financial security as may be required by these rules.

2.01.02 These land development Rules and Regulations shall be enforced by the Commissioners Court of Rockwall County over any area that is not currently

in the incorporate limits of a city within Rockwall County, unless there exists a legally enforceable agreement between the County and the city assigning the authority to enforce these Rules and Regulations to the city. When such an agreement exists, the city shall ensure that these Rules and Regulations are enforced within its ETJ and shall assume the role of the Commissioners Court according to the provisions of the agreement.

2.01.03 At the request of the Commissioners Court of Rockwall County, the Criminal District Attorney, or his designee, may file an action in a court of competent jurisdiction to:

A) Enjoin the violation or threatened violation of a requirement established or adopted by the Commissioners Court of Rockwall County under chapter 232 of the Texas Local Government Code; or,

B) Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established or adopted by the Commissioners Court under Chapter 232 of the Texas Local Government Code.

2.01.04 A person commits an offense if the person knowingly or intentionally violates a requirement established or adopted by the Commissioners Court under these Regulations. An offense under the subsection is a Class B Misdemeanor punishable by confinement for a term not to exceed 180 days in county jail, and/or a fine not to exceed $2,000.

2.01.05 A requirement that was established or adopted under chapter 436, Acts of the 55th Legislature, Regular Session 1957, as amended (Article 6626a, Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52nd Legislature, Regular Session 1951 (Article 2372k Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply for subdivision of land is enforceable under Subsection (B). A knowing or intentional violation of the requirement is an offense under Subsection C of this Section.

Section 2.02 Jurisdiction

2.02.01 The provisions of this Court Order shall apply to all of the unincorporated areas of Rockwall County, Texas.

ARTICLE 3. DEFINITIONS

Section 3.01 General Usage

3.01.01 Words not defined shall generally be construed to have their customary meaning in American English usage.

Section 3.02 Terms

3.02.01 Base Flood Plain - that area subject to inundation by flood, having a one

percent probability of occurrence in any given year, based on existing conditions of development within the watershed area, as determined by the Flood Insurance Study for Rockwall County provided by the Federal Emergency Management Agency (FEMA).

3.02.02 Building Line Or Setback Line - A line established, in general, parallel to the street. No building or structure may be permitted in the area between the building line and the street right-of-way.

3.02.03 Commissioners Court - The Rockwall County Commissioners Court.

3.02.04 County Engineer - The County Engineer or Road Administrator of Rockwall County or his designated agent.

3.02.05 Court Order - The Rockwall County Subdivision and Land Development Rules and Regulations, including the County's on-site Wastewater regulations as approved by the State of Texas.

3.02.06 Cul-De-Sac - A street having on one end a single outlet to another street with a vehicular turnaround at the opposite end.

3.02.07 Designated Agent – The person, department or firm designated by the Commissioners Court to administer these Rules and Regulations. If no Designated Agent is named by the Court or the term of the Designated Agent has expired, then the County Engineer shall be presumed to be the County's Designated Agent.

3.02.08 Developer - Persons, corporations, organizations, government or governmental subdivision or agency, estates, trusts, partnerships, associates, incorporations or other entities, which undertake the activities covered by these regulations.

3.02.09 Easement - A right given by the owner of a parcel of land to another person, public agency or private corporation for specific and limited use of that parcel.

3.02.10 Engineer - Any person registered and currently licensed to practice engineering by the Texas State Board of Registration for Professional Engineers.

3.02.11 ETJ – See Extraterritorial Jurisdiction.

3.02.12 Extraterritorial Jurisdiction - The unincorporated area, not a part of any city, which is contiguous to the corporate limits of any city. The Extraterritorial Jurisdiction of the various population classes of cities (as defined in Texas Local Government Code §42.021) shall be as follows:

A) The Extraterritorial Jurisdiction of any city having a population of less than five thousand (5,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one-half (½) mile of the corporate limits of such city.

B) The Extraterritorial Jurisdiction of any city having a population of five thousand (5,000) or more inhabitants, but less than twenty-five thousand

(25,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one (1) mile of the corporate limits of such city.

C) The Extraterritorial Jurisdiction of any city having a population of twenty-five thousand (25,000) or more inhabitants, but less than fifty thousand (50,000) inhabitants, shall consist of all the contiguous unincorporated area, not a part of any other city within two (2) miles of the corporate limits of such city.

D) The Extraterritorial Jurisdiction of any city having a population of fifty thousand (50,000) or more inhabitants, but less than one hundred thousand (100,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within three and one-half (3 ½) miles of the corporate limits of such city.

E) The Extraterritorial Jurisdiction of any city having a population of one hundred thousand (100,000) or more inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within five (5) miles of the corporate limits of such city.

3.02.13 FEMA - Federal Emergency Management Agency.

3.02.14 Fire Code – The Rockwall County Fire Code.

3.02.15 Fire Marshal – The Rockwall County Fire Marshal.

3.02.16 Flag Lot – A Flag Lot is a Lot designed to provide a minimum avenue of road access or frontage while allowing other Lots to be stacked around it, so that the result is a Lot which is often shaped like a flag, with a "flag pole" stretching out to the nearest road – and other "flag poles" adjacent, leading to more Flag Lots.

3.02.17 Gated Subdivision - A limited access Subdivision. See definition of "Subdivision," below.

3.02.18 G.I.S. - Geographic Information Systems.

3.02.19 G.P.S. - Global Positioning System.

3.02.20 Lot - An undivided tract or parcel of land having frontage on a road, which parcel of land is designated as a separate and distinct tract. All lots, so far as practical, shall have their side lines at right angles to the road on which they face, or radial to curved road lines.

3.02.21 Manufactured Home Rental Communities - A plot or tract of land that is separated into two or more spaces or Lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

3.02.22 Plat - a map depicting the division or subdivision of lands into Lots, blocks, parcels, tracts, or other portions. A re-plat will be considered a plat.

3.02.23 Plat, Final - a map or drawing and any accompanying material of a proposed land subdivision prepared in a form suitable for filing in the County records with necessary affidavits, dedications and acceptances, and with complete bearing and dimensions of all lines defining Lots, blocks, streets, alleys, public areas, 911 addressing and other important information, and prepared as described in these Regulations.

3.02.24 Plat, Preliminary - one or more drawings showing the physical conditions of a tract of land and the surrounding area intended to be subdivided. This Plat shall be of sufficient detail to illustrate the intended development program in order to assure compliance with all Regulations.

3.02.25 Regulations – "Regulation" or "Regulations" refers to this document, the Rockwall County Subdivision and Land Development Rules and Regulations. It is used interchangeably with "Rules." See also Rules.

3.02.26 Rules – "Rule" or "Rules" refers to this document, the Rockwall County Subdivision and Land Development Rules and Regulations. It is used interchangeably with "Regulations." See also Regulations.

3.02.27 State Plane Coordinate System - A coordinate system used by States to locate spatial information with a high degree of accuracy. This coordinate system is widely used in North Central Texas for GIS purposes.

3.02.28 Subdivider – One who is creating a Subdivision. See Subdivision below.

3.02.29 Subdivision - Any tract of land located outside the limits of a municipality which is divided into two or more parts to lay out Lots or streets, alleys, squares, parks, or other parts of the tracts intended to be dedicated to public use or for the use of purchasers or owners of Lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. A division of a tract is a Subdivision within the meaning of this definition regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executor contract to convey, or by using any other method.

3.02.30 Substantial Completion – A stage or designated portion of a project that is sufficiently complete in accordance with a contract or other agreement for the owner, or member of the public in a public purpose project, to occupy and/or utilize it for its intended use without undue interference.

3.02.31 Substantial Improvement - The repair, restoration, reconstruction, improvement, or remodeling of a building for which the cost exceeds 50 percent of the building's value according to the certified tax appraisal roll for Rockwall County for the year preceding the year in which the work was begun or a change in occupancy classification involving a change in the purpose or level or activity in a building, including the renovation of a warehouse into a loft apartment.

3.02.32 Surveyor - any person licensed to practice surveying by the Texas Board of Professional Land Surveying.

3.02.33 TCEQ – Texas Commission on Environmental Quality.

3.02.34 TXDOT - Texas Department of Transportation.

3.02.35 NCTGOG - North Central Texas Council of Government.

ARTICLE 4. PLATTING PROCEDURE

Section 4.01 Concept Plan

4.01.01 Prior to the submission of a Preliminary Plat of the Subdivision of land within the jurisdiction of Rockwall County, a Subdivider may for its own benefit submit a Concept Plan to the County's Designated Agent. The Concept Plan will demonstrate intent to subdivide and will provide a Subdivider the opportunity to convey and discuss, at an early stage in the Subdivision process, the general concepts of the proposed Subdivision, including specific details, applicable policies, laws, etc.

4.01.02 The Concept Plan should contain the following information:

A) the location of the tract to be subdivided;

B) the approximate location of all existing structures;

C) the names of the owners of all property adjoining the tract as disclosed by the most recent Central Appraisal District records;

D) all existing streets, roads, wet and dry weather water courses, and other significant physical features;

E) the approximate location of proposed streets and property lines;

F) the proposed water supply source for the tracts;

G) the sewage disposal system to be used on the tracts;

H) a north arrow and a graphic scale; and

I) the direction of and the approximate distance(s) to the nearest major road or highway intersections.

4.01.03 The Rockwall County Engineer will review the Concept Plan as soon as practicable after receipt and will report to the Subdivider his opinion as to the merits, general feasibility, and recommendations for the project. A similar report will be furnished to the Commissioners Court. The opinion of the County Engineer is not a final authority and does not bind the decision of the Commissioners Court to accept or deny the Plat.

Section 4.02 Preliminary Plats

4.02.01 The Subdivider must prepare a Preliminary Plat and submit to the Rockwall County Commissioners Court two blueprint copies or reproductions thereof. In the event the Subdivision falls within the jurisdiction of both Rockwall County and a city, the more stringent of the regulations shall prevail.

4.02.02 In no event shall a Preliminary Plat be submitted to the Commissioners Court later than thirty-days (30) before the meeting at which the approval of the Rockwall County Commissioners Court is requested. Unless the Commissioners Court takes action, the Preliminary Plat will remain valid for six months from the date it is submitted after which time it will automatically become void. A non-refundable Preliminary Plat fee of $500 must accompany the Preliminary Plat.

4.02.03 The submission of a Preliminary Plat is necessary to:

A) eliminate the duplication of subdivision names and street names;

B) assure proper alignments of streets and drainage facilities;

C) assure that the provisions of the Floodplain Regulations will be complied with, and that no Lot will have drainage issues;

D) assure that the provisions of the Sewage Regulations will be complied with;

E) assure that all necessary permits or plan approvals have been or will be procured; and

F) assure conformity with the Rockwall County Thoroughfare Plan and Rockwall County Open Space Plan, if applicable.

4.02.04 Preliminary Plats must be approved by the Rockwall County Commissioners Court before a Final Plat can be submitted.

4.02.05 Preliminary Plats shall be drawn on a 24" X 36" sheet at a scale of one inch = 200 feet, except in those instances where a city exercising its extraterritorial authority requires a different sheet size and/or scale, or upon prior approval of the Rockwall County Commissioners Court.

4.02.06 Preliminary Plats shall show, or be accompanied by, the following information:

A) the name, address and telephone number of the owner, developer, surveyor and/or engineer;

B) the proposed name of the Subdivision, and the names, locations, width and dimensions of all proposed and existing streets within the property; (proposed names must not duplicate or be easily confused with other Subdivisions or roads located in Rockwall County);

C) the location of existing boundary lines in sufficient detail to accurately locate the property;

D) the description, location, width and dimensions of proposed and existing utility and pipeline easements within and adjacent to the property;

E) the name, location and dimensions of all adjacent Subdivisions and streets. Where there are no adjacent Subdivisions, the Preliminary Plat shall show:

1) the names of all adjacent property owners with the volume and page

of recordation; and

2) the location and distance to the nearest Subdivisions and how the streets in the proposed Subdivision may connect with those in the nearest Subdivisions or other roads in the area.

