

MONTAGUE COUNTY, TEXAS
SUBDIVISION REGULATIONS

TABLE OF CONTENTS

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GENERAL PROVISIONS 4
ENFORCEMENT 5
VARIANCE 5
BOND REQUIREMENTS 6
 Security/Construction Bond 6
 Maintenance Bond 7
 Bond Extension 8
 Irrevocable Letter of Credit (in lieu of Bond) 8
 Other Security 8
EXCLUDED TRANSACTIONS 9
PLATTING PROCEDURES 10
PRELIMINARY PLAT 10
RECORD PLAT 12
REVISION TO PLAT 14
WATER AVAILABILITY REGULATIONS 15
 Provisions 15
 Definitions 15
 Requirements for Subdivisions Water Supply 16
 Requirements for Subdivisions to be served by a New Public Water Supply System 18
 Adoption of Model Rules under Chapter 16 of the Texas Water Code 19
 Wastewater Disposal 21
DESIGN STANDARDS 22
 Lots 22
INFRASTRUCTURE REQUIREMENTS 22
 Definitions 22
 Recreational Vehicle Park 23
 Infrastructure Requirements 24
 Recreational Vehicle Park Regulations 25
 Other Regulations 28
 Fees 29
 Penalties 29

EASEMENTS	29
FLOOD PLAINS.....	31
ROADWAYS.....	31
FINAL INSPECTION.....	36
PENALTIES FOR VIOLATION.....	36
Appendix A.....	38
Appendix B.....	40
Appendix C (1).....	43
Appendix C (2).....	44
Appendix D.....	45
Appendix E.....	46
Appendix F.....	47
Appendix G.....	48
Appendix H.....	49
Appendix I.....	50
Appendix J.....	51
Appendix K.....	52
Appendix L.....	53
Appendix M.....	56
Appendix N.....	56
Appendix O.....	58
Appendix P.....	60
Appendix Q.....	62
Appendix R.....	63
Appendix S.....	64

**MONTAGUE COUNTY, TEXAS
SUBDIVISION REGULATIONS**

REGULATING THE FILING FOR RECORD OF SUBDIVISION PLATS AND OTHER REQUIREMENTS PERTINENT THERETO AND ESTABLISHING CONSTRUCTION STANDARDS FOR ALL SUBDIVISIONS SITUATED OUTSIDE THE BOUNDARIES OF ANY INCORPORATED CITY IN MONTAGUE COUNTY, TEXAS.

THE STATE OF TEXAS, COUNTY OF MONTAGUE, IN COMMISSIONERS COURT OF MONTAGUE COUNTY, TEXAS, August 16, 2019,

WHEREAS: Montague County wishes to establish standards and specifications for the development of subdivisions of land, as defined by Chapter 232 of the Texas Local Government Code, including the provision of utilities, the construction of roads and drainage, and the provision of fresh water and waste-water, including private on-site sewage facilities and development within the floodplain, and

WHEREAS: These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to: Texas Local Government Code annotated, Chapter 232 (Authority to adopt and enforce subdivision regulations and require plat approval, specifically including Subchapter E, (related to Infrastructure Planning)); Texas Local Government Code Ann., Chapter 233, related to regulation of Housing and Structures); Tex. Local Gov't Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extraterritorial jurisdiction of municipalities); Texas Transportation Code Ann., Chapter 251 (general control over all roads, highways and bridges); Tex. Health and Safety Code Ann., Chapter 364 (County solid waste disposal systems); Tex. Utilities Code Ann., Sections 181.021-.026 (regulation of gas utility lines within county right-of-way); Tex. Health and Safety Code Ann., Chapter 366 (authority to adopt standards for on-site sewerage facilities); Tex. Health and Safety Code Ann., Chapter 365 (regulation of public highways for litter control), Tex. Health and Safety Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Tex. Water Code Ann. Chapter 16 and 35, et seq. (authority to set standards for the provision of water/sewer/waste-water and construction within floodplain and to guide development of future development to minimize damage caused by floods), Tex. Water Code Ann. Chapter 54 (municipal utility districts), Tex. Water Code Chapter 26 (Water Quality Control), and Tex. Water Code Sections 26.171 and 26.175 (regulation of water quality by counties). These statutes, listed here as illustrative and not exclusive grants of authority to Texas counties, empower the County to enact subdivision rules and regulations and to provide for its administration, enforcement, and amendment, and

WHEREAS: The County Commissioners Court is empowered with the authority to formulate such rules and regulations by the foregoing authority, and the Commissioners Court has favorably received and voted on these rules, recommend that these regulations be adopted in order to preserve and protect the resources, public health and private property interests of Montague County following public notice, investigation and public hearing, has declared and hereby declares these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF MONTAGUE COUNTY, TEXAS, AS FOLLOWS:

GENERAL PROVISIONS

Every owner/subdivider/developer (hereinafter called "Owner/subdivider/developer") of any tract of land situated outside the corporate limits of any city in Montague County, Texas, who may hereafter divide the same in two (2) or more parts for laying out lots for the purpose of laying out streets, alleys, or parks or other portions intended for public use shall cause a plat to be made thereof which shall accurately describe all of said subdivision or addition by metes and bounds and locate the same with respect to an original corner of the original survey of which it is a part, giving the dimensions of all lots, streets, or other portions intended to be dedicated to public use or for the use of purchasers or owners of lots. Said map or plat, shall be prepared in compliance with these regulations and with the subdivision statutes of the State of Texas and shall be submitted to the Commissioners Court for approval prior to filing with County Clerk.

In areas within the City Limits and Extraterritorial Jurisdiction (ETJ) of the Cities of Montague County, the provisions are as follows:

- a. property located 100% within the City Limits and/or ETJ of the Cities of Bowie, Nocona and Saint Jo are under exclusive jurisdiction of said Cities in accordance with interlocal agreements signed with Montague County.
- b. property located both within the City Limits and/or ETJ of the Cities of Bowie, Nocona and Saint Jos, and also located in Montague County, are subject to separate Regulations; the property located in the ETJ is under jurisdiction of the City and the property located in the County is under jurisdiction of the County, with the more stringent regulations prevailing.

In the event that the proposed subdivision is a revision of a recorded plat, the Owner/subdivider/developer will be required to meet the requirements of these Regulations for revisions, as well as these specifications. An existing subdivision plat may be cancelled, revised, or Amended by the owner/subdivider/developers thereof in conformance with these Regulations and Sections 232.008, 232.0083, 232.0085, 232.009, 232.0095, 232.010, or 232.011 of the Texas Local Government Code and upon approval by the Commissioners Court.

With the inception of these Regulations, the installation of septic systems on any lot in a subdivision shall not occur until a final plat has been approved and filed for record, and all the standards contained herein or referred to herein have been complied with in full.

Water Availability Regulations apply to all applications for approval of a plat for a Subdivision wholly or partially within Montague County, Texas except when platting is exempt from the subdivision regulations (*see excluded transactions*).

Montague County shall not repair, maintain, install, or provide any streets or roads in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full, nor shall Montague County repair, maintain, or install any streets or roads until such time as the roads or streets have been formally accepted for inclusion into the County maintenance inventory by an order separate and apart from approval of any plat for filing purposes only by the Commissioners Court. Approval of the subdivision plat for filing does not indicate any agreement or understanding that Montague County will assume responsibility for maintenance of roads, streets, alleys or other areas dedicated to public use on the plat.

ENFORCEMENT

The Commissioners Court of Montague County shall have the authority to refuse to approve or authorize any map or plat of any such subdivisions, unless such map or plat meets the full requirements as set forth in these Subdivision Regulations and there is submitted at the time of approval of such map or plat financial security as may be required by these Regulations. No lot in any subdivision shall be sold or transferred until the final plat is approved and recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full. On behalf of Montague County, the County Attorney or other attorney may, when directed by the Commissioners Court, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Order or the standards referred to herein with respect to any violation thereon which occurs within Montague County's jurisdiction. The County reserves the right to seek all remedies, including injunction, prohibition, damages, and where appropriate, criminal penalties in the enforcement of these rules and regulations.

Conflicting Orders. If any other County Order is in conflict with this Order, the most stringent rules will apply. Nothing will be permitted under the provisions of this Order that is in violation with another valid Order of the County.

Severability Clause. If any provision of this Order or the application thereof, to any person or circumstance is held invalid, the remainder of the Order and the application of such provision to their persons or circumstances shall not be affected thereby.

Penalty for Violation. The Commissioners Court of Montague County will cause an employee of the Court or any other person or persons it so designates to review periodically those deeds or sales contracts being recorded in the County Clerk's Office to see that any subdivisions affected thereby shall comply with requirements of Chapters 232 and 233 of the Texas Local Government Code.

If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in this Order and in the State Statutes, the Commissioners Court of Montague County or its' representative can so notify the party selling or transferring title in whole or in part to comply with the said requirements.

