

ORDINANCE NO. 218-B

AN ORDINANCE OF THE CITY OF ROMAN FOREST, TEXAS. PROVIDING FOR THE MAINTENANCE, SAFETY AND APPEARANCE OF THE CITY OF ROMAN FOREST, TEXAS BY PROHIBITING THE USE OF STREETS AND RIGHTS-OF-WAY FOR THE PURPOSE OF POSITIONING TRUCKS OR TRAILERS THEREON FOR THE PURPOSE OF LOADING LOGS, TIMBER OR LOGGING EQUIPMENT; PROVIDING REGULATIONS AND PERMIT REQUIREMENTS AND PROCEDURES FOR LOGGING ON PRIVATE PROPERTY; CONTAINING DEFINITIONS AND FINDINGS RELATED TO THE SUBJECT; PROVIDING A PENALTY FOR VIOLATIONS; AND THE REPEAL OF ALL ORDINANCES OR PART OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in the interest of public health, safety and welfare, the City Council finds that the streets and rights-of-way should be protected from damage by trucks trailers, logging equipment and machinery; and

WHEREAS, the City has an interest in the appearance of the streets and rights-of-way within the limits of the City of Roman Forest, Texas; and

WHEREAS, the maintenance of the streets of Roman Forest, Texas is dependent upon its drainage to prevent potholes and maintaining a smooth landscape for mowing; and

WHEREAS, moving logs or other heavy objects across the rights-of-way and pavement does substantial damage to the surface of the soil and pavement; and

WHEREAS, the felling of trees poses a threat to neighboring property owners;

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

SECTION 1.0: Definitions: As used in this Ordinance the following words shall have the meaning given.

1.01 Appearance - the eye appeal of the landscape of the right-of-way of the streets of the City of Roman Forest from the exterior road shoulder to the outside right-of-way, including esplanades and cul-de-sacs.

1.02 Right-of-Way - the land dedicated for streets and drainage within the City of Roman Forest, Texas.

1.03 Logging - the individual act or any combination of the acts of felling, dragging, cutting or loading of (7) or more timbers or logs 4" or larger at the base from privately owned property within the City of Roman Forest within a 12 month calendar year.

1.04 Landscaping - the removal of timber from a privately owned lot upon which the resident's dwelling is located and any adjacent or contiguous lots owned by the same person. The provisions of this Ordinance shall not be considered as landscaping if more than (6) trees are removed over 4" at the base.

1.05 Any and all burning within the City limits of the City of Roman Forest must comply with all State and Local Laws, and guidelines. No burning will be permitted without the property owner being present.

SECTION 2.0: Permits - it shall be unlawful to engage in any logging without first obtaining a logging permit from the City.

2.1 All permits shall be obtained from the City Secretary, and no permit shall be issued without:

2.1.1 Proof of property damage liability insurance in the minimum amount of one hundred thousand dollars (\$100,000.00) that insures against damages to any City, residential or commercial property that results from actions of the insured or the insured's agents or employees.

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2.1.2 Cash or properly executed surety bond in the amount of two thousand dollars (\$2000.00) assuring the removal of all trash, stumps and debris resulting from logging. All such trash, stumps and debris shall be removed within sixty (60) days of the permit date or said surety bond or cash deposit for the site cleanup shall be forfeited to the City. The Roman Forest Building Inspector, with authorization from the Mayor, may grant the designee for the completion of the cleanup if warranted by weather conditions or other extenuating circumstances a thirty (30) day grace period, or periods. No exemption from site cleanup requirements shall be granted to any person or corporation.

2.1.3 A properly constructed and approved culvert type approach from the City right-of-way to the property from which logging is to be done will be constructed, if needed, at the cost of the property owner or his designee. The culvert approach shall be built to withstand the weight of the heavy equipment and trucks to be used. The Building Inspector, Mayor or the Mayor's designee shall make the determination if a culvert approach is necessary. The City of Roman Forest Building Inspector shall determine the specifications, inspect and approve all such approaches prior to the issuance of any permit and the beginning of any logging. If applicable, a separate culvert inspection fee shall be charged as per the then current City of Roman Forest schedule of inspection fees.

2.1.4 In the event that a property owner or corporation engages in logging at multiple locations in the City and exceeds ten thousand dollars (\$10,000.00) in posting surety bonds (more than five locations) or cash deposits, the following provision shall apply:

2.1.4.1 When engaged in logging at more than five locations at the same time the surety bond or cash deposit amount shall be reduced to one thousand dollars (\$1,000.00) per location in excess of five. The first five locations shall be subject to the provisions set forth in section 2.1.2 of this Ordinance.

SECTION 3.0: Time Frame for Completion

3.1 Unless otherwise provided for in section 2.1.2 of this Ordinance, all logging and cleanup shall be completed in sixty (60) days from the date of issuance of the logging permit.

SECTION 4.0: Parking in Right-of-Way Prohibited

4.1 It shall be unlawful to use any part of the streets, right-of-way or drainage ditches of the City of Roman Forest for the purpose of parking or stationing a truck, trailer or any logging equipment for the purpose of loading or unloading logs, timber or log moving equipment.

SECTION 5.0: Refund of Surety Bond

5.1 The cash deposit or surety bond shall be promptly refunded in full if all trash, stumps and debris is removed within sixty (60) days of the permit date. Failure to remove trash, stumps and debris in the time permitted shall be cause for forfeiture of the cash deposit or surety bond and the issuance of a citation of the lot owner. The City of Roman Forest Building Inspector, Mayor or the Mayor's designee shall inspect and must approve the site cleanup prior to the return of the cash deposit or surety bond. A re-inspection fee as outlined in the Permit and Fee Schedule will be charged for each re-inspection occasioned by improper or incomplete site clean-up.

SECTION 6.0: Permit and Inspection Fees

6.1 The permit fee shall be the then current City of Roman Forest schedule of permit and inspection fees.

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SECTION 7.0: Enforcement

7.1 The provisions of this Ordinance are enforceable on the owner of the property, the property's agents and anyone conducting logging at the location.

7.2 Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed two hundred fifty dollars (\$250.00). Each violation and each day of violation shall be considered a separate offense.

SECTION 8.0: Savings Clause

If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances and to this end all provisions of this Ordinance are to be declared severable.

SECTION 9.0

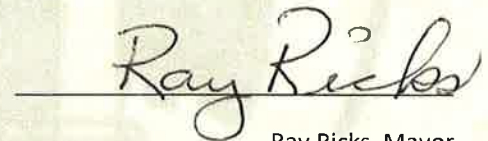
All other ordinances, or parts of ordinances inconsistent with the terms of this Ordinance, in particular Ordinance No. 218-A, are hereby repealed; provided however, that such repeal shall be only to the extent of such inconsistency and in all other respects of this Ordinance shall be cumulative of other Ordinances regulating and governing the subject matter covered by this Ordinance.

SECTION 10: Effective Date

This ordinance shall be in full force and effective upon its publication.

PASSED AND APPROVED THIS 20TH day of February 2013

CITY OF ROMAN FOREST, TEXAS



Ray Ricks, Mayor

ATTEST:



Liz Mullane, City Secretary