F) existing and proposed contour lines at the following intervals:

1) when the land has less than a five percent slope, the contour interval shall not be greater than two feet; or

2) when the land has more than a five percent slope, the contour interval shall not be greater than five feet.

G) the exact location, dimensions, description and flow line of all existing and proposed drainage structures;

H) the location of the 100-year flood plain and any portion of the subdivision that lies within the 100-year floodplain;

I) the existing drainage areas upstream of the proposed Subdivision; appropriate drainage calculations of the amount of water coming into, across, and leaving the Subdivision in sufficient detail to show any changes in the 100-year flood elevation as it pertains to the proposed Subdivision and adjacent property, both upstream and downstream;

J) the date the Plat was prepared;

K) a north arrow and the scale of the Plat;

L) a location or vicinity map showing the location of the proposed Subdivision within the county and to the nearest incorporated areas with a north arrow and scale of the vicinity map; and

M) preliminary water and sewer plans if applicable.

4.02.07 All information listed in Section 4.2.6(e) above is considered to be the minimum amount of information needed to assure compliance with this Court Order. Any deviations from Section 4.2.6(a – e) shall have the written approval of the Rockwall County Commissioners Court prior to submission of the Preliminary Plat.

4.02.08 If the proposed Subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan of the entire Subdivision shall be submitted with the initial Preliminary Plat of the smaller tract to be initially subdivided.

4.02.09 The Rockwall County Commissioners Court will review the Preliminary Plat and send written comments to the developer stating the conditions of approval, if any.

4.02.10 Approval of the Preliminary Plat does not constitute acceptance of the Subdivision but is merely an authorization to proceed with the preparation of the Final Plat for record. The approval will be in effect for one year. Construction on the proposed Subdivision shall not commence on the

Subdivision until the approval of the Final Plat by the Rockwall County Commissioners Court.

Section 4.03 Final Plats

4.03.01 The Final Plat application shall be submitted with a Final Plat fee of $500 per Lot for Lots 1.5 acres or larger, $300 per Lot for Lots larger than .75 acres but less than 1.5 acres and $200 per Lot for Lots .75 acres or smaller. Upon submission of the Final Plat application, the Rockwall Commissioners Court shall take final action on a Plat application, including the resolution of all appeals, not later than the 60th day after the date a completed Plat application is received by the Commissioners Court or the Court's designee.

4.03.02 If the Final Plat pertains to a Subdivision located partially within the ETJ of a municipality with whom the County of Rockwall has entered into an Interlocal Agreement pursuant to Local Government Code §242.001 and as described in Section 2.1.2 of these Rules, any fee provided for in Section 4.3.1 of these Rules will be reduced by an amount equal to that paid by the developer or owner to the municipality for costs and fees associated with the review of the Subdivision Plat and inspection of street, road, and drainage improvements described in the plat.

4.03.03 The submission of a Final Plat is necessary to:

A) assure proper identification and location of all streets, lots and easements;

B) assure that the streets will be properly constructed and maintained;

C) assure that the sewage disposal systems are in compliance with the TCEQ approved On-Site Sewage Facility for the Rockwall County;

D) assure that all proper dedications have been made for streets, easements and public spaces; and

E) assure that all necessary permits have been, or are in the process of being, procured.

4.03.04 A Final Plat is required unless the Subdivision meets the requirements for exceptions as set forth in §232.0015 of the Texas Local Government Code. Specifically, a Subdivision Plat is required if the owner of a tract divides the tract into two or more parts to lay out a Subdivision of the tract, including an addition of Lots, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of Lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, unless:

A) the land is used primarily for agricultural use as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use, within the meaning of Section 1-d-1, Article VIII, Texas Constitution;

B) the tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity, as determined under Texas Government Code, Chapter 573;

C) all Lots of the Subdivision are more than 10 acres and the owner does not lay out a part of the tract described by Section 232.001(a)(3) Texas Local Government Code;

D) all Lots are sold to veterans through the Veteran's Land Board program;

E) the tract is owned by the state or other state agency, board, or commission or is owned by the permanent school fund or any other dedicated funds of the state;

F) the owner of the land is a political subdivision of the state, the land is situated in a floodplain and the lots are sold to adjacent landowners;

G) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the Plat approval requirement of these regulations; or

H) all parts of the tract are transferred to persons who owned an undivided interest in the original tract and a Plat is filed before any further development of any part of the tract.

4.03.05 The developer shall submit to the Rockwall County Commissioners Court the original on Mylar and two blueline copies of the Final Plat, at least 30 calendar days prior to the Commissioners Court approval.

4.03.06 For Subdivisions located, wholly or in part, within the ETJ of any city, the Developer shall submit to the Rockwall County Commissioners Court two blueline copies of the Final Plat, prior to or concurrent with the submission of the Final Plat to the city exercising its extraterritorial authority.

4.03.07 Final Plats shall be drawn on a 18" x 24" Mylar sheet at a scale of one inch = 200 feet except in those instances where a city exercising its extraterritorial authority requires a different sheet size and/or scale, or upon prior approval of the Rockwall County Commissioners Court.

4.03.08 The following statement shall be contained on the face of the Final Plat:

"CONSTRUCTION NOT COMPLETED WITHIN TWO YEARS OF THE ACCEPTANCE DATE SHALL BE SUBJECT TO CURRENT COUNTY STANDARDS AND REGULATIONS. THE COUNTY MAY REQUIRE THE SUBDIVISION TO BE RE-PLATTED."

4.03.09 The following statement shall be noted on the face of the Final Plat:

A) Blocking the flow of water, construction improvements in drainage easements, areas of natural stream flow or areas with specific drainage design, or filling or otherwise obstructing the floodway is prohibited.

B) The existing creeks or drainage channels traversing along or across the

subdivided tracts will remain as open channels and will be maintained by the individual owners of the Lot(s) that are traversed by or adjacent to the creeks or drainage channels.

C) Rockwall County will not be responsible for the maintenance and operation of drainage ways for the control of erosion located on private property.

D) Rockwall County will not be responsible for any property damage, property loss, personal injury or loss of life caused by flooding or flooding conditions.

4.03.10 In addition to the requirements for Preliminary Plats, Final Plats shall contain or be accompanied by the following information:

A) The name of the Subdivision, the names of the streets, the date that the plat was prepared, a north arrow and a graphic scale;

B) Sufficient data to reproduce, on the ground, the bearing and length of all streets, blocks, lots and easements. Curves on streets, blocks and easements shall include the radius, length and central angle of the curve. Curves on lots shall show the radius and length of the curve;

C) The accurate location of adjacent subdivision streets, blocks, lots and easements, or the property owner if the adjacent land is undeveloped;

D) The number of all lots and blocks arranged in a systematic order, and clearly shown on the plat in distinct and legible figures;

E) The 100-year floodplain as identified on the most current Rockwall County Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency;

F) A legal description of the property located with respect to an original corner of the original survey of which it is a part, and the number of acres being subdivided. All blocks, corners and angles shall be marked in accordance with minimum standards set forth by the Texas Board of Professional Land Surveyors. All corners shall be marked with caps stamped with the surveyor and/or company name;

G) A dedication, by the developer, of all streets, roadways, alleys, utility easements, parks, conservation easements, open spaces and other land intended for public use, and the developer's certification that all parties with any interest in the title to the subject property have joined in such dedication, duly executed, acknowledged and sworn to by said developer before a Notary Public;

H) The following statement shall appear on any Plat containing private streets, drives, emergency access easements, recreation areas and open spaces:

"ROCKWALL COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY

ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES, AND THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND HOLD HARMLESS ROCKWALL COUNTY, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR RESULTING FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH."

[Note: The Final Plat must clearly indicate which roads, streets or drives contained within the Subdivision are privately owned and by whom. The owner(s) of any private roads, streets or drives contained within it must sign the Final Plat.]

I) The seal and signature of the surveyor responsible for surveying the Subdivision and/or the preparation of the Plat;

J) A copy of the Deed Restrictions / Covenants to be imposed within the proposed Subdivision must accompany the Final Plat. These restrictions shall include the following data:

1) If sewage disposal is to be done by means of a private sewage facility, the restriction shall indicate that a private sewage facility license shall be obtained from the Rockwall County Health Coordinator for each lot within the Subdivision;

2) All driveway culverts shall be sized and installed in accordance with the policies of Rockwall County; and

3) No building construction shall be allowed until the Final Plat has been approved by the Rockwall County Commissioners Court.

K) A space for the approval of the Commissioners Court of Rockwall County, Texas; and

L) A space for the approval of a city exercising its extraterritorial authority;

4.03.11 All information listed in items "a" through "l" above is considered to be the minimum amount of information needed to assure compliance with this Court Order. Any deviations shall have the written approval of the Rockwall County Commissioners Court or its Designated Agent prior to submission of the Final Plat.

4.03.12 The Rockwall County Commissioners Court will review the Final Plat for its conformity with these Rules and either approve or deny it.

4.03.13 The Final Plat shall be accompanied by the following:

A) In the event that a Subdivider desires to file a Final Plat prior to the completion of the construction of all streets within the subdivision, the Subdivider shall provide Rockwall County with an appropriate construction bond or financial security to assure the County that all roads

and streets within the Subdivision will be constructed in accordance with these Regulations. Financial security must be arranged in one of the following ways:

1) A Construction Bond filed by the Subdivider payable to Rockwall County in the amount of 100% of the cost of construction. The bond must be a surety bond provided by a surety company licensed to conduct business within the State of Texas; or

2) The Subdivider may escrow funds to include certificates of deposit or other financial instruments as may be deemed satisfactory by the Commissioners Court and in the amount of the total cost of construction.

[Note: Subsequent to providing appropriate financial security arrangements as set out above, and provided that the Final Plat as proposed meets all the other requirements of these Regulations, the County Judge will sign the Final Plat.]

B) A statement of approval of plans from all conservation districts, municipal utility districts, or drainage districts;

C) A certificate from each Tax Collector of a political subdivision in which the property is located stating that all taxes are paid and not delinquent; and

D) A certificate stating the Subdivision's water supply and sewage system plans have received approval from the appropriate State agency or designated authority and the water coop, association or corporation.

4.03.14 The Commissioners Court may refuse to approve a Plat if it does not meet the requirements prescribed by these Rules or if any bond required under these Rules is not filed with the County.

4.03.15 After the Plat has been approved and signed by the County Judge, the plat will be returned to the Subdivider for recording with County Clerk. The Final Plat shall be filed with the County Clerk by the end of following business day from the day it was approved.

4.03.16 In the event that the Commissioners Court approves a Plat that is located in the ETJ of a municipality and is regulated by separate agreement under the authority provided for in Chapter 242 of the Texas Local Government Code, such Plat shall be void and of no force and effect.