In the event the said notified party refuses to comply with the requirements of the State Statutes, the Commissioners Court can take appropriate action to obtain compliance. Any party violating any provisions of this Order shall be guilty of a Class B misdemeanor and each act of the violation shall constitute a separate offense.

VARIANCE

The Commissioners Court may authorize a variance from the Subdivision Regulations when, in its opinion, undue hardship will result from requiring strict compliance. In approving a variance, the Commissioners Court shall prescribe only conditions that it deems necessary or desirable to the public interest. Any person who wishes to receive a variance shall apply to the Court with a list of, and a detailed justification, for each variance requested. The decision of the Court whether to grant or deny a variance is at its complete discretion and will be final.

In approving a variance, the Commissioners Court shall prescribe only conditions that it deems necessary or desirable to the public interest. In making their findings, the Commissioners Court shall take into account

the nature of the proposed use of the land involved and existing uses of the proposed subdivision and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Commissioners Court finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of this Order would deprive the applicant of the reasonable use of his land, and,
2. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, and,
3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Order.

Such findings of the Commissioners Court, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which the variance is granted. Variances may be granted only when in harmony with the general purposes of intent of the Order so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the Owner/subdivider/developer, standing alone, shall not be deemed to constitute hardship. No Variance shall be granted as to required improvements.

BOND REQUIREMENTS

Security/Construction Bond:

1. All construction shall be complete with two (2) years after approval of final plat in a timely manner, and in accordance with the terms and specifications contained in this Court Order, the owner/subdivider/developer shall file a Construction Bonds, executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Montague County, Texas, or his successor in office.
2. The bond amount shall be equal to one-hundred percent (100%) of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structure and all other construction.
3. The construction bonds 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 to the satisfaction of the County Engineer, and the construction bond has been released by a Court Order from the Commissioners Court.
4. In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the owner/subdivider/developer, fail to meet the requirements of the foregoing specifications, and the said attention in writing by the County Engineer, the unfinished improvements shall be completed at the cost and expense of obligees as provided.
5. The plat shall not be approved or recorded unless the Owner/subdivider/developer has filed with the Commissioners Court a cash bond or other surety executed by a surety company holding a license to do business in the State of Texas, made payable to the County Judge of Montague County, Texas, or his successor in office, and acceptable to the County, in an amount equal to

the cost of the roads and drainage improvements, or other improvements where applicable, including but not limited to water and wastewater facilities, required by these Regulations as estimated by the Design Engineer and approved by the County, conditioned that the Owner/subdivider/developer will complete such improvements within two (2) years after approval of such plat, such bond to be approved by the County Commissioners Court.

6. Should there be any deficiency or variance from the requirements herein or should the work not be completed within the stated time, the County will notify the Owner/subdivider/developer of such departure by certified mail. Should the condition not be corrected within thirty (30) days following receipt of notice, the County may declare the bond or surety forfeited and order construction operations suspended. The County reserves the right to complete the work by means most advantageous to its organization and citizens, utilizing such portion of the bond or surety as may be necessary to accomplish such completion. In the event progress and final inspections indicate no departure from the requirements herein, the designated representative of the County will certify completion in accordance with the requirements of the Commissioners Court and the Court will consider release of the surety. The surety bond shall remain in effect until all roads, drainage improvements and other applicable improvements have been approved by the Commissioners Court, and the bond has been released by Order of the Commissioners Court. **It is the responsibility of the Owner/subdivider/developer to advise the County Commissioners Court of the status of construction prior to expiration of the two (2) year construction period as is stated above.**

Maintenance Bond:

- 1 To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the County Engineer, a maintenance bonds executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Montague County, Texas, or his successor in office, shall be substituted for the construction bond at the time of release of said construction bond.
- 2 The maintenance bond amount shall be equal to one-hundred percent (100%) of the estimated cost of roads, streets, street signs, underground utilities, required drainage structures and all other construction.
- 3 The conditions of the maintenance bond shall be that the owner/subdivider/developer shall guarantee to maintain, to the satisfaction of Montague County, all of the streets, roads, drainage structures and drainage ditches and channels which have been constructed to specification with construction security released by Court Order form Commissioners Court, in a good state of repair for a period of two (2) years from the date of official release of construction security.
- 4 Periodical 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 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 owner/subdivider/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 obligees as in said orders provided.

- 5 The release of any bond shall be by order of the Commissioners Court. To request a release the owner/subdivider/developer who posted the bond in question shall present a written request to release said bond. The request shall contain a statement by the 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 one (1) set 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 Montague County at least fourteen (14) days prior to the next regularly scheduled meeting of Commissioners Court.

Montague County shall not repair, maintain, install, or provide any streets or roads in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full, nor shall Montague County repair, maintain, or install any streets or roads until such time as the roads or streets have been formally accepted for inclusion into the County maintenance inventory by an order separate and apart from approval of any plat for filing purposes only by the Commissioners Court. Approval of the subdivision plat for filing does not indicate any agreement or understanding that Montague County will assume responsibility for maintenance of roads, streets, alleys or other areas dedicated to public use on the plat.

The Commissioners Court shall not in any case accept such roads and improvements on behalf of the County for a period of at least two (2) years after such proper completion, and not then unless and until the Commissioner in whose precinct the proposed subdivision is located certifies that they have been maintained in good condition for said period of two (2) years and are in good condition at such time. The County shall reserve the right to reject or accept such roads and drainage improvements only upon motion duly passed at a regular or legally called special meeting of the Commissioners Court, and the Owner/subdivider/developer shall remain responsible for the maintenance of such improvements until legally accepted for county maintenance by separate order by the County. Maintenance of roads shall include such items as drainage by others, spilled concrete, mud and debris on roads, damage from unknown springs, pumping, unraveling, etc. Maintenance of the drainage improvements shall include removing debris; re-sodding eroded areas and the installation of additional concrete riprap where designated by the County to permanently prevent erosion.

Bond Extension: Where good cause exists, the County may extend the period of time for completion for an additional period of time not to exceed six (6) months if the Owner/subdivider/developer has not completed the required improvements or completed such improvements in compliance with these Regulations. No such extension shall be granted unless the Owner/subdivider/developer provides additional security to cover the extended period of time.

Irrevocable Letter of Credit (in lieu of Bond): An Irrevocable Letter of Credit may be submitted in lieu of bonds for the purpose of insuring an Owner/subdivider/developer's obligation to construct and maintain the roads, drainage improvements and other applicable improvements in a subdivision. Irrevocable Letters of Credit In lieu of Bonds are required under the same conditions as Security and Maintenance Bonds.

Other Security: Any type of security for construction and maintenance other than Bonds and Irrevocable Letters of Credit shall be by written request to Montague County, and must first be approved by Commissioners Court.

EXCLUDED TRANSACTIONS

The following types of transactions will not be considered a subdivision as defined in these Regulations, however, this list is not to be considered exclusive of similar transactions and it is in addition to the general rules set out in these Regulations, *to-wit*:

1. Intra family transfers.
2. Boundary line transaction.
3. Court ordered partitions.
4. Partitions between husband and wife, partners, stockholders of a corporation, and other types of joint tenants.
5. Tracts over ten (10) acres in size regardless of number of tracts created.
6. Transfer of rights-of-way or easements.
7. The owner/subdivider/developer of the land is a political subdivision of the state, the land is situated in a floodplain, and the lots are sold to adjacent landowner.
8. The tract is devised or given by a testator or donor to an individual who is related to the testator or donor within the third degree of consanguinity or affinity, and provided, however this exception does not apply if the division will change the boundary between two legally platted lots or subtract land from a legally platted subdivision.
9. The land being divided is inherited property between heirs or is land being divided between donees who have acquired title by gift deed, the property is being divided by agreement or by action in probate, and the heirs or donees are related to the testator or donor within the third degree of consanguinity or affinity; provided however, this exception does not apply if the division will change the boundary between two legally platted lots or subtract land from a legally platted subdivision.
10. A smaller tract is surveyed out of the parent tract solely for the purpose of obtaining financing of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified.
11. The Owner/subdivider/developer does not lay out a part of the tract for streets, alleys, squares, parks, or other parts of the tract 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, and the land is to be used primarily for agriculture use as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management or timber production uses within the meaning of Section 1-d-1, Article VIII, Texas Constitution.

12. Division of a tract into two or more parts and does not lay out a part of the tract as described in Section 232.001(a)(3), Texas Local Government Code, to be sold to veterans through the Veterans' Land Board Program.

PLATTING PROCEDURES

The following procedures shall be followed in the process of review and approval of all subdivision plats by the Montague County Commissioners Court:

Subdivision plats shall be submitted to the Commissioners Court for review and approval on two (2) separate readings (at least one month apart) before they may be recorded with the County Clerk. All subdivisions shall be submitted for Second Reading (Record Plat) within one (1) year after the date of First Reading (Preliminary Plat) approval.

