

**ORDINANCE 418-18**

**AN ORDINANCE BY THE CITY OF ROMAN FOREST, TEXAS PROVIDING FOR THE REGULATION OF CONSTRUCTION, INSPECTION AND MAINTENANCE OF PRIVATE WATERFRONT STRUCTURES ON PINE POND AND SHREK POND; SETTING OUT THE PURPOSE OF THE ORDINANCE AND SUPERVISION; PROVIDING PRIVATE WATERFRONT STRUCTURE REGULATIONS, LICENSING AND PERMITS; PROVIDING REGULATIONS FOR USE AND MAINTENANCE; PROVIDING A CRIMINAL PENALTY OF UP TO \$500 FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE AND A REPEALING CLAUSE; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.**

**WHEREAS**, City Ponds, known as Pine Pond and Shrek Pond, located in the City of Roman Forest are dedicated by the City for the use and benefit of its residents, and same are under the jurisdiction and supervision of the City; and

**WHEREAS**, from time to time, property owners along the City Ponds desire to construct private waterfront docks and bulkheads (“Private Waterfront Structures”) along the City-owned shores of the City Ponds for their use and entertainment; and

**WHEREAS**, the right to engage in the placement, construction, and maintenance of Private Waterfront Structures on Pine Pond and Shrek Pond is not an inherent right that comes with the control or ownership of waterfront property; and

**WHEREAS**, it is the desire of the City Council to adopt and establish certain rules and regulations for the uniform placement, construction, use, maintenance and enjoyment of Private Waterfront Structures along the shores of the City Ponds in order to provide for the health and safety of the residents whose property abuts the City Ponds;

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS:**

THAT the following Rules and Regulations of City Ponds are hereby adopted:

**SECTION 1. - PURPOSE OF ORDINANCE**

This Ordinance is passed for the safety, enjoyment, protection, health and general welfare of the inhabitants of the City of Roman Forest so that the City Ponds located therein can be used and enjoyed in a safe and orderly manner.

**SECTION 2. - SUPERVISION**

- A) That all City Ponds located within the limits of the City of Roman Forest shall be placed,

constructed, used, maintained and enjoyed under the supervision and control of the City of Roman Forest.

- B) That the City Administrator shall see to the operation and maintenance of the City Ponds and any Private Waterfront Structures, and shall perform said duties subject to the supervision of the City Council.
- C) That the City Council, with the aid of the City Police Department and the City building inspectors, shall see to the enforcement of all Ordinances relating to the City Parks and Ponds, and shall likewise enforce all rules relating to the use of the City Parks and Ponds.

### **SECTION 3. – WATERFRONT STRUCTURE REGULATIONS**

- A) ***Private Waterfront Structure*** means any structure constructed by a property owner within the City of Roman Forest, such as but not limited to a boat dock or a bulkhead, that is constructed on, in or along Pine Pond and Shrek Pond.
- B) No person shall place, construct, use or maintain a Private Waterfront Structure on a City Pond at any time without a proper permit or license.
- C) A re-inspection fee shall be assessed by the City for each structure in order to cover the expense of an inspection every three years. See most current fee schedule adopted by City Council.
- D) The permit or license can be revoked at any time and for any reason deemed necessary by the City after a hearing before City Council.
- E) The City of Roman Forest is under no obligation to maintain a specific level of a City Pond to facilitate the construction or use of a Private Waterfront Structure.
- F) It shall be unlawful for any person or persons to violate any regulations or rules governing construction of Private Waterfront Structures on the City Ponds which has been approved by the City Administrator.

### **SECTION 4. – LICENSING CONSTRUCTION OF WATERFRONT STRUCTURES**

- A) For the City to license a Private Waterfront Structure on City Ponds, a person will need to submit the following documentation:
  - (1) Complete the License Application executed by the homeowner(s) and submit it to the City Secretary. Signatures by contractors and builders will not be accepted.
  - (2) 2 complete sets of plans shall be turned in to the city with the following information:
    - a) Plan must be drawn to scale.
    - b) Accurate measurements must be provided. The structure can only have a length into the water of a maximum of 10' long with 2' on land for a total of 12' long. There shall be 5' on each side of the structure from any build line of the respective land owners build line. Only one structure per land owner. Safety railing or any structure placed on top of the structure shall not be higher than 36" from the floor of the structure.