Section 4.04 Construction Plans

4.04.01 All construction plans, drawings and calculations shall be prepared by a Registered Professional Engineer licensed to practice in Texas, and shall be marked with the appropriate seal. All plans shall conform to generally accepted engineering and construction practices. A site's Storm Water Pollution Prevention Plan shall govern the control measures necessary to prevent and control soil erosion, sedimentation, and water pollution which

may degrade receiving waters including rivers, streams, lakes, reservoirs, groundwater and wetlands. The control measures contained herein shall be installed and maintained throughout the construction contract, and coordinated with any permanent or temporary pollution control features specified elsewhere on the plans, and in the specifications to assure effective and continuous water pollution control throughout the construction and post-construction periods. These control measures shall not be used as a substitute for the permanent pollution control measures, unless otherwise directed by the Owner's representative in writing. The controls may include silt fences, straw bale dikes, rock berms, diversion dikes, interceptor swales, sediment traps and basins, pipe slope drains, inlet protection, stabilized construction entrances, seeding, sodding, mulching, soil retention blankets, or other structural or non-structural storm water pollution controls. Additional information regarding these controls can be found in NCTCOG's latest edition of the guidance manual entitled Storm Water Quality Best Management Practices for Construction Activities – North Central Texas. The Contractor is responsible for obtaining all permits required for Storm Water Pollution Prevention.

4.04.02 Two sets of all construction plans must be submitted to and approved by the Rockwall County Commissioners Court, unless a waiver is granted prior to the start of any construction. The construction plans shall consist of:

A) Street Construction plans, including signage which shall conform to the Manual on Uniform Traffic Control Devices;

B) Drainage Construction plans, including outfall channels, storm sewers and inlets design;

C) Water Construction plans, detailing a minimum 8 inch main looped and fire hydrants on 400-foot intervals;

D) Sewer Construction plans for treatment and systems, if applicable;

E) plans for adjustment of utility lines and pipelines;

F) location and description of all easements; and

G) a Storm Water Pollution Prevention Plan (SWP3). A copy of the plan, as approved by the County and any applicable permits must be available for review at the construction site.

4.04.03 STREET CONSTRUCTION plans shall show:

A) the plan of the street, in no larger than a one inch = 50 feet scale, showing the location of the proposed pavement, ditches and drainage structures within the street right-of-way;

B) the profile of the street in no larger than a one inch = 50 feet scale horizontal and a one inch = five feet scale vertical;

C) the street grades and elevations;

D) vertical and horizontal curve information;

E) the ditch grades, design flow of water, design depth of water and design velocity of water;

F) typical street sections; and

G) the seal and signature of the engineer responsible for the design on all sheets.

4.04.04 DRAINAGE CONSTRUCTION plans shall show:

A) the plan of the drainage ditches in no larger than a one inch = 50 feet scale;

B) the profile of the drainage ditches in no larger than a one inch = 50 feet scale horizontal and a one inch = five feet scale vertical;

C) the ditch grades, design flow of water, design depth of water and design velocity of water;

D) a plan and profile of all culverts under any street with the design flow of water, headwater and tail water depths and the tail water velocity;

E) the size of all driveway culverts to carry the design flow of water at each lot in the subdivision when the culvert is installed at the designed ditch grade;

F) typical ditch sections;

G) the seal and signature of the engineer responsible for the design on all sheets; and

H) The size of each lot shall be indicated on the final plat in square feet and in acres.

4.04.05 WATER CONSTRUCTION plans shall show:

A) the location and size of all proposed water lines in relation to the right-of-way or easements in which the lines are to be located;

B) the location of all appurtenances proposed to be installed;

C) the minimum depth to which the water lines are to be installed; and

D) the seal and signature of the engineer responsible for the design on all sheets.

4.04.06 SEWER CONSTRUCTION plans shall show:

A) the plan of the sewer line in no larger than a one inch = 50 feet scale, showing the location and size of all proposed sewer lines in relation to the right-of-way or easements in which the lines are to be located;

B) the profile of the sewer line in no larger than a one inch = 50 feet scale horizontal, and a one inch = five feet scale vertical;

C) the location of all appurtenances proposed to be installed;

D) the sewer line grades and elevations at all junction points; and

E) the seal and signature of the engineer responsible for the design on all sheets.

4.04.07 All construction plans, water plans and sewage plans shall be submitted with the Final Plat.

4.04.08 Rockwall County Commissioners Court will retain one set of construction plans for review and return one set of the construction plans to the Developer stating:

A) that the plans have been approved; or

B) that there are changes to be made before the plans will be approved.

[Note: If any changes are required, the developer shall have the necessary changes made and submit two copies of the corrected plans to the Rockwall County Commissioners Court. If all necessary changes have been made, Rockwall County Commissioners Court will return one set of the corrected plans to the developer stating that the plans have been approved.]

ARTICLE 5. UTILITY SERVICE REQUIREMENTS

Section 5.01 Water Service

5.01.01 The owner(s) must submit a plan for providing utility service within the proposed Subdivision. The proposed water supply should be clearly indicated, i.e., municipal water, rural water supply corporation, privately owned water system, individual well, etc., including location of fire hydrants. All water supplies must be approved by the TCEQ.

5.01.02 Verification must be provided in the form of a letter from the applicable water supplier, accompanied by a copy of the minutes of the board and/or other corporate approval, certifying that the water supply and the proposed meter/water distribution system are sufficient in quality, quantity and pressure to adequately meet future needs of the proposed Subdivision.

Section 5.02 Wastewater Service

5.02.01 The plan for sewage disposal should be clearly indicated, i.e. municipal sewer service privately owned/organized sewage disposal system, private sewage facilities, etc. If the Subdivider intends that each Lot purchaser will provide private sewage facilities to his/her own lot, those facilities must meet the all requirements of Rockwall County's On-Site Sewage Facility Rules and Regulations as approved by TCEQ.

ARTICLE 6. SUBDIVISION REQUIREMENTS

Section 6.01 Construction, General

6.01.01 Construction of roads and drainage facilities in the Subdivision shall conform

to the Standard Specifications for Public Works Construction, as prepared by the North Central Texas Council of Governments, or to any other construction specifications adopted by the Rockwall County Commissioners Court. Construction shall also comply with the Rockwall County Thoroughfare Plan and the Rockwall County Open Space Plan, if any. The Subdivider shall contact the County's Designated Agent at least 48 hours prior to the commencement of any construction. Saturdays, Sundays and legal holidays shall not be considered as part of the notification period. The County's Designated Agent, or his authorized representative, shall periodically inspect the construction of all streets, drainage, or other structures in the Subdivision for existing regulations and specifications. Free access to the Subdivision shall be accorded to the Designated Agent or his authorized representative. Neither the inspection by the Designated Agent, nor a failure by the Designated Agent to inspect construction described herein, shall in any way impair or diminish the obligation of the Subdivider to install improvements in the Subdivision in accordance with the plans and specifications as approved by the County Engineer and/or the Designated Agent. It shall be the responsibility of the Subdivider to ensure that all construction shall be in accordance with all County Regulations.

6.01.02 All street paving must be inspected by the Designated Agent or his authorized representative prior to the time of pour.

Section 6.02 Roads/Street Specifications

6.02.01 Construction Standards: The following standards are required on new streets created by the Subdivision, not on existing county roads, state highways or roads bordering the Subdivision. These standards are required for all Subdivision streets, both public and private.

6.02.02 All streets constructed pursuant to Section 6.2 shall be paved with a minimum density 4000 psi.

6.02.03 At the time of construction, all individual Lots platted pursuant to these Regulations shall be required to build separate individual driveways or entryways.

6.02.04 <u>Streets, Residential – Where All Lots are 1.5 Acres or Greater</u>:

A) Minimum ROW of 60 feet, unless more is needed for maintenance/or drainage purposes;

B) Minimum pavement width of 26 feet, with six inches concrete top surface per Rockwall County specifications; and

C) Subgrade shall be lime stabilized with seven percent lime to a depth of six inches, 30 feet in width.

6.02.05 <u>Streets, Where Any Lot Is Less Than 1.5 Acres But Greater Than .75 Acre</u>:

A) Minimum ROW width of 70 feet, unless more is needed for

maintenance/or drainage purposes;

B) Minimum pavement width of 32 feet, with six inches of concrete top surface as per Rockwall County specifications; and

C) Subgrade shall be lime stabilized with seven percent lime to a depth of six inches, 36 feet in width.

6.02.06 Streets, Where Any Lot Is .75 Acre or Less:

A) Minimum ROW width of 70 feet, unless more is needed for maintenance or drainage purposes, with the final ROW subject to approval by the Commissioners Court;

B) Minimum pavement width of 38 feet, with six inches of concrete top surface as per Rockwall County specifications; and

C) Subgrade shall be lime stabilized with seven percent lime to a depth of six inches, 42 feet in width.

6.02.07 Roads exceeding 100 feet: All roads or streets more than 100 feet in length shall either be connected at both ends to a dedicated street, or be provided with a turnaround having a minimum paved radius 40 feet and a minimum right of way of 120 feet minimum right-of-way on turn-around.

6.02.08 Minimum Grades: All roads or streets shall have a minimum six-inch crown.

6.02.09 Existing Roads and Subdivisions: A proposed Subdivision that adjoins or encompasses an existing public street shall provide for the dedication of additional right-of-way, if needed, to ensure that the minimum right-of-way set out by these Regulations is established. Guidelines for expected right-of-way dedications are detailed below:

A) If the proposed Subdivision abuts only one side of a public street, then a minimum of half of the required right-of-way shall be dedicated by the Subdivision. If the Developer is subdividing or developing along both sides of the street, then the full measure of needed right-of-way may be required by the County.

B) Where any portion of a road or street has been dedicated in an adjoining subdivision, adjacent to and along the common property line of the two Subdivisions, sufficient width of right-of-way must be dedicated in the new Subdivision to meet current standards.

C) Extensions of existing streets shall be planned and dedicated to allow the extension without any offset or change in right-of-way width that would impair safety and/or hinder proper maintenance.

D) Where roads or streets in an adjoining Subdivision end at the property line of a new Subdivision, the streets should generally be continued into and through the proposed Subdivision. Where there are no adjacent connections platted, the roads in the new Subdivision shall be a reasonable projection of the roads or streets in the nearest Subdivisions. Where circumstances are unusual or unclear, the County shall consider

what constitutes a reasonable application of this rule on a case-by-case basis.

6.02.10 Names of Existing Roads: Roads or streets that are a continuation of any existing road or street shall take the name of the existing road or street.

6.02.11 Cul-de-sacs: A cul-de-sac shall have a maximum length of 600 linear feet (measured along the centerline).

6.02.12 Intersections: Whenever possible, all roads or streets shall intersect at a 90-degree angle. Where this is not possible, the intersection, on the side of the acute angle, shall be rounded with a curve or a cutback, but in no case, shall the curve have less than a 25-foot radius.

6.02.13 Landscaping of Right-of-Ways: No decorative squares, trees, "islands," ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the right-of-way of a road dedicated to the public without the written permission of the Commissioners Court.

Section 6.03 Drainage and Drainage Easements

6.03.01 County Maintenance: The County does not provide maintenance for drainage or drainage easements that are located on private property.

6.03.02 Drainage Standards: All drainage must be designed in accordance with generally accepted engineering standards of the area subject to the approval of the Rockwall County Commissioners Court.

6.03.03 Roads with Side Ditches:

A) Side road ditch shall be designed to carry a 10 year frequency runoff;

B) Cross road culverts shall be designed to carry a 25 year frequency runoff;

C) Drainage channels shall be designed to carry a 100 year frequency runoff;

D) The entire Subdivision shall be designed so that no flooding of buildings will occur with a 100-year frequency runoff.

6.03.04 Topography: Whenever possible, streets should conform to existing topography in order to promote suitable drainage.

6.03.05 Natural Drainage: Whenever possible, streets should follow natural drainage patterns so as to form a collection system for surface waters.

6.03.06 Drainage Easements: The area identified as drainage easement will be subtracted from the raw lot size in determination of acceptable lot size for construction.

6.03.07 Drainage easements shall generally be located along the existing drainage way, and shall meet the following standards:

A) open channels with top widths from zero to 50 feet require top width plus 25 feet;

B) open channels with top widths greater than 50 feet require top width plus 25 feet each side;

C) enclosed pipes require 20 feet minimum width; and

D) all easements shall be so designed to allow maintenance equipment to enter the easement, and be able to perform the necessary work.