It shall be required that the Owner/subdivider/developer meet with the Commissioner in whose precinct the proposed subdivision is located to review the plat prior to any consideration by the Commissioners Court. The request for said meeting shall be made of the Commissioner a minimum of thirty (30) days prior to the request for Commissioners Court action. Only the Commissioner in whose Precinct the proposed subdivision is located or the County Judge may request both readings be placed on the Commissioners Court meeting agenda for consideration.

All submissions of information required herein shall be made a minimum of thirty (30) calendar days prior to the date of the Commissioners Court meeting at which action is being requested. The Water Availability Studies are required with submission of the preliminary plat. The information will be deemed to have been submitted when it is delivered to the Office of the County Judge, together with a paid receipt from the County Treasurer for all fees, who shall issue a receipt for the completed application and preliminary plat. Five (5) blueline copies (minimum size of 18"x24") of the plat and one copy of all other required information shall be submitted. See Appendix S, Development Fee Schedule.

All submissions shall be accompanied by a Letter of Transmittal which shall include the name, address, and telephone number of the person who will be representing the Owner/subdivider/developer's request before the Commissioners Court, and stating what action is being requested.

In accordance with Section 245.005 of the Local Government Code, approval of a Preliminary Plan shall expire and be of no further force and effect in the event a Final Plat for a portion of the Subdivision is not filed within twelve (12) months following the date of the Commissioners Court approval of the Preliminary Plan or in the event that no progress has been made towards completion of the project within the project activity period. For purposes of this section, the term "project activity period" means the later of:

- (A) Two (2) years from the date of approval of the Preliminary Plan; or,
- (B) Five (5) years from the date the first permit application was filed for the project.

PRELIMINARY PLAT (First Reading)

The Owner/subdivider/developer shall cause to have prepared a Preliminary Plat of the proposed subdivision which shall show (see Checklist, Appendix A):

1. Typical lot dimensions.
2. Street right-of-way widths.
3. Areas proposed for recreational use, *i.e., courses, parks, greenbelts, etc.*
4. Transfer of rights-of-way or easements, including any alleys and/or utility easements.
5. Proposed land use of all lots being subdivided.
6. Real Property Record volume and page reference and names of all current owner/subdivider/developers of contiguous property surrounding the proposed subdivision.
7. Land use of all contiguous tracts, *i.e., undeveloped, subdivided, etc.*
8. All major topographic features on or adjacent to the property as well as elevation contours at no greater than five-foot (5') intervals if in a floodplain, and no greater than twenty-foot (20') intervals if not in a floodplain. Areas of Special Flood Hazard as shown by the current Flood Hazard Boundary Maps as authorized by FEMA. Each tract shall be inspected and flood plain determination made on its own merits.
9. A comprehensive Flood Plain and Drainage assessment including a 100-year floodplain map and a complete assessment as required by the Texas Commission on Environmental Quality and all applicable state statutes.
10. Master Development Plans [*If the subdivision is a portion of a larger tract of land, the exterior boundary of the parent tract shall be shown on the Preliminary Plat with future plans for the remaining property noted. If the parent tract is larger than 320 acres, the Preliminary Plat may be prepared at a scale no smaller than one inch (1") equals one thousand feet (1000'), with the area proposed to be subdivided detailed at a scale no smaller than one-inch equals two hundred feet (1"=200').*]
11. North directional indication arrow.
12. Vicinity or Location map showing the proposed subdivision in relation to major roads, towns, cities, and topographic features.
13. Names and addresses of the current owner/subdivider/developers of the subdivision property, including Real Property Record volume and page references.
14. Name and address of the proposed owner/subdivider/developer.
15. Total acreage within the proposed subdivision.
16. Total number of lots.
17. Total area within road rights-of-way and length of roads.

18. Statement that streets within the subdivision may not be accepted into the county maintenance inventory and are the responsibility of the owner/subdivider/developer or Home Owners Association until formally accepted for maintenance by the County under separate Order.
19. Name of proposed subdivision, said name shall not conflict in spelling, pronunciation, or in any way with the name of any other subdivision within Montague County, unless the proposed subdivision is contiguous to an existing subdivision and is an additional phase of that development.
20. Names of roadways, said names shall not duplicate any other streets within Montague County unless they are extensions of said streets, and comply with requirements of 9-1-1 addressing regulations.
21. Location of all wells, water, oil, and natural gas, where applicable, and a statement that all unused wells are capped or plugged.

All fees related to the recording of a final plat shall be paid to the County Clerk before submission of the Preliminary Plat to the County Judge's office for review. Fees are located in Appendix S of this Subdivision regulation:

RECORD PLAT
(Second Reading)

Upon a determination that the Preliminary Plat is suitable for consideration on Final Plat Second Reading, the Owner/subdivider/developer shall revise the plat in accordance with the recommendations or (requirements) of the Commissioners Court and shall cause to be prepared a Final Plat of the proposed subdivision, an original Mylar and four (4) blue line copies of which shall be supplied to the Court for distribution, such plat having incorporated any and all changes.

These five copies consist of one 18"x 24" Mylar printed in black ink on white material and four Blue line. Distribution is as follows: one (1) fully signed mylar copy to the Clerk of the Court, one (1) fully signed blue line copy to the Central Appraisal District, and three (3) blue line copies to the County Judge, who will deliver one (1) copy to each of the following: (a) one fully signed blue line copy to the 9-1-1 Coordinator, (b) the County Attorney, and the (c) Commissioner in whose Precinct the Subdivision lies.

The Final Plat shall contain all information required herein for the Preliminary Plat as well as the following: (see Checklist, Appendix B)

1. All information required for the Preliminary Plat.
2. Name of proposed subdivision.
3. Lot and block numbers.
4. Proposed street names, pre-approved by the 9-1-1 Coordinator. [Location for street address signage will be furnished by Montague County in accordance with applicable regulations.]

5. Acreage, to two decimal points, of all lots and tracts.
6. Name and address of the surveyor and/or engineer certifying the plat.
7. Location and size of all proposed drainage structures.
8. Location, size, and proposed use of all easements required for the proper drainage and/or utility service.
9. Boundaries of incorporated city limits and/or ETJs and a statement that “*This property is/is not located within the municipal limits or ETJ boundaries of any community*”.
10. Statement of how utilities will be provided to the development, including names of utility companies, and a written statement from the respective utility that it is able to provide such services to the development. *i.e. water, sewer, power, etc.* If none are available, a statement so indicating shall be placed on the plat.
11. Certification from a licensed professional engineer regarding the method for providing:
 - a. Connection to an existing public water or sewer system;
 - b. Creating a new public water or sewer utility that complies with requirements of the Texas Commission on Environmental Quality (TCEQ); or
 - c. Installing wells that meet public drinking water standards or septic systems that meet on-site sewerage facility requirements of the state;
 - d. A statement that the water and wastewater facilities will accommodate ultimate development of the tracts for a minimum of 30 years.
12. Description of monument used to mark all boundaries, lot, and block corners, and all points of curvature and tangency on street rights-of-way.
13. Acknowledgement and certificate of dedication by the Owner/subdivider/developer (see Appendix C).
14. Certificate of Recording (see Appendix D).
15. Water Supply Certification (see Appendix E).
16. Certificate of Surveyor (see Appendix F).
17. Certificate of Engineer (*Attendance may be required*) (see Appendix G)
18. Certificate of Road Maintenance (see Appendix I OR J).
19. Certificate of County Approval of Plat (see Appendix K).

20. County Permit to Construct Driveway if needed (See Appendix L)
21. Lienholder's Acknowledgement (See Appendix M)
22. Notice of Utility Line Installation in County RoW) See Appendix O)
23. Cattleguard specifications, if applicable (See Appendix P)
24. Typical County Road cross-section. (See Appendix Q)
25. Summary of County Road Standards (See Appendix R)
26. Development Fees (See Appendix S)

In addition, the Owner/subdivider/developer shall submit with the Final Plat the following:

1. Proposed restrictive covenants, if any.
2. Tax Certificate showing all taxes are currently paid on the property to be subdivided. These would include Rollback Tax Receipts, if applicable.
3. The proposed Articles of Incorporation and By-Laws of the Homeowner's Association or other entity responsible for road maintenance in the event the Owner/subdivider/developer proposes to use privately maintained roads.
4. Construction Plans of all required streets and drainage improvements.
5. Road Construction Security, as specified herein.
6. A receipt from the Treasurer's Office, showing the Preliminary Plat fees have been paid.
7. A sign-off from the Texas Department of Transportation approving road access.
8. When lots equal or exceed 10 acres in size, the approval of Preliminary Plats and Final Plats may be excused upon application for an exclusion; however, a plat containing a map of the Subdivision shall be recorded with the County Clerk, along with applicable filing fees. All proposed street names must be approved by the 911 Coordinator **PRIOR** to such filing. Copies of the final plat must also be provided to the County Judge and the Appraisal District. The fee for filing an otherwise exempt plat is \$86.00 per plat up to 5 plat pages, each additional page being \$25.00 additional each. This plat shall be of Mylar, with black ink on white material, minimum size 18" x 24". A copy of the Restrictive Covenants, if any, shall be attached.

