

## Travis County Code, Chapter 64. Regulations for Floodplain Management and Guidelines and Procedures for Development Permits<sup>1</sup>

requirement has been in effect since April 1, 1982, when the County went into the regular phase of the National Flood Insurance Program.

- (2) Improvements and/or development prior to April 1, 1982 are exempt from these controls, but any impervious material "grandfathered" shall be used in calculating the impervious coverage ratio for future development.
  - (3) Individual single-family residences shall not be required to conform to these controls.
- (b) Design of Stormwater Management Controls. When development exceeds the 20% impervious coverage ratio, the permit applicant shall have a Registered Professional Engineer licensed in the State of Texas provide a plan with supporting calculations to attenuate the effects of the proposed increased stormwater. The normal design of these controls shall be as per the City of Austin's Drainage Criteria Manual. Any other method proposed shall require prior approval by The Floodplain Administrator.

[Sections 64.187 to 64.220 reserved for expansion]

### ***Subchapter G. Solid Waste Management or Disposal Facilities in or near Floodplains***

#### **64.221 Definitions**

Unless the context clearly requires otherwise, in this subchapter:

- (1) "Disposal" means the discharging, depositing, injecting, dumping, spilling, leaking, or placing of solid waste.
- (2) "Executive Manager" means the Executive Manager of the Travis County Transportation and Natural Resources Department.
- (3) "Management" means the systematic control of the activities of generation, source separation, collection, storage, transportation, processing, treatment, composting, recycling, beneficial use, resource recovery, land application, or other handling of solid waste.
- (4) "FEMA One Hundred Year Floodplain" means an area identified as a one hundred year floodplain on flood insurance rate maps or flood boundary and floodway maps published by the Federal Emergency Management Agency.
- (5) "Solid waste" means solid, liquid, semisolid, or contained gaseous waste resulting from or incidental to municipal, community, commercial, industrial, institutional, agricultural, mining, or recreational activities, including sludge, garbage, rubbish, refuse, ashes, street cleanings, dead animals, abandoned automobiles, and other discarded material. The term does not include either solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return

flows, or industrial discharges subject to regulation by permit issued under Chapter 26, Water Code, or soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements.

- (6) "Solid waste management or disposal facility" means land, structures, appurtenances, and other improvements on land, used for management or disposal of solid waste, including any incinerator, landfill, transfer station, or land application, beneficial use, or composting site. The term includes a publicly or privately owned solid waste facility consisting of several processing, storage, or disposal operational units such as one or more landfills, surface impoundments, or a combination of units.

**64.222 Prohibition**

- (a) A person may not construct, locate, or operate a solid waste management or disposal facility either in, or within five hundred feet of the boundary of, a one hundred year floodplain.
- (b) The prohibition in this section applies only
- (1) outside the corporate limits of any municipality, and
  - (2) to solid waste management or disposal facilities not fully permitted and operating in compliance with all regulatory requirements on the effective date of this ordinance.

**64.223 Variance Procedure**

- (a) A person desiring to obtain a variance from the prohibition contained in section 64.071 must meet the requirements of this section. Requests for variances to other requirements of Chapter 64 are governed by Subchapter C.
- (b) A request for a variance must be made in writing to the Executive Manager. The application must include all information necessary to allow the Commissioners Court to make the findings provided in this section. After receiving and evaluating a complete application for a variance, the Executive Manager shall place the application on the agenda of a meeting of the Commissioners Court.
- (c) The Commissioners Court may grant the variance if it finds that
- (1) the facility meets all other regulatory requirements, including the requirements of this chapter,
  - (2) no alternative site is available to the applicant,

- (3) due to special conditions, strict enforcement of the prohibition on 64.222 would result in an unusual and unnecessary hardship on the applicant, and
- (4) all necessary conditions will be imposed upon and all necessary measures will be taken by the applicant to protect public health and safety, including appropriate engineering, design, operation, inspection, monitoring, and financial responsibility.

[Sections 64.224 to 64.240 reserved for expansion]

### ***Subchapter H. Enforcement***

#### **64.241 Actions Authorized to Enforce Chapter**

- (a) The County, acting through the County Attorney, is hereby authorized to file an action in a court of competent jurisdiction to:
  - (1) Enjoin any person from violating the terms, conditions and restrictions of any permit issued under this chapter;
  - (2) Enjoin the violation of the provisions of this chapter;
  - (3) Recover civil penalties for violation of the terms, conditions and restrictions of any permit issued under this article;
  - (4) Recover civil penalties for violation for the provisions of this article; or
  - (5) Recover damages from the owner of a site in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with this chapter.

This authority is in addition to all provisions of this chapter, Chapters 48 and 82 of the Travis County Code, Title 30 of the Austin-Travis County Subdivision Regulations, and any other authority to enforce the provisions of this chapter.

- (b) The County, acting through the County Attorney, is hereby authorized to enter into agreements in lieu of litigation to achieve compliance with the terms, conditions, and restrictions of any permit issued under this chapter.
- (c) The Floodplain Administrator is authorized to:
  - (1) Whenever any work authorized by a development permit is being performed contrary to the provisions of this chapter, or other pertinent laws or ordinances implemented through the enforcement of this article, order the work (other than work to cure a violation) stopped by notice in writing served on any persons performing the work or causing the work to be performed. Any such persons shall forthwith stop the work until authorized by the Floodplain Administrator to proceed with the work.