6.03.08 Culverts: Culverts shall be designed and sized by a registered professional engineer and a map or list designating the size and location of all culverts, including driveway culverts, shall be attached to the Final Plat. The Subdivider shall be responsible for notifying builders and Lot owners of this requirement and ensuring that properly designed culverts are installed.

6.03.09 Drainage ditches shall be seeded or sodded within 14 days of final grading. All erosion control measures will be maintained in good working order. Disposal areas and stockpiles shall not be located in any wetland, water body or streambed. The Contractor shall clean paved surfaces as necessary to remove sediment which has accumulated on the roadway. The County reserves the right to inspect any construction site and require changes to a SWP3 if the site is causing pollution to the environment.

Section 6.04 Utility Easements

6.04.01 Size and Location: Utility easements shall be a minimum of 15 feet in width, and normally located along a property or Lot line. It shall be the duty of the Subdivider to ensure that all easements are of the proper width and location to serve the using utility companies. Utility lines crossing a road shall be installed a minimum of 36 inches below the ditch line. All lines must be encased in metal or PVC schedule 40 pipes a minimum of two feet beyond ditch line.

6.04.02 Petroleum Pipeline Crossings: If new roads are constructed over existing petroleum pipeline crossings, the pipelines must meet the following requirements:

A) Encased pipe must be at least three feet below the deepest proposed ditch grade;

B) Non-cased pipe (of extra wall thickness meeting federal regulations) must be at least four feet below the deepest proposed ditch; and

C) No road shall be accepted for maintenance by Rockwall County that contains a petroleum pipeline within the right-of-way, other than crossing pipelines.

Section 6.05 Lot Sizes and Setbacks

6.05.01 Lot Size: Based on the presence of an on-site sewage facility, the "net" minimum lot size on which development activity shall be allowed is 1.5 acres. This "net" minimum Lot size shall not include any right-of-way, drainage

easement, utility easement, or floodplain area. The minimum Lot frontage shall be not less than 150 feet at the building line. For all Lot sizes smaller than 1.5 acres without an onsite sewage facility present, the minimum frontage shall not be less than 30 feet at the building line.

6.05.02 Angle of Lot Lines: Side Lot lines should normally be at a 90-degree angle to the street.

A) All straight lines shall clearly show the length of the line, and the Plat shall show enough information to readily determine the bearing of all lot lines.

B) All curved Lot lines shall clearly show the length of the arc and radius of the curve, or show enough information on the Plat to readily determine the radius of the curve.

6.05.03 Building Set Back: Building and setback lines shall be 50 feet from the edge of the right-of-way on all roads. No buildings shall be constructed closer than 15 feet from side or rear property lines. Building and setback lines shall be shown on both the Preliminary and Final Plats.

6.05.04 Markers: All Lot corners, angle points, and points of curve shall be marked with steel rods of at least 18 inches in length or with concrete markers acceptable to the County's Designated Agent.

Section 6.06 Floodplain

6.06.01 Subdivisions/Floodplain: Subdivisions that are located in a flood zone as shown on the current Flood Insurance Rate Map (FIRM) for Rockwall County will have the following requirements:

A) permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the Plat. The elevation of the benchmark shall be tied to a benchmark shown on the FIRM panel;

B) all Subdivision proposals shall be consistent with County's Floodplain Regulations;

C) contours at five-foot intervals shall be shown on the plat;

D) the finished floor elevation must be shown for each Lot located in the floodplain;

E) the floodplain area of each Lot shall be subtracted from the overall Lot size to determine minimum Lot size; and

F) the provision of and maintenance of drainage for the purpose of flood damage reduction on individual private Lots is not the responsibility of the County.

Section 6.07 Mailboxes

6.07.01 Community Mailboxes: For purposes of public safety, the County encourages

the use of clustered or community mail facilities whenever possible to reduce collision hazards.

6.07.02 Mailbox Placement: Mailboxes shall be set a minimum of three feet from the edge of the pavement. When placement of a mailbox outside the three-foot minimum is not possible, a mailbox of "break-away design" shall be used.

6.07.03 Mailbox Requirements: All mailboxes within the county right-of-way shall meet the current Texas Department of Transportation (TXDOT) standards on streets with speed limits in excess of 40 miles per hour. All mailboxes must satisfy Post Office requirements and shall be erected in a place and manner that does not impede visibility of traffic.

6.07.04 If standards for mailboxes set forth by the Texas Department of Transportation conflict with those of the Post Office, the more stringent of the two shall apply.

ARTICLE 7. ROAD ACCEPTANCE PROCEDURE

Section 7.01 Road Acceptance

7.01.01 All conditions of the Final Plat must be met. Acceptance of streets and alley improvements shall be evidenced by an instrument approved by the Rockwall County Commissioners Court.

7.01.02 No acceptance will be issued until the County's Designated Agent has certified that all improvements meet the rule for substantial completion in accordance with these Regulations and good engineering practices. Where a Subdivision is either wholly or partially contained within the ETJ of a city, a certificate of approval from the appropriate city engineer, city manager or mayor, together with a copy of the minutes of the meeting where such approval was granted, shall be provided to the County. All costs associated with furnishing the necessary certificate shall be borne by the Subdivider.

ARTICLE 8. CONSTRUCTION AND MAINTENANCE BONDS

Section 8.01 Construction Bonds

8.01.01 All construction bonds shall be conditioned on and subject to the following:

A) The bond shall be made payable to the Rockwall County Judge or his successor in office;

B) The bond shall be in an amount which is equal to the total construction cost of improvements to ensure proper construction of the roads, streets and drainage requirements for the subdivision;

C) The bond shall be executed with sureties as may be approved by the Court;

D) The bond shall be executed by a company authorized to do business as a surety in this state if the Court requires a surety bond executed by a

corporate surety; and

E) The bond shall be conditioned that the roads, streets, underground utilities, and drainage requirements for the Subdivision will be constructed:

1) in accordance with the specifications as set forth in the NCTCOG Standard Specifications For Public Works Construction as adopted by the Rockwall County Commissioners Court; and

2) that said work will be completed within a reasonable time as determined by Rockwall County Commissioners Court and in no event longer than two years after approval of the Final Plat.

F) The construction bond shall remain in full force and in effect until all the roads, streets, street signs, underground utilities required drainage structures and all other construction in the Subdivision have been completed in compliance with the Final Plat and to the satisfaction of the County's Designated Agent and the Rockwall County Commissioners Court. Release of the construction bond shall be made in the form of an order from the Commissioners Court.

G) In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the Developer fail to meet the requirements of the foregoing specifications, and the said Owner fails or refuses to correct the defects called to his attention in writing by the Commissioners Court or its Designated Agent, the unfinished improvements shall be completed at the cost and expense of obligee as provided.

8.01.02 All construction bonds shall be conditioned on and subject to being presented to the Rockwall County Commissioners Court in conjunction with the Final Plat.

Section 8.02 Maintenance Bonds

8.02.01 To ensure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the Rockwall County Commissioners Court, a maintenance bond executed by a surety company authorized to do business in this state, and made payable to the County Judge of Rockwall County, Texas, or his successor in office, shall be substituted for the construction bond at the time of release of said construction bond.

8.02.02 The maintenance bond amount shall be equal to 10 percent of the estimated cost of roads, streets, street signs, underground utilities, required drainage structures and all other construction.

8.02.03 The conditions of the maintenance bond shall be that the Developer shall guarantee to maintain and keep in a good state of repair, to the satisfaction of Rockwall County Commissioners Court, all of the streets, roads, drainage

structures and drainage ditches which have been constructed. Said bond shall be for a period of two years from completion of construction.

8.02.04 Periodic inspection of roads, streets, street signs, underground utilities, required drainage structures and all other construction, for which maintenance security is held, will be made by the Rockwall County Engineer during the period of liability covered by the maintenance bond. In the event any or all of the roads, streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the Developer will be so advised in writing and if after a reasonable time he fails or refuses to repair said items they shall be maintained at the cost and expense of obligee as in said orders provided.

8.02.05 The release of any bond shall be by order of the Rockwall County Commissioners Court. To obtain a release, the developer who posted the bond in question shall present a written request to release said bond. The request shall contain a statement by the Developer's Engineer responsible for the design of said work stating that he has made an inspection of such improvements and recommends their acceptance by the County. Attached to his letter shall be two sets of "as built" drawings showing the work to be accepted for use by the County. The written request of bond release shall be received by the Rockwall County Commissioners Court at least 14 days prior to the regularly scheduled meeting of Commissioners Court at which the Order of Release is sought.

Section 8.03 Final Inspection

8.03.01 The Developer, upon completion of drainage, roads, streets and other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent thereto, shall request from the County a final inspection. The County Engineer, or his designee, will inspect the completed work for compliance with the specifications accepted by the Rockwall County Commissioners Court. The Developer will be notified in writing of any work not found in compliance with the Subdivision Regulations.

Section 8.04 Irrevocable Letter of Credit (In Lieu of Bond)

8.04.01 An Irrevocable Letter of Credit may be submitted in lieu of bonds, for the purpose of insuring a developer's promise to construct and maintain the streets, roads and drainage facilities in a subdivision.

Irrevocable Letters of Credit in lieu of Bonds are required under the same conditions as Construction and Maintenance Bonds.

Section 8.05 Other Security

8.05.01 Any type of security for Construction and Maintenance other than Bonds and Irrevocable Letter of Credit shall be subject to the discretion of the Rockwall

County Commissioners Court.

ARTICLE 9. MINIMUM INFRASTRUCTURE STANDARDS FOR MANUFACTURED HOME RENTAL COMMUNITIES

Section 9.01 Authority

9.01.01 After a duly held public hearing under the authority of Texas Local Government Code Section 232.007, subsection (a) through (h), the Commissioner Court of Rockwall County approved an order, executed the 28th of June, 2011, adopting minimum infrastructure standards for Manufactured Home Rental Communities in Rockwall County, Texas.

9.01.02 These standards shall apply to Manufactured Home Rental Communities having two or more Spaces that are located in the unincorporated areas lying in Rockwall County, Texas.

Section 9.02 Definitions

9.02.01 Business Day – a day other than Saturday, Sunday or a holiday recognized by the Commissioners Court.

9.02.02 Commissioners Court – the Commissioners Court of Rockwall County, Texas.

9.02.03 Infrastructure Development Plan (IDP) – a complete and exact plan for the infrastructure of a Manufactured Home Rental Community including, but without limitation, the survey and all drawings and specifications required herein.

9.02.04 Manufactured Home – a structure falling within the definition of manufactured housing as found in Section 5221(f), Texas Civil Statutes Annotated.

9.02.05 Manufactured Home Rental Community (MHRC) – a plot or tract of land that is separated into two or more Spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of Manufactured Homes for the use and occupancy as residences.

9.02.06 Owner – the owner of property on which a Manufactured Home Rental Community is proposed to be located or a person authorized to represent the owner of said property.

9.02.07 Space – a plot of ground within a Manufactured Home Rental Community designed for the accommodation of one (1) Manufactured Home.

Section 9.03 Procedures

9.03.01 The Owners of land who intends to use the land for a Manufactured Home Rental Community (MHRC) shall submit an application, as set out in

Appendix C of these Regulations, together with three (3) copies of an Infrastructure Development Plan (IDP) and supporting documents, to the Rockwall County Environmental Health Coordinator.

