GRADING & FLOODPLAIN DEVELOPMENT PERMIT

CITY OF MESQUITE

MESQUITE TEXAS
Real. Texas. Service.

Permit No. _____

This permit allows the owner to fill, grade, excavate, or otherwise disturb the surface of property described below, in accordance with Mesquite City Code, Section 11-50 to 11-57.

PROJECT NAME: _____

PLAT NAME: _____

PROPERTY LOCATION: _____

PROPERTY OWNER: _____

DEPOSIT REQUIRED:	**$ 0.00**	**(Disturbed land area-acreage)**
PERMIT FEE (NON-REFUNDABLE):	**$ 100.00**	
TOTAL:	**$ 0.00**	

Requirements and conditions of this permit:

- ☒ **Grading plans have been submitted and approved by the City.**
- ☒ **Submission of a notarized statement from the property owner giving permission to the Contractor to fill, grade, excavate, or otherwise disturb the property and acknowledgment by property owner of his responsibilities as described in section 11-57 of the Mesquite City Code.**
- ☐ **For projects disturbing 1 acre or more of land, submission and approval of an erosion control plan in accordance with City, TCEQ and EPA regulations and requirements.**
- ☐ **For projects disturbing 5 acres or more of land submit a copy of the Notice of Intent (NOI) from all site "Operators".**
- ☐ **When applicable, submit copy of Parks & Recreation Department Approval of the tree preservation plan to the Engineer.**
- ☐ **When applicable (floodplain encroachment), provide a copy of a Conditional Letter of Map Revision (CLOMR) from FEMA.**
- ☐ **Special Conditions –**

The Developer, Contractor and Engineer is hereby notified that issuance of this permit does not indicate approval of the engineering plans and that grade revisions can and will be made if determined necessary after a complete review of the final plans.

At any time the City determines that the project is in non-compliance with this permit or any other applicable permits and/or letters of permission, this permit shall be revoked and a stop work order shall be issued to the Developer and / or Contractor.

If it is necessary for the City to remove soil, rock, mud or debris from its streets, alleys, utility facilities, rights of way or easements, or construct erosion devices on the permit site to prevent erosion in connection with this permit, the cost of such will be charged to the holder of this permit and subtracted from the balance of the deposit required herein. To be reimbursed for deposited funds NOT used to reimburse the City for construction or removal of soil, rock, mud and debris, a written request must be made to the City Engineer from the depositor named below within two (2) years of written project acceptance by the City Engineer, and the following conditions must be met. Failure to request funds within the prescribed time will result in forfeiture of such funds to the City's General Fund.

1. **All disturbed areas on and off site are vegetated with a vigorous stand of grass or other ground cover.**
2. **Temporary erosion control devices are no longer required and have been removed.**
3. **Permanent erosion control devices are in place on the site and working properly and no further hazard of erosion is present on the site.**
4. **Where applicable, a copy of the TCEQ Notice of Termination (NOT) for the project has been submitted to the City.**
5. **The City Engineer has given written acceptance of the project.**

The Depositor must notify the City of Mesquite, Attn: Engineering Division in writing of all address changes.

Deposited By:

Name:

Address:

Phone:

Permit Issued By:

Name: Robert Byrom, CFM

Title: Storm Water Specialist

Date:

cc: Construction File
Property Owner
Construction Contractor
Grading Permit File

Form Revised: 4-20-2009

CITY OF MESQUITE

OWNER'S STATEMENT OF PERMISSION AND RESPONSIBILITY

I, _____, being the Owner and/or Officer of

_____,

the Company/Individual/Partnership ***(circle one)*** that owns the property described in the attached Grading Permit and being fully authorized to execute this statement for the purposes stated herein, do hereby give permission to

_____,

contractor, to fill, grade, excavate, or otherwise disturb the described property. Further, I acknowledge and understand all of the responsibilities and obligations of the Property Owner described in Sections 11-50 to 11-57 of the *Code of the City of Mesquite, Texas,* and all of the provisions of such Sections including the right of the City of Mesquite to go upon the property to perform any requirements unfulfilled by the Owner.

SIGNED this _____ day of _____, _____.