- c) Location of the structure shown on a survey of the property. This includes measurements of the distance from the adjacent properties and measurements of how far the structure shall go out into the water.
  - d) Types of materials to be used.
  - e) All electrical applications shall follow the most current NEC (National Electrical Code) Requirements.
- B) Upon submittal of the above documentation, the City Administrator may approve the structure or advise the owner of why approval was denied. The applicant will be contacted by the City Administrator within thirty (30) days with the decision.
  - C) Should the structure be approved, the applicant will be required to pay the prescribed permit and inspection fees determined from the valuation of the construction for City inspections of the structure. Upon receipt of the payment, the plans will be reviewed by the building official. Once the building official has signed off on the plans a construction permit will be issued to the applicant and the applicant's construction contractor.
  - D) Upon City approval of plans and before construction starts, if any part of the waterfront structure is to be built on City Property a lease agreement must be signed for that property by the resident and the City. The City Administrator will have the authority to sign the agreement for the city. This lease agreement shall be renewed every (3) three years upon the required (3) three year inspection described in Section 5 of this Ordinance.
  - E) No construction of a Private Waterfront Structure may begin without a City permit, and the construction permit must be displayed at all times during construction and be visible from the road. Should the applicant fail to display the construction permit at the site, the project will be subject to being shut down until proof of the construction permit is provided to the City.
  - F) The City shall have the right to inspect the construction of the structure at any time during construction.
  - G) Upon completion of the structure, the applicant must notify the City so that a final inspection of the Private Waterfront Structure can be made and the structure can be approved by the City by a license issued by the City Administrator.
  - H) Existing structures at the time of the passage of this Ordinance shall begin immediately with the re-inspection process and lease agreement.

## **SECTION 5. – MAINTENANCE AND USE REGULATIONS**

In addition to other regulations set out in this Ordinance and the City Parks Ordinance, the following regulations shall apply to the use and maintenance of Private Waterfront Structures:

- A) The owner of a Private Waterfront Structure shall maintain the structure in good condition at all times so that it is not dangerous to anyone who may use or stand on the structure.
- B) No person shall be permitted on a Private Waterfront Structure without the permission of the licensed owner of the structure.

- C) The Private Waterfront Structure shall be subject to inspection by a City building inspector every three years.
- D) The re-inspection fee shall be payable to the City of Roman Forest. See most current Permit Fee Schedule adopted by City Council.
- E) Damaged structures may be rebuilt provided that at least seventy-five (75) percent of the existing pilings are found to be sound. The building official will make this determination. All structures not meeting this requirement shall be removed at owners' expense. If the owner has not removed the damaged structure after 90 days the city will remove the structure at the owners' expense.
- F) Damaged structures not completely rebuilt shall be completely removed at owners' expense. A permit to completely rebuild will be required through the city using the same procedures as a new structure would require.
- G) Upon removal or destruction of any non-conforming waterfront structure, non-conforming status shall be lost to that structure and no new non-conforming structure shall be erected thereon.

#### **SECTION 7. – CRIMINAL PENALTY**

Any person or persons who violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, fined a sum not to exceed Five Hundred Dollars (\$500.00), with each violation being treated as a separate offense.

#### **SECTION 8. - SAVINGS CLAUSE**

If any section, sub-section, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions thereof.

#### **SECTION 9. – REPEALING CLAUSE**

Any and all other ordinances, resolutions, and/or policies of the City of Roman Forest, Texas, whether written or otherwise, which are in any manner in conflict with, or inconsistent with this Ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

#### **SECTION 10. – COMPLIANCE WITH OPEN MEETINGS CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

#### **SECTION 11. - EFFECTIVE DATE UPON PUBLICATION**

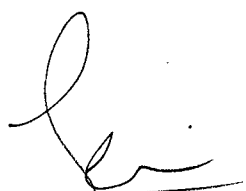
This Ordinance shall be effective immediately upon its publication as provided by law.

PASSED AND APPROVED this the 17<sup>th</sup> day of April 2018.



Chris Parr, Mayor

ATTEST:



Iliana Bahr, City Secretary