The Environmental Health Coordinator and Commissioner in whose precinct the MHRC is located will review the IDP and supporting documents for compliance with these standards. Not later than the 60th day after the date the plan is submitted it shall be approved or rejected by the Commissioners Court. The Environmental Health Coordinator shall notify the Owner in writing of the Commissioners Court's action. If the plan is rejected, the reasons for rejection shall be provided. Failure to take action within the time period as prescribed in this section constitutes approval of the plan. If approved, one (1) copy of the approved plans shall be returned to the Owner.

Construction of a proposed MHRC shall not begin until the Owner is notified in writing that the Commissioners Court has approved the IDP.

Members of the Commissioners Court, Environmental Health Coordinator and other persons so authorized by the Commissioners Court and/or Environmental Health Coordinator shall be permitted access to the proposed MHRC for the purpose of inspecting the property for compliance with the Standards.

9.03.02 Final Approval

The Owner shall provide a report to the Environmental Health Coordinator from the professional engineer responsible for the road construction and drainage plans submitted with the IDP to certify that all work has been satisfactorily completed per the engineer's plans. This report shall be submitted prior to the Owner requesting a final inspection.

The Owner shall notify the Environmental Health Coordinator in writing to request a final inspection when the construction is complete. The Environmental Health Coordinator and Commissioner in whose precinct the proposed MHRC is located shall perform a final inspection of the proposed MHRC infrastructure to verify that the construction has been completed to comply with the approved IDP and minimum standards of these Regulations. The final inspection shall be completed not later than the second (2nd) business day after the date that the Environmental Health Coordinator receives the written request for the final inspection from the Owner. If the final inspection is approved, the Environmental Health Coordinator shall notify the Commissioners Court of this result and the Commissioners Court shall issue a Certificate of Compliance to the Owner. The Certificate of Compliance shall be issued not later than the fifth (5th) business day after the date the final inspection is completed. If the final inspection results indicate that the IDP has not been carried out and/or the minimum standards of these Regulations were not met, the Environmental Health Coordinator shall notify the Owner in writing as to the reason for the final inspection disapproval. The Owner shall be given a minimum of thirty (30) days to make necessary corrections. Upon completion of the corrections the Owner shall reapply for a final inspection using the same procedures as noted for the

original final inspection request.

9.03.03 Certificate of Compliance Required

A utility provider may not provide utility services, including water, sewer, gas, and electric services to a MHRC or to a Manufactured Home in the MHRC unless the Owner provides the utility with a copy of the Certificate of Compliance issued by the Commissioners Court.

Section 9.04 Infrastructure Development Plan

9.04.01 Three (3) copies of an Infrastructure Development Plan (IDP) shall be submitted with the application. The IDP shall be drawn on minimum 18" x 24" sheets, at a maximum scale of 1" = 200' and shall be prepared by a State of Texas licensed professional surveyor. An IDP shall show the following information:

A) legal description, community name, acreage, vicinity map, scale, and north arrow;

B) property lines and boundary lines of the proposed development with distances and bearings noted;

C) name, address and telephone number of the Owner and surveyor that prepared the plan, including the surveyor professional seal;

D) date of plan preparation shall be noted;

E) locations and dimensions of each Space and area for off-street parking;

F) locations of any on-site rental office building(s) or other auxiliary buildings not associated with a residential manufactured home space;

G) layouts of existing and proposed streets, alleys, easements, parks and other public rights-of-way to include dimensions and bearings;

H) street names shall be noted;

I) location of the 100 year floodplain based on current FEMA FIRM maps and the base flood elevation;

J) a statement of the existence or non-existence of a special flood hazard area within the boundaries of the MHRC;

K) a statement that all roads are privately maintained and will not be maintained by Rockwall County; and

L) a statement that the development is a Manufactured Home Rental Community and is not approved for the subdivision of land and/or subdivision platting.

9.04.02 Supporting Documentation

A) Letters from an approved water and electric utility company certifying that they will provide utility service to the proposed MHRC. If sewer service is provided, a letter shall be provided to confirm provisions for such service.

B) A study to determine whether the proposed MHRC is suitable for the use of On-Site Sewage Facilities (OSSF). The study shall be performed per the rules and standards of the Texas Commission on Environmental Quality for OSSF.

C) For OSSF, a sewage disposal plan prepared by a professional engineer or professional sanitarian shall be submitted. The plan shall be prepared per the rules and standards of the Texas Commission on Environmental Quality for OSSF.

D) A drainage plan (two copies) prepared by a State of Texas licensed engineer to identify the drainage area and all drainage improvements to accommodate the runoff based on a 25 year storm frequency. The drainage plan shall include all of the area of watersheds that impact the MHRC. A ditch profile and typical section view and the size and location of all drainage culverts shall be provided. Methods for erosion control, both temporary and permanent, shall be specified by the engineer and included with the drainage plans.

E) Street construction plans (two copies) shall be prepared by a State of Texas licensed engineer to show the plan for all streets within the MHRC. The plans shall note the street layout at a scale no larger than 1 inch = 50 ft. The street grades, elevations and a typical section view shall be provided. Drainage ditches and drainage structures within the right-of-way shall be shown along with typical section views of ditches. Plans shall comply with the minimum standards for street construction as provided in Section 9.5 of these Regulations.

F) A utility plan to show the location of the proposed water lines and any sewer lines.

G) A Tax Certificate from the Rockwall County Tax Assessor's Office to certify that there are no delinquent taxes on the MHRC property.

Section 9.05 Minimum Standards

9.05.01 Rockwall County adopts the following minimum standards for MHRC's. An Infrastructure Development Plan shall comply with these standards.

9.05.02 <u>Roads and Streets</u>

Roads and streets shall be constructed to the minimum standards of these Regulations for streets and roads. Roads and streets shall be privately owned, built and maintained. Roads shall be designed for safe and convenient flow of motor vehicle traffic within the MHRC and from adjacent public streets and will provide access for emergency vehicles to all Spaces.

A) Right-of-Way – The minimum right-of-way width shall be seventy (70) feet.

B) Cul-de-sacs – Cul-de-sacs shall have a minimum right-of-way radius of fifty (50) feet and a base course of not less than thirty-five (35) foot

radius. All dead end roads shall terminate in a cul-de-sac and each cul-de-sac shall have a maximum length of six hundred (600) feet in length between the center of the turnaround and the intersection of the cul-de-sac with another street or road (measured along the centerline).

C) Space Frontage – Each Space in a MHRC shall abut an existing County maintained road or a street or road that meets the minimum standards for road construction as noted in this section and shall be provided with safe and convenient access to such roads.

D) Street Signs and Addressing – The MHRC Owner shall be responsible for installing and maintaining street signs on private roads or other roads not maintained by the County and posting Space addresses within the MHRC that conform to the current Rockwall County Addressing Practices. Addresses shall be assigned by the Rockwall County 911 Addressing Coordinator. The MHRC Owner shall be responsible for maintaining address identification for each Space within the MHRC.

E) Off-Street Parking – Each Space shall provide a minimum area measuring 16 feet by 20 feet for off-street parking of resident motor vehicles.

9.05.03 Water, Sewer and Drainage Facilities

A description and location of the water and sewer facilities that will be constructed or installed to serve the MHRC shall be provided. Easements shall be provided as required by utility service providers. Drainage facilities shall be provided as necessary for improvements as specified by the engineered drainage plan. Any pre-existing easements on the property shall be noted on the Infrastructure Development Plan. The County may require additional drainage easements as deemed necessary for protection and drainage of existing County maintained and public roads.

9.05.04 Drainage/Erosion Control

A MHRC shall provide adequate facilities for storm water runoff based on an engineered drainage plan for a 25 year storm frequency. Vegetative growth shall be established to prevent soil erosion within the MHRC and to maintain the integrity of the drainage system. Temporary erosion control methods shall be provided during the construction phase of the development until vegetative growth and/or permanent erosion control facilities are established. Erosion control methods shall comply with generally accepted engineering standards and as approved by the Texas Department of Transportation.

9.05.05 Utilities

An adequate supply of water shall be provided to a MHRC to serve each of the proposed spaces. Water supply systems shall comply with the Texas Health and Safety Code. Electric service shall be provided to serve each proposed space. Confirmation letters from approved utility companies to confirm that such services will be provided shall be required.

9.05.06 Sewage Treatment and Disposal

On-Site Sewage Facilities (OSSF) serving a MHRC shall comply with the Rockwall County Rules for On-Site Sewage Facilities and the rules adopted by the Texas Commission on Environmental Quality for OSSF. The OSSF installation shall be inspected and approved by the Rockwall County Environmental Health Coordinator prior to issuing a Certificate of Compliance. If sewage treatment is to be provided by a utility then a certification letter shall be provided from the utility company to confirm that such service will be provided and that adequate treatment capacity exists to service each of the proposed spaces.

9.05.07 Variances/Amendments

A request for a variance to this order shall be presented in writing, stating the nature of the request and justifications for a variance. The authority to hear and approve a variance request is vested in the Commissioners Court. No changes to a MHRC approved Infrastructure Development Plan are permitted except as approved through an amendment of the plans by the Commissioners Court.

9.05.08 Fees

The application fee for a MHRC shall be $250.00. The fee shall be paid when the application for an approval is submitted.

ARTICLE 10. ON-SITE WASTEWATER RULES

Section 10.01 Wastewater

10.01.01 The County is delegated responsibility for permitting on-site wastewater systems up to 5,000 gallons per day by the Texas Commission on Environmental Quality. The current County Order governing On-Site Sewage Facilities is hereby incorporated into and considered a part of these Rules. Subdivisions shall comply with the relevant provisions in order to ensure that Lots that might be used for human habitation are adequately sized and placed to allow a safe and efficient wastewater disposal system.

Section 10.02 Definitions

The following words and terms, when used in these Rules, shall have the following meanings, unless the context clearly indicates otherwise:

10.02.01 Absorption Drain field — any subsurface system that primarily relies on soil absorption in an absorption trench or absorption bed to dispose of the effluent from a wastewater treatment unit.

10.02.02 Alteration — an increase in the size or use of an on-site sewage facility's generating unit (residence or institution) that, based on the considerations in the standards, could be expected to result in an increase in the average daily volume of sewage generated by that unit; or an action that, based on the considerations in the standards, could be expected to result in an increase in the capacity of a private sewage facility's treatment unit (septic tank) or

disposal unit (drainfield).

10.02.03 Authorization — a subdivision construction authorization as required in Article 7 of these rules.

10.02.04 Authorized Agent — the local governmental entity authorized by the Texas Commission on Environmental Quality (TCEQ), or other appropriate agency, to implement and enforce sections for on-site sewage facilities.

10.02.05 Designated Representatives — any person(s), or group that is designated by the TCEQ, or its successor, or authorized agent to make inspections of on-site wastewater systems and has successfully completed a prescribed educational training program provided by the TCEQ.

10.02.06 Emergency Repair — an immediate correction to an on-site system to abate a serious and dangerous nuisance condition without altering the on—site system design.

10.02.07 Evapotranspiration System — a subsurface sewage disposal facility, which relies on soil capillarity and plant uptake to dispose of, treated effluent through surface evaporation and plant transpiration.

10.02.08 Existing On-Site Sewage Facilities — any On-Site Sewage Facility that was in use on the effective date of these rules. Such a facility shall be an existing on-site sewage facility as long as that facility is not causing pollution, a threat to the public, or nuisance conditions; or is not altered after the effective date of these rules. Any On-Site Sewage Facility that has been actually used at any time during the twelve (12) month period immediately preceding the effective date of these rules shall be conclusively presumed to have been in use on the effective date of these rules.

10.02.09 Installer — a person or entity that is compensated by another for the construction, installation, alteration, extension or repair of an On-Site Sewage Facility and is duly registered by provisions of Chapter 366 of the Texas Health and Safety Code.