By: _____
Signature

_____
Printed Name

_____
Texas Drivers License No.

_____
Title

_____
Company Name

_____
Mailing Address

_____
Mailing Address

_____
Telephone & Fax Numbers

DEPOSIT REQUIRED:	
$ _____; 1st Acre $500 + $100 for each additional Acre (round up)	
$ 100.00	**PERMIT FEE (NON-REFUNDABLE)**
$ _____	**TOTAL AMOUNT DUE**

State of Texas §
§
County of _____ §

Before me, the undersigned authority, on this day personally appeared the person whose name is subscribed to the forgoing *Owner's Statement of Permission and Responsibility* and acknowledged to me that he/she has the authority to execute the same for the Company named therein.

GIVEN under my hand and official seal this _____ day of _____, _____.

_____
Notary in and for the State of Texas

LIST OF ALLOWABLE FILL MATERIALS

(Per Section 11-53 of the City Code of Mesquite)
Revised October 1998

FILL IN AREAS ZONED FOR COMMERCIAL USE (excluding ROW or Easements):

- Clean soil, clay, shale, gravel, or sands.
- Broken concrete pavement, if the maximum particle size is 4" in diameter and all reinforcing steel is removed.

Note: Consult with the Building Inspection Division for Compaction Requirements.

FILL IN AREAS ZONED FOR RESIDENTIAL DEVELOPMENT (excluding ROW or Easements):

- Clean soil, clay, shale, gravel, or sands.

All fill on residential lots and pads shall be compacted to a minimum 95% of standard proctor (ASTM D-698) with optimum moisture content of 0% to +6%. Compaction shall be placed with a maximum of 12" loose lifts and shall be compacted with sheep's foot vibratory roller.

FILL IN AREAS THAT ARE OR MAY BECOME CITY RIGHT-OF-WAY OR EASEMENT:

- Clean soil, clay, shale's, gravel, or sands.
- Under existing paving, fill material shall be crushed concrete roadbase. Type and gradation must be approved by the City Engineer.

All fill within City right-of-way or easements shall be compacted to a minimum 95% of standard proctor (ASTM D-698) with optimum moisture content of 0% to +6%. Compaction shall be placed with a maximum of 12" loose lifts and shall be compacted with sheep's foot vibratory roller.

MATERIALS UNSUITABLE FOR FILL:

The following materials are unsuitable for fill due to their high potential for settlement, decomposition, or other unsatisfactory engineering properties:

- Trash or debris of any kind.
- Any soil or debris that has a high organic content, such as pond silt, topsoil with roots, wood chips, brush or tree limbs, etc… Topsoil may be used in landscaping areas when there is an approved site plan that details the location of future paving and structures and landscape areas.
- Broken concrete pavement, if the particle size is greater than 4" in diameter or if there is any reinforcing steel.
- Reinforcing steel or other steel products.
- Asphaltic materials.

NOTE: Per the Texas Administrative Code, Title 30 Environmental Quality, Chapter 330 "Municipal Solid Waste" - the use of asphaltic materials and concrete containing reinforcing steel for fill is not permitted.

CODE OF THE CITY OF MESQUITE
CHAPTER 11, ARTICLE III.
GRADING, EXCAVATION, EARTHWORK, AND EROSION CONTROL

Sec. 11-50. Applicability of article.

The provisions of this article shall apply to all property owners, persons, or their agents filling, grading, excavating or otherwise disturbing the surface of real property within the city, whether they be contractors, subcontractors, supervisors, inspectors, managers, agents, employees or otherwise. Failure to comply with the requirements of this article shall constitute an offense, and each day such failure continues shall constitute a separate offense.
(Ord. No. 2803, § 2(B), 4-6-92)

Sec. 11-51 Grading permit required for filling, grading, excavation, etc.

No person shall fill, grade, excavate or otherwise disturb the surface of real property within the city without first having secured a grading permit from the public services engineer. No owner of real property shall knowingly permit another person to fill, grade, excavate or otherwise disturb the surface of real property within the city without first having secured a permit from the public services engineer. In addition, if the property to be filled, graded, excavated or otherwise disturbed is within flood hazard area, a development permit must be secured from the city engineer as required in Chapter 11, Article II of this code.
(Ord. No. 2803, § 2(B), 4-6-92)

Sec. 11-52 Duty of property owner to prevent dirt, mud, etc., from washing onto public streets, alleys, etc.