REVISION TO PLAT

The owner of an existing lot or lots in a platted recorded subdivision may apply for cancellation, revision, or amendment by the owners thereof in conformance with these Regulations and Sections 232.008, 232.0083, 232.0085, 232.009, 232.0095, 232.010, or 232.011 of the Texas Local Government Code and upon approval by the Commissioners Court of the subdivision plat. Upon receipt of a written application for the change,

the Commissioners Court will provide for notice of the requested change as set out in the applicable section of the Texas Local Government Code. The application shall include a revised plat or part of a plat that indicates changes made to the original plat.

After all required notices have been given, the Commissioners Court may adopt an Order to permit the revision of the subdivision plat upon finding that:

1. the revision will not adversely affect the rights of any other subdivision owner/subdivider/developer, or
2. each owner/subdivider/developer whose rights may have been adversely affected has agreed to the revision.

Upon approval by the Commissioners Court, the revised plat shall be filed with the County Clerk to be recorded in the Real Property Records.

A Revision of Plat fee of \$300.00 per plat, in addition to any fees already included on filing, and \$500.00 per plat Hydrological Study of Water Availability (unless waived by variance) shall be paid at the time of application. Montague County will assess an additional fee equal to the cost of notice for publication and/or certified letters. All fees shall be paid prior to Commissioners Court approval. A revision final plat recording fee shall be paid (\$86.00) to the County Clerk to record.

MONTAGUE COUNTY WATER AVAILABILITY REGULATIONS

Provisions

These regulations are adopted pursuant to Chapters 16 and 35 of the Texas Water Code, and Section 232.0032 of the Local Government Code, Vernon's Annotated Statutes.

The Montague County Commissioners Court has determined that the adoption of Water Availability Regulations is necessary to prevent current and/or projected water use in Montague County from exceeding the safe sustainable yield of the County water supply.

THE MONTAGUE COUNTY COMMISSIONERS COURT MAKES NO REPRESENTATION OR WARRANTY, EITHER EXPRESS OR IMPLIED, THAT SUBDIVISIONS THAT COMPLY WITH THESE WATER AVAILABILITY REGULATIONS WILL MEET THE CURRENT AND/OR FUTURE WATER NEEDS OF PURCHASERS OF PROPERTY WITHIN THE SUBDIVISION.

Definitions

The following words and terms, when used in these Regulations, shall have the following meanings. Words defined in the main body of the Montague County Subdivision Regulations, and not defined here, shall have the meanings provided therein.

- a. "Groundwater" - has the meaning assigned to it by the regulations of the Texas Commission on Environmental Quality (TCEQ);
- b. "FEMA" – means the Federal Emergency Management Agency.

- c. **Flood Insurance Rate Map (FIRM):** An official map on which the FIA has delineated both the areas of special flood hazards and the risk premium zones applicable to flood insurance.
- d. "Full build-out" - means the final expected number of residences, business or dwellings in the proposed subdivision;
- e. "Public water supply system" - has the meaning assigned to it by the regulations of the Texas Commission on Environmental Quality (TCEQ);
- f. "Qualified expert" - means a Hydrologist, a registered professional engineer, or a registered professional geoscientist;
- g. "Surface water" - has the meaning assigned to it by the regulations of the Texas Commission on Environmental Quality (TCEQ);
- h. "TCEQ" - means the Texas Commission on Environmental Quality;
- i. "TDDLRL"- means Texas Department of Licensing and Regulation.
- j. "TWDB" - means the Texas Water Development Board.

Requirements for Subdivisions Water Supply

The developer shall submit a signed statement including, but not limited to, the following:

- a. The source of water to be provided to the lots located within the subdivision should be submitted including the results of research performed by the owner or developer to ensure the proposed water supply will meet and exceed the anticipated demands based on projected population number and density. If water service is to be provided by a public or private water purveyor, a letter of agreement from said purveyor to provide water service to the proposed subdivision shall accompany the Preliminary Plat submittal. Said letter shall provide the name, address and telephone number of said public or private water purveyor. Should the source of water supply intended for the subdivision be groundwater, the plat application shall have attached to it a statement in accordance with TCEQ Title 30 TAC Chapter 230, that is prepared by an engineer licensed to practice in the State of Texas, certifying that adequate groundwater resources are available for the proposed subdivision in accordance with the criteria set forth by the Texas Commission on Environmental Quality. Groundwater certification, in accordance with TCEQ Title 30 TAC Chapter 230, is not required to be submitted for developments with 10 lots or fewer. However, developments with 10 lots or fewer are required to provide a letter agreement from the water purveyor with the Plat submittal. Regardless of the intended source of water and the number of lots proposed, all developments must comply with the requirements set forth by the Upper Trinity Groundwater Conservation District (UTGCD). This includes, but is not limited to, proper registration applications, tract sizes, spacing, fees, metering, etc. At a minimum, the Plat shall contain a statement notifying potential lot owners that the development lies within the UTGCD and all registration and permitting requirements must be adhered to. All lots served

by individual water wells must meet the requirements set forth in TCEQ Title 30 TAC Chapter 285 for On- site Sewage Facilities.

- b. The type of waste collection and disposal system that will be used to accommodate the subdivision should be submitted whether public sewage collection and/or disposal system, a private sewage collection and/or disposal system, or on-site sewage facilities. If a public or private sewage collection and/or disposal system is to be provided, a letter of agreement from said provider to supply a sewage collection and/or disposal system shall accompany the Preliminary Plat submittal. Said letter shall provide the name, address and telephone number of said sewage collection and/or disposal system provider.
- c. Provide a document that clearly and completely defines any and all restrictions that will affect any lot within the subdivision when offered for sale or conveyed at any time. The document shall also indicate that each purchase contract made between a subdivider and a purchaser of land in the subdivision shall contain a statement describing the extent to which water will be made available to the subdivision and, if it will be made available, how and when.

The Commissioners Court of Montague County finds, pursuant to §35.19 of the Texas Water Code, and pursuant to the North Central Texas Trinity and Woodbine Aquifers PGMA (Priority Groundwater Management Area), that water availability requirements are necessary to prevent current or projected water use in the county from exceeding the safe sustainable yield of the county's water supply.

A private water supply is a drinking water supply that is not a public source of drinking water. Where each lot in a proposed subdivision is to be served by a private water supply, the plat shall bear the following notation in bold, 14-point type:

“Montague County makes no representation that adequate water suitable for human consumption will be available within this subdivision.”

A public water supply is a water system which provides piped water for human consumption with a system with the potential of at least 15 service connections or intended to serve at least 25 individuals at least 60 days out of the year, in accordance with the most recent TCEQ (Texas Commission on Environmental Quality).

- a. The Preliminary Plat shall include all existing or planned sewers, water mains, gas mains, electric and telephone lines, culverts, or other underground structures or utilities within the tract and immediately adjacent thereto with pipe sizes, and locations indicated.
- b. Clearly indicate the source of the proposed water supply such as, but not limited to, municipal water, rural water supply corporation, private water system and individual wells including the size and location of all proposed water distribution mains, including any necessary meters, valves and fire hydrants. If a public water purveyor is the intended source of water supply, documentation confirming that the development lies within the intended Certificate of Convenience and Necessity (CCN) must be provided. If the development is outside the intended purveyor's CCN, an application for acceptance into the CCN must be submitted prior to acceptance of the Preliminary Plat and a letter of acceptance from the purveyor shall be provided prior to submitting the Final Plat.

- c. Clearly indicate the method of sanitary sewage treatment and/or disposal such as, but not limited to, municipal sewer service, private sewage disposal system and on-site sewage facilities including the size and location of all proposed sewer mains and manholes. Preliminary grades for each main between manholes and the depth at each manhole shall also be shown.
- d. In the case of an on-site sewage facility, the Developer shall be responsible for providing a Development Plan, as performed by a Professional Sanitarian, a Licensed Professional Engineer, or person certified as required by TCEQ Title 30 TAC Chapter 285. The sewage disposal plan shall be performed according rules and regulations established by the Wise County On-Site Sewage Facility Order and TCEQ Title 30 TAC Chapter 285.
- e. The Developer shall submit, along with the Preliminary Plat, a statement regarding the plan for providing water, sewer, electric, telephone, and any other necessary utilities to the individual lots located within the subdivision.