10.02.10 Institution — any establishment other than a single-family residence.

10.02.11 License — a license to operate as required by Article 6 of these rules.

10.02.12 Maintenance — the normal or routine upkeep, cleaning, or mechanical adjustments to an existing On-Site Sewage Facility.

10.02.13 Mobile home Park — any facility or area developed for the lease or rental of two or more mobile homes.

10.02.14 New on-site sewage facility — any On-Site Sewage Facility that does not qualify as an existing private sewage facility.

10.02.15 Nuisance —

A) Sewage, human excreta, or other organic waste discharged or exposed in a manner that makes it a potential instrument or medium in the transmission of disease to or between a person or persons; or

B) an overflowing septic tank or similar device, including surface discharge

from or groundwater contamination by a component of an On-Site Sewage Facility, or a blatant discharge from an on-site sewage facility.

10.02.16 Organized Disposal System — any publicly or privately owned system for the collection, treatment, and disposal of sewage that is operated in accordance with the terms and conditions or a valid waste discharge permit issued by the TCEQ.

10.02.17 Permit — an authorization, issued by the TCEQ, or its successor, or an authorized agent thereof, to construct and operate an On-Site Wastewater Treatment System.

10.02.18 Person — any individual, corporation, organization, government or governmental subdivision or agency, business, trust, estate, partnership or other legal entity.

10.02.19 Pollution — the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of any water in the state which renders the water harmful, detrimental, or injurious to humans, animal life, vegetation or property or to the public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

10.02.20 On-Site Sewage Facility (OSSF) — a single system or systems of treatment devices and disposal facilities that does not produce more than 5,000 gallons of wastewater per day, and is used only for on-site wastewater disposal. On-Site Sewage Facilities are usually composed of three units: the generating unit (the residence, institution, etc.), the treatment unit (septic tank, etc.), and the disposal unit (Drain field, etc.).

10.02.21 Owner — the holder of the warranty deed and/or the legally responsible occupant of the property served by an On-Site Sewage Disposal System.

10.02.22 Proposed individual or public water supply wells or systems, or proposed organized disposal systems — any such well or system for which the owner or operator has entered into contractual obligations, which cannot be canceled or modified without substantial loss, for the construction of such well or system that will be completed within a reasonable time.

10.02.23 Sewage — water which contains, or which has been in contact with, organic and inorganic contaminants such as human or animal wastes, vegetable matter, cooking fats and greases, laundry and dishwashing detergents, and other chemical compounds and waste products.

10.02.24 Single-family residence — a habitat structure constructed on, or brought to its site, and occupied by members of one family.

10.02.25 Special Hearing Examiner — an officer appointed by the Commissioners Court of Rockwall County to hear appeals decisions or actions by the designated representative.

10.02.26 Standards — the administrative rules and the "Construction Standards for On-Site Sewage Facilities" and all future amendments thereto, which were adopted by the TCEQ, pursuant to Section 366 of the Texas Health and Safety Code, as Texas Water Commission Rules 30 TAC 285.11 —285.18.

10.02.27 State — the state of Texas.

10.02.28 Subdivision — a subdivision that has been platted and recorded with the county clerk of Rockwall County, Texas, or that is required by statute to be so platted and recorded; or any four or more adjoining lots or tracts, any one of which is less than two acres in size; pr a mobile home park.

10.02.29 Wastewater — water which contains, or which has been in contact with, organic and inorganic contaminants such as human or animal wastes, vegetable matter, cooking fats and greases, laundry and dishwashing detergents, and other chemical compounds and waste products.

10.02.30 Water of Water in the State — groundwater, percolating or otherwise, lakes, bays ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non— navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Section 10.03 Establishment and General Provisions

10.03.01 AUTHORITY – These rules are adopted by the Commissioner's Court of Rockwall County, Texas. Rockwall County adopts these rules under the authority of Chapter 366 of the Texas Health and Safety code.

10.03.02 PURPOSE – The purpose of these rules is to abate or prevent pollution or injury to the public health in Rockwall County, Texas.

10.03.03 AREA OF JURISDICTION – These rules shall apply to all the area lying in Rockwall County, Texas, except for the areas regulated under an existing rule and the areas within the boundaries of the incorporated cities and towns of Rockwall County, Texas.

10.03.04 EFFECTIVE DATE – These rules shall become effective upon their approval by the Texas Water Commission.

10.03.05 INCORPORATION BY REFERENCE – The standards and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these rules.

10.03.06 CONSTRUCTION, PRECEDENCE, AND INTERPRETATION –

A) These rules shall be construed liberally to accomplish their purpose. In construing the standards, precatory words contained therein shall be deemed mandatory.

B) In the event of any conflict between these rules and an order, resolution, or rule adopted by the Texas Water Commission, the order, resolution or rule adopted by the Texas Water Commission shall take precedence. In the event of any conflict between these rules and the standards, these rules shall take precedence, providing that the conflicting statement in the

rules is more stringent than the corresponding requirements of the standards.

C) The designated representative shall, within the purpose of these rules, resolve any question regarding any interpretation of these rules or standards.

10.03.07 SEVERABILITY – If any provision of these rules or the application thereof to any person or circumstances is held invalid, the validity of the remainder of these rules and the application thereof to other persons and circumstances shall not be affected.

Section 10.04 Administrative Provisions

10.04.01 EXCEPTION

A) A person desiring an exception to any requirement of these rules shall file a written request with the designated representative stating:

1) The nature of the exception requested;

2) The reasons which justify the granting of an exception; and

3) Any information that the designated representative reasonably requests.

B) Within thirty (30) days after the receipt of said request, the designated representative shall review the request and reply in writing either granting or denying the request. If the request is denied, the designated representative shall include in the reply the reasons for such denial.

10.04.02 APPEAL

A) Any person aggrieved by an action or decision of the designated representative made hereunder may, within thirty (30) days of the action, if no document is given, appeal to the Commissioner's Court of Rockwall County, Texas.

B) The appeal shall be initiated by filing a written objection with the authorized agent. The written objection shall state what the complainant believes the action or decision of the designated representative should have been and the reasons therefore. A copy of the document containing the notice of the complaint of action or decision, or a written statement of the complained of action or decision, if no document was given, shall be attached to the written objection.

C) When an objection is filed, the authorized agent shall notify the presiding official who shall place the matter on the agenda for the next Commissioner's Court meeting that is at least ten (10) days after the date of, the filing of the objection. The authorized agent shall notify the complainant and the designated representative that the matter has been placed on the agenda.

D) The authorized agent (Commissioner's Court) shall review the matter and

consider such information and evidence that they may deem relevant and that may be offered by the complainant or the designated representative. The authorized agent shall affirm, reverse, or modify the action or decision of the designated representative.

E) These provisions for appeal are not exclusive, but are cumulative of any other remedies at law or in equity.

Section 10.05 Duties and Powers

10.05.01 DUTIES AND POWERS – The county health coordinator for Rockwall County, Texas, is designated by the authorized agent to be the designated representative for these rules within its jurisdiction and thus possesses the duty, and necessary powers, to administer and enforce these rules. The designated representative shall have the following duties and necessary concomitant powers:

A) To enforce these rules and to make appropriate recommendations to proper officials when instances of noncompliance with these rules have been determined.

B) To make statutorily mandated inspections of proposed, new and existing On-Site Sewage Facilities.

C) To collect all fees set by the authorized agent as necessary to recover the reasonable costs incurred in meeting the requirements of these rules.

D) To make semi-annual reports, or as may be directed by the authorized agent, to the authorized agent's on all actions, including legal actions, taken concerning these rules.

E) To perform all other duties necessary to meet the requirements of these rules.

Section 10.06 Lawful Discharges and General Requirements

10.06.01 LAWFUL DISCHARGES – After the effective date of these rules, only the following types of sewage discharges shall be lawful:

A) Sewage discharged into an Organized Disposal System operating under a valid permit issued by the TCEQ.

B) Sewage discharged into an On-Site Sewage Facility designed, installed, licensed, operated and maintained in accordance with these rules.

C) Sewage discharged into an existing On-Site Sewage Facility that is in use on the effective date of these rules, that has not been altered since the effective date of these rules, and that is operated and maintained in such a manner as not to cause pollution, a threat to public health, or nuisance conditions.

10.06.02 REQUIREMENTS

A) No person, except the person owning or having the right of possession and use of possession and use of the parcel of land upon which a proposed On-Site Sewage Facility is to be located, may apply for a facility permit or license.

B) The design, construction, and installation of any new On-Site Sewage Facility and the maintenance of any On-Site Sewage Facility shall, at a minimum meet the requirements set forth in the standards.

C) No person may cause, suffer, allow or permit the construction or installation of, or an alteration to, an On-Site Sewage Facility unless a permit therefore has first been issued.

D) The construction, installation, alteration, extension or repair of an On-Site Sewage Facility shall be made in accordance with the approved design and requirements of the permit issued therefore.

E) No component of an On-Site Sewage Facility shall be covered until and inspection by the designated representative has been made. Provided, however, absorption or Evapotranspiration Drainfields may be partially backfilled, but all ends and other critical areas shall not be covered until the designated representative has determined, as evidenced by the issuance of a license, that the installation, construction, extension or alteration complies with these rules, the standards, or other special conditions specified in the permit.

F) No person may cause, suffer, allow, or permit the operation or use of a new On-Site Sewage Facility unless a license or necessary license amendment therefore, has first been issued.

G) The construction or installation of an On-Site Sewage Facility on a lot or tract that is smaller than one and one/half (1 1/2) acres shall not be allowed. In calculating the lot or tract sizes, easements or right-of-ways adjacent to or through such lots shall be excluded. Any variance granted from this section must be substantiated by a thorough investigation of a registered professional engineer or registered professional sanitarian showing that the systems can be operated without causing a threat or harm to an existing or proposed water supply or to the public health, or creating the threat of pollution or nuisance conditions

H) In no event shall an On-Site Sewage Facility, or any part or component thereof, be installed within ten (10) feet of the lot or tract's property line.

I) The effluent from an On-Site Sewage Facility, whether using an aerobic or anaerobic treatment unit, must be discharged on site into a properly designed and constructed disposal system or allowed to be surface discharged in accordance with state laws, policies and administrative rules established by the TCEQ and the Texas Department of Health. There shall be no off-site discharge of effluent.

J) Injection wells, pit privies, and cesspools used to dispose of sewage, and

any system utilizing naturally or artificially produced holes, cavities, or drilled wells to ease the disposal of sewage are specifically prohibited from being installed or licensed.

K) No person may cause, suffer, allow, or permit the maintenance of an On-Site Sewage Facility in such a manner as to cause, or as may tend to cause pollution, injury to the public health, or nuisance conditions.

Section 10.07 Construction and Operation Requirements

10.07.01 REQUIREMENTS FOR NEW ON-SITE SEWAGE FACILITIES

A) A permit to construct must be obtained from the designated representative prior to commencing the construction or installation of, extension or an alteration to, an on-site sewage facility and will be issued upon a finding by the designated representative that construction may commence.

B) A license to operate must be obtained from the designated representative prior to operating a new On-Site Sewage Facility and will be issued after satisfactory completion and approval of construction.

10.07.02 PERMIT TO CONSTRUCT

A) To make an application for a permit to construct, the applicant shall submit to the Designated Representative the following:

1) a properly completed application form;

2) a fee of $500.00 made payable to Rockwall County;

3) the results of the required technical information by a qualified person approved by the Designated Representative;

4) a drawing or drawings reflecting that the proposed On-Site Sewage Facility will comply with these rules and demonstrating that the lot or tract is large enough for the On-Site Sewage Facility to be constructed thereon; and

5) any additional information, which may be required by the Designated Representative.

B) The completed application and all additional information submitted shall not contain any false information or conceal any material facts.