It shall be unlawful and an offense and shall constitute a nuisance for any person owning or having control of real property within the city to suffer or permit soil, mud, rock or debris to wash, slide, erode or otherwise be moved from said real property onto streets, alleys, utility facilities, rights-of-way or easements. It shall be the duty of each property owner or party in control thereof to prevent soil, mud, rock or debris from such real property being deposited or otherwise transported onto the streets, alleys, utility facilities, rights-of-way or easements of the city and to inspect such property and acquaint themselves with the conditions existing and to remedy any conditions likely or calculated to allow soil, mud, rock or debris to wash, slide, erode or otherwise be transported onto the streets, alleys, utility facilities, rights-of-way or easements and failure to do so shall be deemed criminal negligence for the purpose of the offense described herein.
(Ord. No. 2803, § 2(b), 4-6-92)

Sec.11-53 Requirements for filling, grading, excavation, etc.

The public services engineer shall prepare a list of allowable fill material. All filling shall use only the materials listed for fill. All fill placed on a site and visible from a public thoroughfare shall be leveled and have a final cover of topsoil, six (6) inches minimum depth, that will support vigorous plant growth, immediately following completion of filling operations. Intermediate leveling and cover shall be required at intervals not to exceed thirty (30) days for filling operations that will exceed thirty (30) days in duration. In areas where fill is being placed to control erosion, the public services engineer may substitute an alternate cover that is resistant to erosion for the requirement to cover fill with topsoil. (Ord. No. 2803, § 2(B), 4-6-92)

Sec. 11-54 Issuance of permits; refunds of deposits; forfeiture of deposits.

(a) The public services engineer shall issue permits for the grading, filling, excavating or otherwise disturbing the surface of real property upon satisfaction of the following criteria:

(1) Application provides adequate assurance that city will be reimbursed for any expense of cleaning or removal of dirt, rock, debris or other pollutants from city streets, alleys, utility facilities, rights-of-way and easements or the barricading thereof by the posting of a deposit of cash with the city to guarantee same.

(2) The amount of such deposit shall be established by the city council from time to time and is hereby established as follows:

Area	Amount
One (1) acre or less	$500.00 Minimum
For one (1) acre &up	$100.00 for each additional acre

(3) The applicant provides a notarized statement from the property owner giving permission for the applicant to fill, grade, excavate or otherwise disturb the property and acknowledgment by property owner of the responsibilities of the property owner as described in section 11-57 of this code.

(4) Submission by the applicant of an erosion control plan for all work disturbing five (5) acres of land or more. This erosion control plan must be approved by the public services engineer prior to issuing the grading permit.

(5) Submission by the applicant of a copy of an approved Environmental Protection Agency Stormwater permit for all work disturbing five (5) acres of land or more.

(6) The public services engineer may exclude that portion of tracts in excess of ten (10) acres that he determines to be so situated as to not contribute to erosion due to location and topography.

(b) If removal by the City of soil, rock, mud and debris from its streets, alleys, utility facilities, rights-of-way or easements is required by reason of work performed on property for which a deposit has been made pursuant to subsection (a), reasonable charges shall be billed to the applicant and subtracted from the balance of the applicant's deposit.

(c) Upon written request by the applicant to the City Engineer the unused portion of the applicant's deposit shall be refunded if the following criteria is met:

(1) The site for which the deposit exists has been stabilized against erosion;

(2) No further hazard of erosion is present at the site;

(3) All temporary erosion control structures have been removed;

(4) Permanent erosion control facilities are in place and functioning properly as designed; and

(5) The City Engineer or his designee has given written acceptance of public improvements.

(d) An applicant who has submitted a written request for return of their deposit who meets the requirements of subsection (c) shall be refunded all funds not used to reimburse the City for the removal of soil, rock, mud and debris from its streets, alleys, utility facilities, rights-of-way or

easements. Should an applicant fail to meet all requirements for a refund, the applicant's request will be rejected until such time as they are met. When the requirements have been met, the funds subject to refund will be sent via first class mail to the address on the applicant's grading permit application or if such address has been updated pursuant to application instructions to the applicant's updated address. If the refund mailed to the applicant is returned by the United States Postal Service as undeliverable, the funds shall be forfeited to the City and placed in the general fund.

(e) If a written request for return of a deposit is not made within two (2) years of the date the project on the property for which the deposit has been made receives written acceptance from the City Engineer or his designee of the public improvements, the unused portion of the applicant's deposit shall be forfeited to the City and placed in the general fund.

(f) The following shall apply to grading permit deposits made prior to April 16, 2001:

(1) In the case of deposits made where hazards of erosion, silting or debris being deposited on the streets, alleys, utility facilities, rights-of-way or easements still exist, the applicants shall be notified in writing at the address on their application that the provisions of this ordinance shall apply to their funds. Notification shall be deemed to have been received by the applicant if such is sent via first class mail to the address on their application.