Requirements for Subdivisions to be served by a New Public Water Supply System

Where the Preliminary Plat submission to the Commissioners Court for a proposed subdivision whose water supply will be a New Public Water Supply System relying wholly or partially on groundwater or surface water shall include Water Availability data. This Water Availability data shall be derived from a minimum of two wells (one test well and one monitor well). There shall be one set of Test Monitor wells for each 100 acres. The use of existing wells is permitted if the existing well complies with these Regulations, and the test well, after satisfying testing requirements, may be converted to production of water for use of the new public water system. Each well required by this section shall be accessed by a dedicated easement to Montague County and the Upper Trinity Groundwater Control District sufficient to allow ingress and egress to the well-site by equipment necessary to install the well and subsequently conduct repairs as needed. This dedicated easement may be associated with any interior streets, roads or alleys within the proposed subdivision, but shall be identified separately and noted as being related to the monitoring or test well.

The following Water Availability data is required:

1. Map of the proposed subdivision prepared by a qualified expert (a qualified expert, for purposes of this requirement shall be a licensed professional engineer or hydrologist) identifying:
 - a. geologic formations;
 - b. location of test and monitor wells by longitude and latitude (GPS located) and noted upon the plat map;
 - c. available information on wells identified in the files of the Texas Water Development Board and TCEQ and otherwise known to applicant within 1,000 feet of the boundaries of the proposed subdivision (including well depth, depth to water, yield, and estimated yield).
2. The static water level to the nearest 0.1 foot equated to the mean sea level elevation.

3. Data resulting from the performance of an aquifer pump test utilizing proven methods recommended by TWDB and TCEQ of the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be for a period of 36 hours or until the water level has stabilized (less than 0.1 fluctuation) in the test well for a period exceeding two hours.
4. Statement by a qualified expert based on the pump test;
 - a. estimated yield of wells proposed for the subdivision;
 - b. determination of transmissivity of the water-bearing formation or strata from which the groundwater will be withdrawn;
 - c. source of surface water supply and estimated yield of surface water source and proof of compliance that withdrawal of surface water complies with state and federal laws.
5. Certification by a qualified expert that an adequate supply of water of sufficient quantity and quality to supply the subdivision at full build-out based on number of connections for a minimum of 30 years.

The following statement shall appear on the final plat for an approved subdivision:

“This subdivision will be served by Name and address of New Public Water Supply System. Information on the New Public Water Supply System is available to prospective purchasers of lots in this subdivision in the office of the Upper Trinity Groundwater Control District and the County Clerk of Montague County, Texas and may be stated in the deed restrictions.”

Adoption of Model Rules under Chapter 16 of the Texas Water Code

General Platting Requirements apply when the provisions of the General Platting Requirements are equal to or more restrictive than the Model Rules. To the maximum extent possible, the Texas Model Subdivision Rules, Texas Administrative Code 364.1-364.2 are incorporated into this subdivision regulation, unless the General Platting Requirements exceed the requirements of the Model Subdivision Rules, in which case the more stringent rule shall apply.

The following information on lots is required in order to meet the requirements of the Texas Commission on Environmental Quality:

The type of development and use contemplated will determine the size, width, depth, shape, and orientation of tracts or lots. Tracts or lots shall be appropriate for the area of the County, and the type of development contemplated, as follows:

1. When a private water well and an approved on-site sewage facility is used, the tract size shall be a minimum of two (2) acres to lessen the accidental contamination of adjacent water wells.

2. When a TCEQ approved public ground water supply system and an approved on-site sewage facility is used, the lot or tract size shall be a minimum of two (2) acres in size, to limit the possible accidental contamination of public water supplies.
3. When an owner/subdivider/developer proposes to supply drinking water by connection to any existing public water system must provide a written agreement with the retail public utility, providing that the water utility will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty (30) years. The agreement must reflect that the Owner/subdivider/developer has provided for the cost of any necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat. Written proof that such an agreement has been executed and approved by the retail public utility shall be submitted with the plat application.
4. Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Owner/subdivider/developer shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the Texas Commission on Environmental Quality. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§ 290.38290.51 and §§ 290.101-290.120, and as may hereinafter be amended. If groundwater is to be the source of the water supply, the Owner/subdivider/developer shall have complied with the requirements of the any Underground Water District with jurisdiction. If surface water is the source of supply, the Owner/subdivider/developer shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than thirty (30) years.
5. Non-Public Water Systems.
 - a. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the Owner/subdivider/developer shall have complied with the requirements of the Upper Trinity Water Conservation District. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC § 290.103, 290.105, 290.106 and 290.110, either:
 - i. Without any treatment to the water; or
 - ii. With treatment by an identified and commercially available water treatment system.
6. Transportation of Potable Water.
 - a. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the Owner/subdivider/developer does not constitute an emergency.

Wastewater Disposal

The following provides minimum standards for the development of wastewater disposal.

1. Organized Sewerage Facilities.

- a. Owner/subdivider/developers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the Texas Commission on Environmental Quality in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the Texas Commission on Environmental Quality.
- b. Owner/subdivider/developers who propose to dispose of wastewater by connecting to an existing permitted facility must execute a written agreement with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Owner/subdivider/developer has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans, signed and sealed by a professional engineer registered in the State of Texas, for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. Written proof that such an agreement has been executed and approved by the retail public utility shall be submitted with the plat application.
- c. Lot sizes for owner/subdivider/developers who provide an organized wastewater collection and treatment system under paragraphs (a) or (b) of this section shall be not less than one-half acre, within the wastewater disposal capacity, or no less than one-acre where capacity cannot be guaranteed for greater densities of population or construction.

2. On-site Sewerage Facilities.

- a. On-site sewerage facilities, which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than five thousand (5,000) gallons per day, must comply with 30 TAC Chapter 285.
- b. Proposals for sewerage facilities for the disposal of sewage in the amount of five thousand (5,000) gallons per day or greater must comply with 30 TAC Chapter 317.
- c. The Texas Commission on Environmental Quality or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§ 285.4, 285.5 and 285.30-285.39 and the County OSSF Order. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(b), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

3. Greywater Systems for Reuse of Treated Wastewater.

- a. Organized or municipal sewerage systems. Any proposal for sewage collection, treatment and disposal, which includes greywater reuse, shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the Texas Commission on Environmental Quality.
 - b. On-site sewerage facilities. Any proposal for on-site sewage disposal, which includes provisions for greywater use, shall meet the minimum criteria of 30 TAC Chapter 285.
4. **Sludge Disposal**. The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.

DESIGN STANDARDS

LOTS

- a. **No Conveyance of Lots:** Conveyance of Lots depicted on a Preliminary Plan shall not be permitted until the Final Plat has been approved and the record plat filed with the County Clerk.
- b. **Setbacks.** Setbacks from roads and rights-of-way shall be a minimum of ten (10) feet, setbacks from adjacent property lines shall be a minimum of five (5) feet and shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Setback lines required elsewhere in the Order or Rules of the County shall control to the extent greater setbacks are therein required.
- c. **Number of Single-Family Dwellings per Lot.** No more than one (1) single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals, which include multi-family residential, shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.
- d. If the Owner/subdivider/developer selects to use a TCEQ approved public groundwater or a surface water system and/or a TCEQ approved sewage system, all infrastructure costs shall be the sole responsibility of the Owner/subdivider/developer and shall be included in the guarantee of performance bond to be posted with the County Judge.
- e. Well and Septic Set Back Lines shall be at least fifty (50) feet from the property lines on all sides and in every dimension. Any structures must be setback at least ten (10) feet from roads and rights-of-way and adjacent property lines.

THE SET BACK LINES DENOTED ABOVE ARE A REQUIREMENT OF THE MONTAGUE COUNTY SEWAGE FACILITY REGULATIONS.

MONTAGUE COUNTY INFRASTRUCTURE REQUIREMENTS FOR RECREATIONAL VEHICLE PARKS

1. DEFINITIONS:

OPERATOR. Includes the person in charge of operating any recreational vehicle park, either under written or verbal (oral) lease, or any other arrangement whereby he or she exercises control over the premises.

OWNER. Includes the person in whose name the title to the lot, block, tract, or parcel of land is shown to be.

PERSON. Any natural individual, firm, trust, partnership, association, or corporation.

RECREATIONAL VEHICLE. Includes any of the following:

(1) **CAMPING TRAILER.** A folding structure mounted on wheels and designed for travel, recreation, and vacation use.

(2) **MOTOR HOME.** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

(3) **PICKUP COACH.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

(4) **TRAVEL TRAILER.** A vehicular structure built on a chassis with body width not to exceed eight feet and body length less than 46 feet, that structure designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.

RECREATIONAL VEHICLE PARK. Any lot or tract of land designed to accommodate two or more recreational vehicles, as defined, and which exist as a privately owned and operated enterprise with or without charges for the parking of recreational vehicles occupied or intended to be occupied for dwelling or sleeping purposes for any length of time. Hunting camps that are temporary are excluded.