C) Within ten (10) after a proper and complete application has been made, the Designated Representative shall make a finding on the issuance of a permit, based upon the information contained in the completed application and any other information available to the Designated Representative.

1) Upon a finding that construction can commence, a permit to construct shall be issued to the applicant.

2) Upon a finding that a permit to construct cannot be issued, the

designated representative shall so notify the applicant in writing within ten (10) days of that finding and shall include the reasons for denying the issuance of a permit.

D) A permit to construct shall expire one year from the date of issuance unless construction has commenced on the On-Site Sewage Facility for which the permit was issued. An expired permit may be reissued provided the conditions under which the permit was originally issued have not changed. A fee of $50.00 will be charged to defray the costs of re-issuance. When a permit has expired and the original conditions have changed, a new application must be submitted along with a new application fee.

10.07.03 LICENSE TO OPERATE

A) Each new On-Site Sewage Facility shall be inspected and approved by the Designated Representative prior to the final covering of the facility.

1) The applicant or registered installer shall notify the Designated Representative that an inspection is desired at least five (5) working days prior to the need for inspection.

2) The applicant or registered installer shall provide whatever reasonable assistance the Designated Representative may request in order to make the inspection.

3) The applicant or registered installer must be present at the time of the inspection of the facility.

B) Within five (5) days after an inspection, the Designated Representative shall make a finding upon the issuance of a license to operate, based upon the information obtained from the inspection and any other information available to the Designated Representative.

1) Upon a finding that the use of the new On-Site Sewage Facility will not cause pollution, injury to the public health or nuisance conditions and is not in conflict with these rules and upon payment of the appropriate fees, a license to operate the facility shall be issued to the applicant.

2) Upon finding that a license to operate cannot be issued, the Designated Representative shall so notify the applicant in writing with five (5) working days of that finding and shall include the reasons for denying the issuance of a license.

C) Licenses to operate issued under the authority of these rules shall be for an indefinite period and shall be transferred to a succeeding owner. Upon the request of a new owner of a licensed On-Site Sewage Facility, and with proper proof of ownership, the Designated Representative shall transfer the license to the new owner, provided the facility has not been altered. In no case will a license to operate extend beyond the life of the On-Site Sewage Facility. A modification to an existing system or installation of a new On-Site Sewage Facility shall be made pursuant to

the application and inspection requirements of these rules.

D) Any person owning or controlling the property upon which a sewage treatment and disposal system is installed shall be responsible for the following system maintenance:

1) Sewage treatment and disposal systems shall be maintained at all times to prevent seepage or discharge of sewage or effluent to the surface of the ground or to surface waters.

2) Sewage treatment and disposal systems shall be checked, and the contents of the septic tank removed, as often as is required to ensure proper operation of the system.

3) All mechanical components shall be maintained in proper functional condition at all times.

E) Maintenance contracts shall be required for the following types of systems:

1) All systems utilizing pumps or siphons;

2) Filtration systems;

3) Aerobic treatment units;

4) Drip emitter systems; and

5) any other systems as required by the Designated Representative.

F) A contract shall be executed between the system owner and a professional maintenance company, and approved by the Designated Representative, prior to the issuance of a license to operate. The contract shall include:

1) Specific requirements for maintenance and operation;

2) Responsibilities of the owner and system operator; and

3) Provisions in the contract shall be in effect for so long as the system is in use, and other requirements for the continued proper performance of the system.

G) A valid maintenance contract shall be in place for so long as the system is being used. At no time is any system listed in subsection e) of this section to be operated without an existing maintenance contract. Failure to comply with this section will result in immediate penalties pursuant to these rules.

H) Maintenance of the On-Site System shall be performed by the maintenance company at the frequency specified for that particular system. The maintenance company shall report the results of their maintenance findings to the Designated Representative as often as may be required by the Designated Representative. In the event that no time period is specified by the Designated Representative, the maintenance company shall report its findings whenever an inspection of a system is

required.

1) The maintenance company shall be responsible for assuring routine maintenance procedures in accordance with the conditions of the license to operate and the contract.

2) The Designated Representative shall routinely review the performance and operation reports submitted by the maintenance company and shall perform an on-site inspection of the system if there is reason to believe that the submitted report is in error or fraudulent.

10.07.04 EXISTING ON-SITE FACILITIES

A) Existing On-Site Sewage Facilities are not required to be licensed, provided the facility is not causing pollution, a threat to the public health, or nuisance conditions, or has not been altered since the effected date of these rules.

B) If an existing On-Site Sewage Facility is causing pollution, a threat to the public health, or nuisance conditions, or has been altered since the effective date of these rules, the Designated Representative shall require that the facility be licensed in accordance with 10.7.1-10.7.3 of these rules as appropriate and shall undertake actions pursuant to Article 8 of these rules.

10.07.05 SPECIAL REQUIREMENTS FOR INSTITUTIONS – A Registered professional engineer, registered professional sanitarian, or similarly qualified person approved by the designated representative, shall design all on—site sewage facilities serving institutions. Said designs and maintenance contracts shall be made in accordance with these rules, including the standards. An application for new commercial construction must be accompanied by a $500.00 application fee.

Section 10.08 Subdivisions

10.08.01 SUBDIVISION CONSTRUCTION AUTHORIZATION – Any person desiring to create a subdivision, including mobile home parks that will utilize On-Site Sewage Facilities, in whole or in part, must obtain a subdivision construction authorization from the Designated Representative prior to commencing or continuing construction in the subdivision.

10.08.02 APPLICATION

A) An applicant for a Subdivision construction authorization shall submit an application to the Designated Representative containing information which is adequate to establish:

1) that it is not feasible for the applicant to provide sewer service to the subdivision by means of an organized disposal system; and

2) that on-site sewage facilities may be used in the specified subdivision without causing or threatening to cause, individually or collectively,

pollution, injury to the public health, or nuisance conditions. This information will include as a minimum:

a) a map locating the subdivision relative to on- and off-site:

   i) surface water;

   ii) watersheds;

   iii) floodplains;

   iv) existing and proposed individual and Public water supply wells; and

   v) existing and proposed organized disposal systems.

b) an accurate plat of the Subdivision that details the size and intended use of each Lot and that details road and utility right of ways. This Plat shall show all areas of the subdivision where the groundwater table is less than six (6) feet below the surface as the surface exists or as it will be after grading and filling that may be required in the Subdivision development.

c) a list that specifies the type and maximum size (floor space, bedrooms, seating, etc.) of the intended construction that will be allowed on each lot. Based on this list, the applicant shall be provided further information to confirm that an On-Site Sewage Facility that meets all the requirements of these rules and the standards can be constructed on each lot. This information shall include:

   i) preliminary locations and distances between sewage generating units, Disposal units, water wells, and lot boundaries. These distances shall be shown between these items on each lot and to any existing or proposed water supply wells on adjacent lots.

   ii) Average daily wastewater volume to be generated by the specified maximum size Construction; and

   iii) capacity and/or size of the treatment (tank) and disposal (drainfield) units. The disposal area size shall be calculated assuming a specific type of drain field using adequately documented site analysis taken at the drain field locations.

d) at the discretion of the Designated Representative and in consideration of the size and density of the proposed Subdivision and other conditions known to exist in the vicinity of the proposed Subdivision, one or more geological cross-sections may be required from the applicant. These cross-sections shall illustrate the geologic formations that make up the subsurface below the Subdivision down to the first aquifer that supplies, or may be used to supply, drinking water in the area. These cross-sections shall illustrate the primary dip and characteristics (permeable,

impermeable, water bearing, etc.) of each formation and the elevation of any water table.

B) The required fee of $500.00 shall accompany the application.

C) Within forty-five (45) days after a proper and complete application has been made, the Designated Representative shall make a recommendation on the issuance of a Subdivision construction authorization, based upon the information contained in the completed application and any other information available to the Designated Representative. When made, said recommendation for approval, with appropriate restrictions, if any, or denial shall be submitted to the Rockwall County Commissioners Court and mailed to the applicant within five (5) days.

D) When a recommendation is submitted to the commissioners court, the matter shall be placed on the agenda for the next commissioners court meeting that is at least ten days after the date of the submission of the recommendation. The court shall notify the Designated Representative and the applicant that the matter has been placed on the agenda.

1) Upon the approval of a subdivision construction authorization by the Rockwall County Commissioners Court, the authorization shall be issued to the applicant. A Subdivision construction authorization does not constitute either a permit to construct or a license to operate a specific On-Site Sewage Facility. An approved authorization is a prerequisite for obtaining a permit of license for a specific On-Site Sewage Facility in a Subdivision.

2) Upon the disapproval of a Subdivision construction authorization by the Commissioners Court, the designated representative shall so notify the applicant in writing within ten (10) days of the disapproval and shall include the reasons for denying the approval of the authorization.

10.08.03 NOTICE

A) Upon the approval of a Subdivision construction authorization, the authorization, the application therefore, and any other critical evaluation information shall be filed as a deed record for the Subdivision Lots.

B) Any person, or his agents and assignees, desiring to create a subdivision that will utilize On-Site Sewage Facilities, in whole or in part, and sell, lease, or rent the lots therein shall inform each prospective purchaser, lessee, or renter:

1) That the Subdivision is subject to all terms and conditions of these rules;

2) That a permit to construct shall be required before an On-Site Sewage Facility can be constructed in the Subdivision;

3) That a license to operate shall be required before operation of an On-Site Sewage Facility; and

4) That an application for a Subdivision construction authorization has been made and whether or not it has been approved, including any restrictions placed on any such approval.

Section 10.09 Enforcement

10.09.01 INFORMAL

A) The Designated Representative may routinely inspect On-Site Sewage Facilities to assure continued compliance with these rules.

B) The Designated Representative shall inspect any On-Site Sewage Facility that is reasonably believed to be causing pollution, a threat to the public health, or nuisance conditions, or is installed or altered in a manner inconsistent with these rules based on a credible complaint or other information available to the Designated Representative and may inspect any new On-Site Sewage Facility should the conditions existing at the time of licensing be found to have changed. If upon such inspection it is found that pollution, a threat to the public health, or nuisance conditions is occurring, or an non-permitted installation or alteration was performed, the Designated Representative shall so notify the owner of the On-Site Sewage Facility in writing and include what problems must be remedied in order to achieve compliance, and set a reasonable amount of time to achieve compliance. The On-Site Sewage Facility shall be re-inspected at the expiration of the allotted time.

1) If the facility is found to be compliant, a license therefore may be issued or the existing license may be modified.

2) If the facility is found to be noncompliant, appropriate enforcement measures shall be undertaken.

10.09.02 CRIMINAL PENALTIES

A) A person commits an offense if a person operates as an installer unless that person is registered as an installer by the state of Texas.

B) A person commits an offense if the person begins to construct, alter, repair, or extend an On-Site Sewage Facility owned by another person before the owner of the system obtains a permit to construct, alter, repair or extend the On-Site System.

C) An emergency repair to an On-Site Sewage Facility without a permit is not an offense under these rules if the following stipulations are met:

1) the repair is made for the purpose of abatement of an immediate health hazard;

2) that said repair meets minimum state construction standards;

3) that said repair does not constitute an alteration of the existing on-site system;

4) that notification of such repair, including a detailed description of the

method and materials used in said repair, is made to the authorized agent within 48 hours of the date of the repair;

5) that said repair must be inspected for compliance with the state's construction standards.

D) An offense under this section is a misdemeanor punishable by a fine of not less than $50.00 nor more than $100.00 unless it is shown that the defendant has previously been convicted of a similar offense, in which case the offense is punishable by:

1) a fine of not less than $125.00 nor more than $500.00;

2) confinement in jail for a period not to exceed one (1) month; or

3) both the fine and the confinement. Each day that a violation occurs constitution a separate offense. This penalty becomes effective upon filings the complaint in district, county or justice of the peace court.

