

ORDINANCE NO. 1874

AN ORDINANCE AMENDING CHAPTER 84, "UNIFIED DEVELOPMENT CODE", ARTICLE X, "URBAN DESIGN PRINCIPLES AND IMPROVEMENT STANDARDS," BY THE ADDITION OF SECTION 84-448, "POST-CONSTRUCTION STORM WATER MANAGEMENT", 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 Post-Construction Storm Water Management 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. 84-448, "Post-Construction Storm Water Management," to hereafter be and read as follows:

Sec 84-448. Post-Construction Storm Water Management

- (a) Purpose. The purpose of this section is to reduce pollutants in storm water discharges from developments by guiding, regulation and controlling the design and operation of storm drainage facilities of any development.
- (b) Administration. The Director of Public Works or the Director's designated representatives are authorized to administer, implement and enforce the provisions of Section 84-448.
- (c) Definitions. Unless explicitly stated otherwise, the following terms and phrases, as used in this Section, shall have the meanings hereinafter designated.

- (1) Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, pollution prevention and educational practices and other maintenance practices to reduce the discharge of pollutants in to the MS4.
 - (2) City – City of Euless, Texas
 - (3) Director – The Director of Public Works for the City of Euless
 - (4) Discharge – Any addition or introduction of any pollutant, storm water or any other substance into the municipal separate storm sewer system (MS4).
 - (5) City Engineer – The City Engineer for the City of Euless.
 - (6) 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.
 - (7) Person – Any individual, partnership, corporation, firm, company or any other legal entity.
 - (8) Post-Construction – The general time period beginning at the completion of the construction phase of any construction activity.
 - (9) Storm water – Any flow occurring during or following any form of natural precipitation.
- (d) Applicability. Post-construction storm water BMPs are required on development or redevelopment construction projects that are expected to disturb at least one half acre of land and fall in one or more of the following criteria:
- (1) Construction of any type of commercial car wash facility.
 - (2) Construction of an automotive fueling facility including convenience stores.
 - (3) Construction of an automotive maintenance or repair facility.
 - (4) Restaurants (fast food or sit down) with grease collection and disposal.
 - (5) Other land uses deemed to have a high potential of pollutant discharge into the MS4 as determined by the City of Engineer.

(e) General Requirements.

- (1) Post-construction storm water BMPs are contained in the City of Euless Standard Details. Alternative BMPs may be used if approved by the City Engineer.
- (2) Post-construction BMPs shall be clearly indicated and shown on a site plan for development that is required by the City of Euless Code of Ordinances.
- (3) The maintenance schedule for post-construction storm water BMPs shall be clearly indicated and shown on any site plan for development.

(f) Public Comment or Information.

- (1) The public may submit comments or information regarding post-construction storm water management by contacting the City of Euless Engineering Division.

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