RECREATIONAL VEHICLE SPACE. A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle.

2. RECREATIONAL VEHICLE PARK:

(1) The owner of land located in Montague County outside the limits of a municipality who intends to use the land for a Recreational Vehicle Park must have an infrastructure development plan prepared that complies with the minimum infrastructure standards that are set out below in Section 3.

(2) Prior to beginning any construction, the owner must submit the plan to the Montague County Engineer for approval. Construction may not begin before the plan is approved.

(3) Not later than the 60th day after the date the plan is submitted, the County Engineer shall approve or reject the plan in writing. If the plan is approved, construction may begin immediately. If the plan is rejected, the written rejection shall specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the plan.

- (4) The County Engineer, as well as any other person designated by either the County Engineer or the Commissioners' Court, may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections.
- (5) On completion of construction, the owner shall confirm in writing to the County Engineer that the infrastructure is complete, and a final inspection must be completed not later than the second business day after the notice is received by the County's inspector. If the inspector determines that the infrastructure does not fully comply with the plan, the owner shall be given an opportunity to cure the defects. On completion of curative construction, the owner should request another inspection.
- (6) When the inspector determines that the infrastructure complies with the plan, the Commissioners' Court shall issue a Certificate of Compliance not later than the fifth business day after the final inspection is completed.
- (7) A utility may not provide utility services, including water, sewer, gas, and electric services, to a recreational vehicle park or to a recreational vehicle in the community unless the owner provides the utility with a copy of the Certificate of Compliance.

3. INFRASTRUCTURE REQUIREMENTS:

The infrastructure development plan for a Recreational Vehicle Park must include each of the following:

- (1) A survey identifying the proposed community's boundaries and any significant feature of the community, including the proposed location of lots or spaces, utility easements and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this order.
- (2) Reasonable specified plans to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain. The placement of any structure within the regulatory floodplain shall be in accordance with the Montague County Floodplain regulations
- (3) Reasonable specified plans to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan.
- (4) Certification that adequate groundwater is available for the development. If ground-water is the source of water supply for the development, the developer is required to obtain certification, by a licensed professional engineer (or other professionals designated by State law) registered to practice in Texas, that adequate groundwater is available for the development, according to the certificate form and content as promulgated by the Texas Commission On Environmental Quality (Lack of certification that suitable and adequate groundwater is available is grounds for denial of plat approval, if groundwater is the proposed source of water). The certification document shall be recorded as part of the dedication instrument and a note shall be placed on the plat that groundwater is to be the source of water.

(5) Either:

- a. Reasonably specified plans to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or
- b. Reasonably specified plans for providing on-site sewage facilities in accordance with Chapter 366, Texas Health and Safety Code if estimated sewage flow does not exceed 5,000 gallons per day (gpd). These plans must meet minimum standards established under Chapter 285.4 of the OSSF rules and Montague County Public Health District local order. Approval by the Montague County Public Health District-Environmental Health Division must be attached to the plan.
- c. Reasonably specified plans for providing sewage treatment and disposal under Chapter 26 of the Texas Water Code if estimated flow exceeds 5,000 gpd. approval by Texas Commission on Environmental Quality must be attached to the plan.
- d. Reasonably specified plans for streets or roads in the Recreational Vehicle Park to provide ingress and egress for fire and emergency vehicles.
 - i. Therefore, the Commissioners' Court finds that it is reasonably necessary that streets in these communities should be built to the same standards (but to no more stringent standard) than the requirements adopted by the Court for subdivisions.
 - ii. The road design and construction standards contained in the Montague County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable.
 - iii. Building Set Backs shall be as specified in the Montague County Subdivision Regulations (Sect. 301.1)
 - iv. Drainage design for the development shall comply with the Montague County Subdivision Regulations (Sect. 307).
 - v. Commissioners' Court (but not the County Engineer) may grant a variance when strict application of these standards would work an unusual hardship. Variances for OSSF can only be granted by Montague County Public Health District.

4. RECREATIONAL VEHICLE PARK REGULATIONS:

(A) The regulations described herein govern the development, operation, and maintenance of recreational vehicle parks, as previously defined.

- (1) Park development requirements. Recreational vehicle parks shall be developed to conform to those requirements as herein delineated.

- (2) Recreational vehicle parks shall be designed so as not to exceed a maximum of 20 units per acre.
- (3) Parking facilities shall be provided at the park office as will accommodate five recreational vehicles.
- (4) Each recreational vehicle space shall afford parking and maneuvering space sufficient so that the parking, loading, and the like, of recreational vehicles shall not necessitate the use of any public right-of-way or privately-owned property which may abut the park.
- (5) Each recreational vehicle space provided with electrical service shall be so served through an underground distribution system. The park office and service buildings may receive electrical service as provided through overhead facilities
- (6) Each park shall provide recreational vehicle parking spaces and each such space shall be clearly defined. Twenty percent (20%) of the parking spaces shall be not less than eighteen (18) feet by fifty (50) feet. There must be at least a ten-foot clearance of space between adjacent rows of parking spaces.
 - (a) Be improved with compacted crushed road base material and asphalt or concrete adequate to support the weight of the recreational vehicle.
 - (b) Not heave, shift, or settle unevenly under the weight of the recreational vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.
- (7) The entrance to the park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- (8) Hard surface private streets adequate to provide access to each recreational vehicle space shall be constructed and maintained in good condition by the licensee and the width of which shall be not less than twenty-four (24) feet.
- (9) The park shall comply with state and federal standards for accessible for the mobility impaired. The applicant shall show proof of compliance.

(B) Service buildings; laundry and sanitation facilities. Each recreation vehicle park shall provide one or more service buildings for the use of park patrons.

- (1) The service buildings shall provide for:
 - (a) One flush toilet for women;
 - (b) One flush toilet for men;
 - (c) One lavatory for each sex;
 - (d) One shower and dressing accommodation for each sex, provided in an individual compartment or stall;
 - (e) One washing machine; and

(f) One slop sink, not less than 14 by 14 inches square and 14 inches deep.

(2) The aforementioned amenities shall accommodate not more than 50 recreational vehicle spaces. For each additional 30 recreational vehicle spaces or fraction thereof one flush toilet, one shower with individual dressing accommodations, and one lavatory shall be provided for each sex, with laundry and slop sink facilities as described in divisions (B) (I) (e) and (B) (I) (f) to be provided for each additional 50 recreational vehicle spaces.

(3) All unisex bathrooms shall comply with the Americans with Disabilities Act. (ADA).

(C) Service building requirements. Service buildings providing the aforementioned facilities shall satisfy requirements as include:

(1) Service buildings housing sanitation or laundry facilities shall be permanent structure which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing and sanitation systems;

(2) Service buildings shall afford appropriate illumination, shall be well ventilated with screened openings, shall be constructed of moisture-proof materials, to include painted woodwork, as shall permit frequent clearing and washing, and shall be maintained at a temperature of 68° F during the period October 1 through May 1. Floors shall be constructed of concrete or other equally impervious material,

easily cleanable, and provided with floor drains which are connected to the sanitary sewer; If connected to On Site Sewage Facilities chemical cleaners should be used on a limited basis.

(3) The toilet and other sanitation facilities for males and females either shall be in separate buildings or shall be separated, if in the same building, by a soundproof wall;

(4) All service buildings and park grounds shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance; and

(6) Service buildings housing sanitation facilities shall be located not closer than 15 feet nor farther than 300 feet from any recreational vehicle space within the park.

(D) Garbage Receptacles

(1) Each recreational vehicle park shall provide a minimum of two (2) fly tight, water- tight, rodent proof dumpsters for the first one-hundred (100) sites with one (1) additional dumpster for each one-hundred (100) sites or fraction thereof.

(2) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to cleaning around them. Construction shall conform to 4A5 this section.

(3) The storage, collection and disposal of refuse in the recreational vehicle park shall be so conducted as to create no health hazards.

(4) The dumpster shall be screened from public view.

(E) FUEL

(1) Bottled gas for cooking purposes shall not be used at individual recreational vehicle spaces unless the containers are properly connected by copper or other suitable metallic tubing.

(2) Bottled gas cylinder shall be securely fastened in place.

(3) No cylinders containing bottled gas shall be located in a recreational vehicle or within five (5) feet of a door thereof.

(4) State and local regulations applicable to the handling of bottled gas and fuel oil shall apply.

(F) FIRE PROECTION

(1) Every park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park as to satisfy the fire code and other applicable regulations of the County.

(2) No open fires shall be permitted, except that this shall not be construed to prevent barbecuing with charcoal in an approved pit or grill.

(3) All sites and any part of a recreational vehicle shall not exceed one hundred fifty (150) feet from the hard surface streets.

(G) DRY VEGETATION

The park licensee or agent shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds.