10.09.03 CIVIL (Texas Water Code, §26.124)

A) Whenever it appears that a violation or the threat of a violation of any of the terms and conditions of these rules has occurred or is occurring, the Designated Representative may have a suit instituted in a district court for injunctive relief or civil penalties or both against the person who committed, is committing, or is threatening to commit the violation.

B) Such suits may not be instituted by the Designated Representative unless the Rockwall County Commissioners Court has adopted a resolution authorizing the institution of the suit.

ARTICLE 11. BUILDING INSPECTION

Section 11.01 Construction (General)

11.01.01 Construction or substantial improvement of buildings, including a commercial establishment, public building, and a multifamily residential dwelling consisting of four or more units, shall conform to the Rockwall County Fire Code as adopted by order of the Commissioners Court pursuant to Section 233.061 of the Texas Local Government Code. (All definitions and limitations of Sections 233.061 through 233.067 are incorporated herein).

11.01.02 Prior to construction or substantial improvement of a building described in this section, a person must apply for a building permit by providing to the Commissioners Court through their Designated Agent the following:

A) a concept plan for the lot or lots on which a proposed building is to be constructed that includes specifications for modes of ingress and egress, drainage and wastewater facilities;

B) a plan of the proposed building containing information required by the Designated Agent; and

C) an applicable application fee in the amount prescribed by the Rockwall County Commissioners Court. Within 30 days after the date the Designated Agent receives an application and fee in accordance with this section and applicable Texas law, the Commissioners Court through the Designated Agent shall:

1) issue the permit if the plan complies with the Fire Code; or

2) deny the permit if the plan does not comply with the Fire Code.

11.01.03 If the Commissioners Court through the Designated Agent receives an application and fee in accordance with this section and a permit is not issued or deny the permit within 30 days after receiving the application and fee, the construction or substantial improvement of the building that is the subject of the application is approved for the purposes of this section.

11.01.04 The Designated Agent shall inspect a building subject to this section to determine whether the building complies with the Fire Code. The Designated Agent or a designated building inspector may enter and perform the inspection at a reasonable time at any stage of the building's construction or substantial improvement and after completion of the building.

11.01.05 On or before the date that construction or substantial improvement of a building subject to this section is completed, the owner of the building shall request in writing that the Designated Agent, or a designated building inspector as directed by the Commissioners Court, inspect the building for compliance with the Fire Code. The inspection of the building shall begin within five business days after the date of the receipt of the written inspection request. If an inspection is properly requested and the inspection does not begin within the time permitted by this section, the building that is the subject of the request for inspection is considered approved for this purposes of this section.

11.01.06 The Designated Agent shall issue a final certificate of compliance to the owner of a building inspected under this section if the inspector determines, after an inspection of the completed building, that the building complies with the Fire Code.

If the inspector determines, after an inspection of the completed building, that the building does not comply with the Fire Code:

A) the Designated Agent shall deny the certificate of compliance; and

B) the building may not be occupied.

11.01.07 The Rockwall County Criminal District Attorney may seek injunctive relief in the District Court to prevent the violation or threatened violation of the Fire Code.

11.01.08 The Rockwall County Criminal District Attorney may file a civil action in a court of competent jurisdiction to recover from a person who violates the Fire Code a civil penalty in an amount not to exceed $200 for each day on which the violation exists. In determining the amount of the penalty, the court shall consider the seriousness of the violation.

ARTICLE 12. ADMINISTRATION

Section 12.01 Designated Agent

12.01.01 The Commissioners Court may appoint a Designated Agent to serve as administrator of these Rules.

Section 12.02 Appeals

12.02.01 A Developer aggrieved by an action or decision of the Designated Agent pertaining to these Regulations may, within 30 days of the date of notice of the action or decision, appeal the same to the Rockwall County Commissioners Court. These appeals are not exclusive, but are cumulative of any other remedies at law or in equity.

12.02.02 Variance Procedures

A) Developer provides written appeal to Designated Agent in a timely manner.

B) Designated Agent presents a copy of the appeal along with his written comments to each Commissioners Court member and to the District Attorney in a timely manner.

C) The Commissioner of the precinct where the proposed development is located will place the item on the Commissioners Court agenda for appropriate action.

Section 12.03 Amendments

12.03.01 The Rockwall County Commissioners Court may, from time to time, adopt and amend these regulations and the rules, procedures and policies therewith associated. This Order may be amended by the Rockwall County Commissioners Court after a public hearing for which due notice has been given to the citizens of Rockwall County.

Section 12.04 Validity and Repeal

12.04.01 If any part, section, paragraph, clause, provision or portion of this Order is held to be invalid or unconstitutional by a court of competent jurisdiction or the legislature of this State or the United States, such holding will not affect any other part, section, paragraph, clause, provision or portion of this Order. All orders or parts of orders of Rockwall County in conflict with this Order are hereby repealed to the limited extent of such conflict.

ORDERED AND ENTERED on this the 12 day of July, 2011 by the Rockwall County Commissioners Court.

Jerry Hogan
Rockwall County Judge

Jerry Wimpee
Commissioner Pct. 1

Lorie Grinnan
Commissioner Pct. 2

Dennis Bailey
Commissioner Pct 3.

David Magness
Commissioner Pct 4.

Approved as to form only

Criminal District Attorney

FLOODPLAIN MANAGEMENT CONTACT INFORMATION

Federal Emergency Management Agency (FEMA)
Region VI – Federal Center
Federal Regional Center
800 North Loop 288
Denton, TX 76201-3698

Phone: (940) 898-5399
Fax: (940) 895-5195
Website: www.fema.gov

Texas Commission on Environmental Quality
Water Rights Permitting and Availability Section
12100 Park 35 Circle
Austin, TX 78753

P.O. Box 13087 – MC 160
Austin, TX 78711-3087

Phone: (512) 239-4691
Fax: (512) 239-2214
Website: www.tceq.texas.gov

APPENDIX A

CHECK LIST

	Status
Concept Plan:	
1. Reviewed by County Engineer	_____
2. Engineer Provides Opinion to Subdivider (copy to Comm. Ct)	_____
Preliminary Plat:	
1. Paid Fee: $500.00	_____
2. Submission of (2) Blueprint Copies	_____
3. Submitted (30) Days Prior to Request	_____
4. Ownership	_____
5. Boundary Lines	_____
6. Vicinity Map	_____
7. Lot, Block, and Street Layout	_____
8. Street Names	_____
9. Drainage	_____
10. Land Use Parks and Bicycle Paths Dedicated	_____
11. Drawing Requirements	_____
12. Water Service	_____
13. Sewage	_____
14. Tax Certification	_____
15. ETJ	_____
16. Floodplain	_____
17. Approved or Disapproved	_____
Final Plat: (Includes all information required by Preliminary Plat)	
1. Paid Fee: $500 per Lot for Lots 1.5 acres or larger; $300 per Lot for Lots larger than .75 acres but less than 1.5 acres; and $200 per Lot for Lots .75 acres or smaller	_____
2. On Mylar 18"x 24" sheet; Scale 1" = 200'	_____
3. Certification & Dedication of Owners	_____
4. Certification by Registered Public Surveyor	_____
5. Recertification of Water System	_____
6. Certification of Sewer System	_____
7. Approval by ALL Utility Companies	_____
8. Certification and Approval from Cities	_____
9. Deed Restrictions and Covenants	_____
10. Lots, Streets, Easements, Set-Backs& Drainage	_____
Commissioners Court Approval:	
1. Subdivider Provides Financial Security	_____
2. County Judge Signs Final Plat; Directs Filing of Plat	_____
3. Construction Plans Prepared by Professional Engineer	_____
4. Construction – County Inspection	_____
5. Construction Completion	_____
6. Maintenance Bond	_____
7. FINAL ACCEPTANCE	_____

APPENDIX B

ROCKWALL COUNTY DEVELOPMENT PERMIT APPLICATION
$_____ PERMIT FEE

STATE OF TEXAS §
COUNTY OF ROCKWALL §
APPLICATION NUMBER _____ §

NAME OF APPLICANT: _____
MAILING ADDRESS: _____

LOCATION OF PROPERTY (complete as appropriate)
If located in a subdivision:

_____
Name of Subdivision Section No. Block No. Lot No.

If NOT located in Subdivision:

_____
Name and No. of Survey/Abstract Acreage Location Description (attach a vicinity map)

NATURE OF PROPOSED CONSTRUCTION (check and complete as appropriate)
( ) Residential ( ) Non-Residential ( ) Other ( ) Placement of Fill
( ) Alteration of a Natural Waterway or Drainage Course

DESCRIPTION OF PROPOSED CONSTRUCTION (check and complete as appropriate)
( ) New Construction ( ) Substantial Improvement to Existing Structure ( ) House
( ) Mobile Home ( ) Non-Residential/Other _____ (specify)
( ) Commercial _____ (Name and Type of Business)

WARNING: Please read and acknowledge.
The flood hazard boundary maps and other flood data used by the county floodplain Administrator in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. Issuance of an exemption certification shall not create Liability on the part of Rockwall County, the County Floodplain Administrator or any officer or employee of Rockwall County in the event flooding or flood damage does occur.

Signature: _____

APPLICANT WILL PROVIDE ONE COPY OF PLANS AND SPECIFICATIONS OF THE PROPOSED CONSTRUCTION, IF IT IS LOCATED IN A FLOODPLAIN.

FOR USE BY FLOODPLAIN ADMINISTRATOR

Is the Property Located in an Identified Flood Hazard Area?	( ) YES ( ) NO
Is Additional Information Required?	( ) YES ( ) NO
Are Other Federal, State, or Local Permits Required?	( ) YES ( ) NO
Are Other County Regulations Applicable?	( ) YES ( ) NO
Exemption Certificate Issued	( ) YES ( ) NO
Permit Application Approved	( ) YES ( ) NO
Permit Application Rejected _____	

Floodplain Administrator Date

THIS PERMIT IS VALID FOR ONE YEAR FROM DATE ISSUED AND WILL NEED TO BE RENEWED IF WORK IS NOT COMPLETED AT THAT TIME.

APPENDIX C

ROCKWALL COUNTY APPLICATION FOR MANUFACTURED HOME RENTAL COMMUNITY (MHRC)

DATE: _____

OWNER: _____
(Name – Please Print)

ADDRESS: _____

_____

PHONE: _____ FAX: _____

NAME OF MHRC: _____

LOCATION OF PROPOSED MHRC: _____

TOTAL ACREAGE OF MHRC: _____

TOTAL NUMBER OF SPACES: _____

SURVEY NAME: _____

WATER UTILITY COMPANY: _____

ELECTRIC UTILITY COMPANY: _____

APPLICATION SUBMITTED BY: _____
(Owner Signature) (Date)

SUBMIT TO: Rockwall County Road and Bridge Administrator
1350 E. Washington St., Rockwall, TX 75087

##
(TO BE FILLED OUT BY ROCKWALL COUNTY ONLY)

DATE APPLICATION RECEIVED: _____ FEE RECEIVED _____

(3) COPIES OF INFRASTRUCTURE DEVELOPMENT PLAN RECEIVED _____

RECEIVED BY: _____
(EMPLOYEE)

COMMISSIONERS COURT REPORTS:

Pursuant to Texas Government Code Section 551.0415, the County Judge and the County Commissioners may report on the following items: (1) expression of thanks, congratulations or condolences; (2) information about holiday schedules; (3) recognition of individuals; (4) reminders about upcoming County events; (5) information community events; and (6) announcements involving an imminent threat to public health and safety.