

ORDINANCE NO. 1873

AN ORDINANCE AMENDING CHAPTER 84, “UNIFIED DEVELOPMENT CODE”, ARTICLE X, “URBAN DESIGN PRINCIPLES AND IMPROVEMENT STANDARDS”, BY THE ADDITION OF SECTION 84-447, “CONSTRUCTION EROSION AND SEDIMENT CONTROL”, OF THE EULESS CODE OF ORDINANCES; PROVIDING A PENALTY FOR VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Commission on Environmental Quality (TCEQ) required small Municipal Separate Storm Sewer Systems (MS4) to execute a Notice of Intent (NOI) for storm water discharges under the Texas Pollutant Discharge Elimination System (TPDES) Phase II MS4 General Permit (TXR040000); and

WHEREAS, a Storm Water Management Program (SWMP) for the City of Euless was developed as required to accompany the NOI; and

WHEREAS, the SWMP requires the preparation and adoption of a Construction Erosion and Sediment Control ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS;

SECTION I

THAT, Chapter 84, “Unified Development Code”, Article X, “Urban Design Principles and Improvement Standards”, be hereby amended by the addition of Sec. 84-447, “Construction Erosion and Sediment Control,” to hereafter be and read as follows:

Sec 84-447. Construction Erosion and Sediment Control

- (a) Purpose. The purpose of this section is to minimize the contribution of pollutants to the municipal separate storm sewer system (MS4) by storm water discharges from construction activity.
- (b) Administration. The Director of Public Works or the Director’s designated representatives are authorized to administer, implement and enforce the provisions of Section 84-447.
- (c) Definitions. Unless explicitly stated otherwise, the following terms and phrases, as used in this Section, shall have the meanings hereinafter designated.

(1) City – City of Euless, Texas

- (2) Director – The Director of Public Works for the City of Eules
- (3) Discharge – Any addition or introduction of any pollutant, storm water or any other substance into the municipal separate storm sewer system (MS4).
- (4) City Engineer – The City Engineer for the City of Eules.
- (5) Municipal separate storm sewer system (MS4) – The system of conveyances (including sidewalks, streets, curbs, gutters, storm drain inlets, storm drain pipes, roadside swales, detention ponds, creeks, streams or channels) designed or used for collecting and/or conveying storm water.
- (6) Person – Any individual, partnership, corporation, firm, company or any other legal entity.
- (7) Storm water – Any flow occurring during or following any form of natural precipitation.

(d) Erosion and Sediment Control Plan

- (1) The removal of natural vegetation or excavation disturbing more than one half acre of land requires the preparation of a Storm Water Pollution Prevention Plan (SW3P).
- (2) Tracts of land less than one half acre that are part of a larger project (such as an individual lot in a residential subdivision) require preparation of a SW3P.
- (3) A person desiring to commence construction activities involving (1) or (2) above shall prepare a SW3P.
 - (a.) The SW3P shall be prepared in the format as determined by the City Engineer of the City of Eules.
 - (b.) The SW3P shall utilize City of Eules standard details or details approved by the City Engineer.
 - (c.) The SW3P shall be submitted to the City Engineer for review.
 - (d.) Upon release of the SW3P by the City Engineer, the SW3P shall be implemented prior to removal of natural vegetation or excavation.

(e) Construction Site Waste

(1) An enclosure (with a top) for construction site waste (paper, wood scraps, building material scraps, wire, miscellaneous debris, etc.) shall be provided on the construction site.

(2) Materials deposited in the enclosure for construction site waste shall be disposed of weekly or more often if necessary.

(f) Public Comment or Information

(1) The public may submit comments or information regarding the maintenance or operation of a SW3P by contacting the City of Euless Engineering Division.

(g) Inspection and Enforcement

(1) For multi-family, single-family, retail or commercial projects the Engineering Division Inspector shall inspect and enforce the installation and maintenance of the SW3P.

(2) For individual residential lots, the Building Official shall inspect and enforce the installation and maintenance of the SW3P.

(h) Maintenance of the SW3P

(1) The owner of the property upon which the SW3P is installed shall be responsible for the maintenance and operation of the SW3P.

(2) The SW3P shall remain in place until vegetation is restored on any land that is excavated or disturbed by construction.

SECTION II

PENALTY FOR VIOLATION. Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Chapter 1, Sections 1-12, Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION III

SEVERABILITY CLAUSE. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or sections.

SECTION IV

SAVING CLAUSE. That Chapter 84 of the Code of Ordinances, City of Euless, Texas, as amended, shall be in full force and effect, except as expressly amended hereby.

SECTION V

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication by the City Charter and the laws of the State of Texas.

PRESENTED AND GIVEN FIRST AND FINAL READING AND APPROVED at a regular meeting of the Euless City Council on the 11th day of May 2010 by a vote of ____ ayes, ____ nays, and ____ abstentions.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Susan Crim, TMRC, City Secretary

APPROVED AS TO FORM:

Bob McFarland, City Attorney