5. OTHER REGULATIONS:

Persons developing Recreational Vehicle Parks should be aware that this order is not the exclusive law or regulation controlling development in Montague County. The following is only a partial list of regulations that may apply.

(a) Recreational Vehicle Parks are subject to Montague County Subdivision Regulations. All subdivision within the Extra Territorial Jurisdiction (E.T.J.) Of an incorporated city may also be subject to city subdivision regulations, or as per any mutually (County-City) agreed upon regulations as approved and accepted under an interlocal cooperation agreement.

(b) All Recreational Vehicle Parks are subject to regulations of general applicability, including public health nuisances under Chapter 341 and 343 of the Texas Health and Safety Code. The developer must address solid waste disposal, rodent/insect harboring, fly breeding and improper water disposal in accordance with these Chapters.

(c) Other agencies with regulatory authority that may apply to a Recreational Vehicle Park include, but are not limited to, several Emergency Services Districts, the Texas Commission on Environmental Quality, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corp. Of Engineers.

Issuance of a Certificate of Compliance under this order does not indicate compliance with any of these requirements.

6. FEES

Fees for permits, license and transfers, as established by the Montague County Health official, are payable to the Montague County Treasurer, delivered to the County Judge, for public health regulatory purposes.

7. PENALTIES:

(a) Violations of this order will result in the denial of utility services,

(b) The requirements of this order have been established by and adopted by the Montague County Commissioners' Court under Chapter 232 of the Texas Local Government Code and all the civil and criminal penalties applicable under that chapter shall apply to violations of this order.

EASEMENTS

Utility Easements. In residential areas, easements shall be provided for installation of utilities. Any other requirements will be determined by the Commissioners Court.

- a. Utility easements shall be a minimum of ten feet (10') in width, and normally located along a property or lot line. It shall be the duty of the owner/subdivider/developer to ensure that all easements are of the proper width and location to serve the using utility companies.
- b. Utility lines crossing a road shall be installed a minimum of twenty-four inches (24") below the ditch line or a minimum of thirty-six inches (36") below the crown line of the road, whichever is greater. All lines carrying liquid products must be encased in metal or PVC schedule 40 a minimum length of five feet (5') from ditch line to ditch line.
- c. If new roads are constructed over existing petroleum pipe lines crossings, the pipe lines must meet the following requirements:
 1. encased pipe must be at least three feet (3') below the deepest proposed ditch grade.
 2. non-cased pipe (of extra wall thickness meeting Federal Regulations) must be at least four feet (4') below the deepest proposed ditch.
- d. No road will be accepted for maintenance by Montague County, which contains a petroleum

pipeline within the right-of-way, other than crossing pipelines.

Drainage Easements. Where the subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines for such water course and of sufficient width to convey all storm and flood water flowing through as may be determined by the Commissioners Court through its authorized representative, to accommodate further width or construction and allow access for maintenance.

The County does not provide maintenance for drainage unrelated to road maintenance within the county road right-of-way.

Storm Water Discharge Permit

Under current regulation, construction activities including clearing, grading and excavation, must be permitted for storm water discharge unless the operations result in the disturbance of less than five acres total land area or areas which are not part of a larger common plan of development. Notice of Intent (NOI) for storm water discharges associated with industrial activity under the National Pollution Discharge Elimination System (NPDES) General Permit with the EPA shall be submitted by the owner/subdivider/developer at least two (2) days prior to commencement of construction. During construction a copy of the Storm Water Pollution Prevention Plan shall be available on site in accordance with EPA requirements.

- a. The area identified as drainage easement will be subtracted from the raw lot size in determination of acceptable lot size for construction.
- b. Culvert design shall be sized by a Registered Professional Engineer and a map or list containing the size of each pipe shall be attached to the plat. The owner/subdivider/developer will be held responsible for notifying builders and lot owners of this requirement and ensuring the property sized culvert is installed.
- c. Drainage easements shall generally be located along the existing drainage way, and shall meet the following standards:
 1. open channels with top widths from zero feet (0') to fifty feet (50') require top width plus twenty-five feet (25').
 2. open channels with top widths greater than fifty feet (50') require top widths plus twenty-five feet (25') each side.
 3. Enclosed pipes require twenty feet (20') minimum width.
 4. All easements shall be so designed to allow maintenance equipment to enter the easement and be able to perform the necessary work.

Generally, it is desired that surface drainage from private property be taken to roads and streets or drainage courses as quickly as possible, but the practice of using roads and streets as major drainage courses is prohibited.

Design of channels shall consider velocities and shall be shaped, graded, lined, or protected to minimize or prevent scour and erosion from excessive velocities. This requirement shall extend to roadside drainage ditches, often called "borrow ditches." Seeding of native grasses or other plants as approved by the Commissioners Court shall be required to deter erosion.

All road culverts shall be of permanent type, either concrete or metal. Drainage calculations shall be made using Talbot's Formula or other methods satisfactory to the Commissioners Court. Drainage structures shall be designed using a ten (10) year flood frequency. The size of the culverts shall be subject to the approval of the Commissioners Court, but under no circumstances shall they be less than twenty-four inches (24") in diameter.

All roadways crossing streams or roadways subject to flooding must be riprapped on both sides as specified by the County. Concrete used as riprap must test 2500 psi.

FLOOD PLAINS

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

1. permanent type bench marks 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 bench mark shown on the FIRM panel.
2. a note on the plat stating, "a flood permit will be required from Montague County for any construction in the flood plain."
3. All subdivision proposals shall be consistent with Montague County's Flood Plain Regulations.
4. Contours at one foot (1') intervals shall be shown on the plat.
5. The finished floor elevation must be shown for each lot located in the flood plain.
6. The flood plain area of each lot shall be subtracted from the overall lot size to determine minimum lot size.
7. 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.
8. Any water well drilled in a flood plain will comply with TDLR standards for water well completion in a flood plain.

ROADWAYS

Approval of a subdivision plat by the Montague County Commissioners Court does not constitute acceptance of the roads shown thereon.

All roads, whether maintained by the County, by the individual property owner, or by a homeowner's association, shall be constructed at the owner/subdivider/developer's expense in accordance with these Regulations and shall be classified as one of the two following types of roads:

- a. Publicly dedicated, paved, and to be maintained by Montague County, after Commissioners Court acceptance for maintenance, with construction in accordance with the Specifications outlined in these Regulations.
- b. Private, paved, and to be maintained by a Homeowner's Association or property owners in perpetuity (or until constructed to the then applicable County standards for acceptance of maintenance, and accepted for maintenance by the Commissioners Court) and constructed in accordance with the Specifications outlined in these Regulations.

Montague County reserves the right to deny an application for acceptance of any subdivision street or road for permanent public maintenance by the County. No roads or streets will receive consideration for final **acceptance** into the County Road System by the Commissioners Court until at least **two (2) years** after original construction of streets and roads are completed. In Subdivisions in which insufficient development or building has taken place after the two-year period and where there has been insufficient use of the streets and roads to insure their stability, then such streets and roads will not be accepted by the Commissioners Court until such time as there is sufficient development to insure street and road stability. Sufficient development shall be defined as fifty percent (50%) occupancy of the total lots or tracts within said subdivision. Upon final approval, title to all streets and roads shall be conveyed to the County for their maintenance by a Warranty Deed, or Grant of Right-of-Way, in a form which shall be acceptable to the Commissioners Court. Accompanying such deed shall be an adequate description of streets and roads, either by reference to the approved subdivision plat or by field notes prepared by a Registered Professional Engineer from a survey made on the ground. **From the date of adoption of this Order forward, all streets and roads in any subdivision for which a plat has been filed shall adhere to the Road Construction Specifications which follow, whether or not an eventual request for County maintenance is planned.**

In subdivisions that are developed as "gated communities," it is the responsibility of the Owner/subdivider/developer, property/homeowner's association and/or the individual property owners to provide a means of access to emergency responders.

Road Construction Specifications (see Appendix N and Bond Requirements)

- 1. Streets or roads as defined herein shall conform with the following:

Minimum right-of-way.....	60 feet
Minimum crown width of roadway.....	30 feet
Minimum width of base material.....	30 feet
Minimum depth of compacted base material at crown...	6 inches
Minimum height at crown.....	6 inches
Minimum height of base at shoulder.....	6 inches
Minimum width of surface.....	30 feet
Minimum width of curbed section, when curbed.....	36 feet

- 2. Residential streets shall have a minimum width of right-of-way of sixty feet (60') unless more is needed for drainage purposes. The base course of the roadway section shall be a minimum

of twenty feet (20') Type A Grade 2 flexible base compacted to ninety-five percent (95%) standard proctor density at a depth of six inches (6"). The subgrade shall be stabilized to a depth of six inches (6") and compacted to ninety-five percent (95%) proctor density.