(2) In the case of funds still in place where the City Engineer or his designee makes a determination that no further hazard of erosion, silting or debris being deposited on the streets, alleys, utility facilities, rights-of-way or easements exists, the applicant shall be notified in writing at the address on their application of the amount of money remaining from their original deposit and be given ninety (90) days from the date of the notice to request the return of such remaining monies. If after ninety (90) days from the date of the notice a request from the applicant has not been received, the balance of the deposit shall be forfeited to the City and placed in the general fund. Notification shall be deemed to have been received by applicant if such is sent via first class mail to the address on their application.(Ord. No. 2803, § 2(B), 4-6-92)(Ord. No. 3425, 4-16-01)

Sec. 11-55 Exceptions to the permit, permit fee and deposit.

Construction, grading, filling or excavation undertaken by the City of Mesquite, franchised utility companies and individual single-family residences shall be exempt from the permit, deposit, and permit fee as required by this article.
(Ord. No. 2803, § 2(B), 4-6-92) (Ord. No. 4027, § 1-20-2009)

Sec. 11-56. Permit fee.

A non-refundable fee of one hundred dollars ($100.00) shall be charged for each permit issued to cover administrative expenses. (Ord. No. 2803, § 2(B), 4-6-92) (Ord. No. 3425, 4-16-01)

Sec. 11-57. Owner's responsibility.

The property owner shall be responsible for all cleanup operations incidental to the grading, filling, excavation, construction or other disturbance of the surface of real property including leveling, establishment of ground cover, erosion control and removal of all trash or other materials not suitable for fill including those deposited on streets, alleys, utility facilities, rights-of-way or easements.

If the property owner fails in any respect to fulfill the requirement of this article, the city may go upon the

owner's property and perform such work as may be necessary to fulfill such requirements and may level, establish ground cover, construct erosion control, remove all soil, rock, debris and other materials not suitable for fill including those deposited on streets, alleys, utility facilities, rights-of-way or easements, at the property owner's expense and charge same against the deposit of the applicant. If a deposit has not been made with the city, or if the cost incurred by the city exceeds the amount of the deposit, the city shall bill the property owner for the unpaid expenses and if the owner fails to pay the city for such expenses within thirty (30) days of being billed for same, the city shall have the right to place a lien on the owner's property which shall be filed with the count clerk as in the case of paving assessment liens for all amounts expended by the city in excess of the deposit plus interest at the current lawful rate.
(Ord. No. 2803, § 2(B), 4-6-92)

Permit No. ____ **GRADING PERMIT REFUND REQUEST**
CITY OF MESQUITE

PROJECT NAME:_____

PLAT NAME: _____

PROPERTY LOCATION:_____

PROPERTY OWNER: _____

AMOUNT ON DEPOSIT: **$**_____

Depending on the project the following requirements may need to be completed before the refund is processed:

- ☐ **Submission by the applicant of a copy of a notice of termination (NOT) to the TCEQ to the City.**
- ☐ **All disturbed areas on site are re-vegetated with a vigorous stand of grass or other ground cover.**
- ☐ **All temporary erosion control devices are no longer required and removed from site.**
- ☐ **Permanent erosion control facilities are in place and functioning properly as designed.**
- ☐ **No further hazard of erosion is present at the site.**
- ☐ **The City Engineer or his designee has given written acceptance of the public improvements**

Upon determination by the City Engineer that no further hazard of erosion, silting, or debris being deposited on streets, alleys, utility facilities, rights-of-way or easements exists by reason of the condition of land for which a deposit is made, so much of such deposit that is not required to reimburse the City for the expense of removal of soil, mud, rock, and debris from its streets, alleys, utility facilities, rights-of-way or easements by reason of work performed on such land shall be refunded. The reasonable charge of such removal by the City shall be billed to permittee from time to time and subtracted from the balance of the deposit.

Deposited By:

Name: _____

Title: _____

Company: _____

Address:_____

_____

Phone: _____

Return Grading Permit Refund Request to:

Grading Permit Refund Request
City of Mesquite - Engineering Division
Attn: Robert Byrom, CFM - Storm Water Specialist
P.O. Box 850137
Mesquite TX 75185-0137

In accordance with Ordinance No. 3425, this is a written request for refund of Grading Permit Deposit for Grading Permit _____

Date of Request: _____

Signature of Requester: _____

Printed Name: _____

Company Name: _____

Mailing Address: _____

City, State, Zip: _____

COMMENTS: _____

_____

_____

_____

_____

_____