3. All roads or streets more than one hundred feet (100') in length shall either be connected at both ends to a dedicated street or be provided with a turnaround having a minimum radius of forty feet (40') and a minimum right-of-way of sixty feet (60').
4. All roads or streets shall have a minimum grade of four-tenths percent (0.4%). Grades of more than ten percent (10%) shall only be allowed upon approval of the County.
5. A proposed subdivision that adjoins or encompasses an existing public street, that does not conform to minimum right-of-way requirements of these regulations, shall provide for the dedication of additional right-of-way along either or both sides of said street so that the minimum right-of-way required by these regulations can be established. If the proposed subdivision abuts only one side of said street, then a minimum of half of the right-of-way shall be dedicated by such subdivision.
6. 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, enough width of right-of-way must be dedicated in the new subdivision to provide the minimum width specified herein.
7. Roads or streets which are a continuation of any existing road or street shall take the name of the existing road or street.
8. A cul-de-sac shall have a minimum length of 600 linear feet. (Measured along the centerline).
9. All roads or streets preferably shall intersect at a ninety-degree angle. Where this is not possible, the intersection, on the side of the acute angle, shall be rounded with a curve or a cut-back, but in no case, shall the curve have less than a twenty-five-foot (25') radius.
10. New roads or street, which are a continuation of an existing road or street, shall be a continuation, without off-set, of the existing road or street.
11. Where roads or streets in an adjoining subdivision end at the property line of an existing subdivision, the said roads or streets shall be continued throughout the new 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.
12. 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 written permission of the Commissioners Court. If landscaping and/or irrigation is proposed within the right-of-way, the owner/subdivider/developer shall create a body (municipal utility district, home owner's association, neighborhood association, etc.), that will be responsible for the maintenance and liability of the landscaping and/or irrigation system. This body shall have assessment authority to insure the proper funding for maintenance.

13. The entire right-of-way will be cleared of all timber, roots, brush, fences, boulders, or other obstructions, unless a variance is granted by the Commissioners Court. Upon completion of all construction, the right-of-way shall be seeded with native grasses, or other plants as approved by the Commissioners Court.
14. **Sub-grade.** The sub-grade shall be compacted by ordinary compaction by any method, type, and size of equipment that will give the required compaction. The sub-grade must be inspected and approved either by the Commissioners Court, the individual Commissioner for that precinct, or a designated Court representative prior to any application of base material.
15. **Base Material.** Base Material shall be delivered in vehicles of uniform capacity and it shall be the responsibility of the Contractor that the required amount of the specified material shall be delivered in each 100 feet station. The material shall be scarified, thoroughly wetted, mixed, manipulated, and bladed so as to secure a uniformly wetted material and pulled in over the surface in courses and set under the action of blading and rolling. All irregularities, depressions, or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, reshaping and re-compacting by sprinkling and rolling. The base must be inspected and approved by the Commissioner for that precinct or a designated Court representative prior to the application of any surface treatment.

**Set-Back Lines from roadways pursuant to Chapter 232 and 233,
Texas Local Government Code**

1. Side lot line should normally be at a ninety-degree angle to the street.
2. 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.
3. 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.
4. Building and set-back lines shall be fifty feet (50') from the edge of the right-of-way on all state and federal roads, and twenty-five feet (25') on all other roads. Building and set-back lines shall be shown on both the preliminary and final plats. If the above set-back lines differ from those adopted by a municipality with extraterritorial jurisdiction, the set-back of the municipality shall apply.
5. Mailboxes shall be set a minimum of three feet (3') from the edge of the roadway driving surface or one foot (1') behind curbs. When placements of the mailbox outside the three-foot (3') minimum is not possible, a mail box of "breakaway design" should be used.
6. All mailboxes within the County right-of-way shall meet the current TXDOT standards.
7. Mailboxes in subdivisions must meet Post Office requirements and must be placed in a manner that does not interfere with the traffic's line of vision.

Cattle Guards. The Commissioner in whose precinct the subdivision is located may authorize the installation of cattle guards. When permitted, a cattle guard shall not be less than six (6) feet in length,

measured along the centerline of the road, and of width not less than two (2) feet greater than the width of the pavement or a maximum width of twenty (20) feet. Units may be prefabricated or welded in place and shall be built to support any and all traffic that may be encountered on said roadway. Attached hereto as Appendix Q are specifications for cattle guards that will be approved by the Commissioners Court.

Inspections. Proposed roads and drainage will be inspected by an authorized representative of the Commissioners Court and at reasonable intervals as directed by the Commissioners Court. The expense of these inspections will be the responsibility of the Owner/subdivider/developer.

Other Provisions. In a subdivision where water lines or other utilities are installed in rights-of-way, they shall be located off and away from the roadways (paved center portion and shoulders). Fire hydrants shall be equipped with connections compatible with local Fire Department equipment.

Should roads and streets be dedicated to and accepted by Montague County so that future maintenance responsibilities become a function under the Montague County Commissioners Court, the installation of any further water or utility lines, side roads, *etc.* on right-of-way shall be prohibited unless expressly permitted in writing by the Commissioners Court. (see Appendix J: Permit to Construct Within Right-of Way and Appendix M: Notice of Proposed Utility Line Installation)

Subdivisions must have control signs, guardrails, and other safety features installed at required locations on all subdivision rights-of-way dedicated for public use. Culverts and bridges shall be at least as wide as the roadway portions (pavement and shoulders) of the streets and roads. Bridge abutments or other drop-offs located at the edge of the shoulder portions of any road or street shall be indicated by installation of protective posts or other devices equipped with reflectorized markers.

Right-of-way dedicated to public use shall be kept clear of tall weeds and brush so that property lines, drainage ditches, and hazardous conditions shall be readily distinguishable. Large trees which lend natural beautification to an area may be left in place on a right-of-way provided that safety on the streets and roads is not impaired.

The installation of any traffic control sign, such as denoting speed limits, yield right-of-way, stop signs, stop ahead signs, *etc.*, on all roads, streets, and thoroughfares dedicated to public use in subdivisions in Montague County whose roads have been accepted by the County must be approved by the Commissioners Court and shall be coordinated with the precinct Commissioner concerned and with the Montague County Sheriff's Department, which shall have control of law enforcement activities on all roads, streets, and thoroughfares dedicated to public use in subdivisions in Montague County whose roads have been accepted by the County. Speed limit designations of public streets should be assigned in accordance with street and road conditions. Thoroughfares not dedicated to public usage shall be clearly marked as such.

In cases where the new roads and streets as platted intersect with established roads and streets, the new roads and streets shall be, if practicable, a continuation without offset of any intersecting road or street on the opposite side of said established road or street.

Adequate off-street parking space must be provided in business or commercial areas.

Rural Addressing Signage. The initial expense of street sign placement in new subdivisions shall be the responsibility of the Owner/subdivider/developer, with sign type and location in compliance with County

standards and approved by the Montague County Commissioners Court as part of acceptance of the subdivision plat.

FINAL INSPECTION

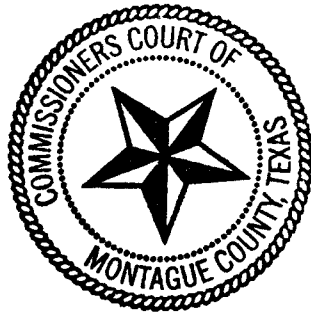
The owner/subdivider/developer, upon completion of drainage, roads, streets or other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request from the County a final inspection. The precinct Commissioner or their designee will inspect, within 10 days, the completed work for compliance. The owner/subdivider/developer will be notified in writing, within 10 days of the final inspection, of approval or any work not found in compliance with these Subdivision Regulations. If substantial patching is required during the two (2) year maintenance period, roads or streets must be resurfaced at owner/subdivider/developers' expense.


PENALTIES FOR VIOLATION

1. The Commissioners Court of Montague County will cause an employee of the court, or any other person or persons it so designates, to review periodically deeds or sales contracts being recorded in the County Clerk's office to see that any subdivision affected thereby shall comply with requirements of these regulations and state law.
2. If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in these regulations and state law, the Commissioners Court of Montague County or its representative can so notify the party selling or transferring title in whole or in part to comply with these regulations.
3. In the event the notified party refuses to comply with said requirements, the Commissioners Court of Montague County can take appropriate action to obtain compliance.
4. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated into these Regulations and any appendices attached to these regulations, and incorporating the Montague County for On-Site Sewage Facilities Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.
5. At the request of the Commissioners Court, the County Attorney or legal counsel may file an action in a court of competent jurisdiction to:
 - a. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; and/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 by or adopted by the Commissioners Court under these Regulations.
 - c. Where appropriate, criminal penalties may apply and the County will seek such penalties for knowing, willful or reckless violations of these rules and regulations.

Adoption Date: August 16, 2019


County Clerk, Montague County, Texas




County Judge, Montague County, Texas

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