

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING ARTICLE 13.04, "STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL," OF CHAPTER 13, "UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, BY ADDING A NEW DIVISION 4, "POST-CONSTRUCTION STORMWATER MANAGEMENT"; RENUMBERING EXISTING DIVISION 4, "ENFORCEMENT," TO DIVISION 5, "ENFORCEMENT"; MAKING FINDINGS RELATIVE THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR 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 stormwater discharges under the Texas Pollutant Discharge Elimination System (TPDES) Phase II MS4 General Permit (TXR040000); and

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

WHEREAS, the SWMP requires the preparation and adoption of a Post-Construction Stormwater Management ordinance; and

WHEREAS, the City Council has determined that adopting such an ordinance will promote the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Article 13.04, "Stormwater Quality Management and Discharge Control," of Chapter 13, "Utilities," of the Code of Ordinances of the City of Joshua, Texas, by adding a new Division 4, "Post-Construction Stormwater Management", and existing Division 4, "Enforcement," is hereby renumbered as Division 5, "Enforcement," to read as follows:

**“ARTICLE 13.04
STORMWATER QUALITY MANAGEMENT AND
DISCHARGE CONTROL**

* * *

Division 4

Post-Construction Stormwater Management

Sec. 13.04.070. Findings of Fact.

The city finds that construction activities and land development alter the hydrologic characteristics of the land by increasing impervious surface area and, in some cases, change the terrain. These alterations increase stormwater runoff volume and accelerate the rate of flow, which may lead to erosion. In addition, impervious surfaces harbor water pollutants, which are carried to local water bodies via runoff.

Sec. 13.04.071. Purpose.

The city finds that proper management of post-construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment, and general welfare, and protect water resources. This purpose is accomplished via the following actions:

- (1) Establishing minimum post-construction stormwater management standards to minimize stormwater runoff volumes and regulate subsequent quality; and
- (2) Identifying the long-term responsibility for maintenance of permanent BMPs and setting forth plans to ensure continued functionality.

Sec. 13.04.072. Definitions.

Best Management Practice (BMP): A schedule of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment practices, operating procedures, and practices to control runoff, spills or leaks, waste disposal, or drainage from raw materials storage areas.

Maintenance Agreement: A formal contract between a local government and a property owner to guarantee long-term maintenance of stormwater management practices.

Operations and Maintenance Plan: A legally recorded document that acts as a property deed restriction and which provides for the long-term maintenance of stormwater management practices.

Owner: The deed holder of the land upon which the stormwater facility resides, to be determined by the most recently approved city tax roll.

Permanent BMP: All practices and facilities employed to meet and maintain stormwater runoff quantity and quality requirements after site development has been completed.

Post-construction: Activities and operations performed after the Notice of Termination for a development or redevelopment project has been filed and approved.

Stormwater Facility: Any physical facility built to control stormwater runoff in compliance with the city's requirements contained in this chapter.

Sec. 13.04.073. Minimum Stormwater Control Standards.

All permanent BMPs must be designed to meet the criteria and specifications of the city. Stormwater runoff quantity and quality after development or redevelopment of the property should not exceed pre-development conditions, to the greatest extent practicable.

Sec. 13.04.074. Operations and Maintenance Plan.

- (a) Operations and Maintenance Plan Requirements: The Operations and Maintenance Plan must clearly identify the person(s) responsible for operation and maintenance of temporary and permanent BMPs to ensure proper and continuous function. The Operations and Maintenance Plan and records of all maintenance tasks as performed shall be retained on site. The Operations and Maintenance Plan shall include, but is not limited to:
- (1) Identification of person(s) or position title responsible for all tasks in the plan:
 - (A) Adherence to the Operations and Maintenance plan is the responsibility of the individual property owner or of the Homeowner's Association (HOA) if the facility is part of a subdivision.
 - (B) Nothing herein shall prohibit the city from entering into an interagency or interlocal agreements for maintenance purposes.
 - (2) Inspection requirements:
 - (A) Self-inspection: The maintenance plan shall require self-inspection of the stormwater management facilities, according to an inspection form approved by the city. Self-inspection forms must be completed and submitted to the Director of Development Services or designee on an annual basis.

- (B) The city reserves the right to inspect all stormwater facilities for compliance with maintenance guidelines on an as-needed basis.
 - (3) Maintenance requirements:
 - (A) Description of maintenance tasks and anticipated frequency, including both routine and non-routine maintenance. The following tasks are non-exhaustive; specific maintenance requirements may depend on the specific control measure and the city's design criteria.
 - (1) Routine maintenance includes:
 - (a) Vegetation management
 - (b) Debris removal
 - (c) Mechanical equipment check
 - (2) Non-routine maintenance includes:
 - (a) Bank stabilization
 - (b) Sediment removal
 - (c) Structural repair and replacement
 - (B) Testing and disposal of sediments; and
 - (C) All specifications and maintenance requirements of proprietary devices.
 - (4) Identification of funding source for maintenance and repairs;
 - (5) Execution of maintenance easements dedicated to the city to allow for safe access for inspections and maintenance; and
 - (6) Estimated lifespan of permanent BMPs and appropriate replacement schedule.
- (b) Activities outlined in the Operations and Maintenance Plan shall adhere to all design criteria and other policies regarding the operation and maintenance of stormwater facilities for the city. Inspection and Maintenance requirements may be altered or increased if the city deems it necessary to maintain the proper function of the stormwater facility.

- (c) Filing of Operations and Maintenance Plan: All permanent BMPs, including the Operations and Maintenance Plan and the locations of any required maintenance easements, are to be submitted with the site plan for approval by the city engineer. The Operations and Maintenance Plan and execution of maintenance easements must be completed and approved prior to the final acceptance of the project.
- (d) Once approved, the Operations and Maintenance Plan, along with any maintenance easements, must be filed with the county's real property records. The Operations and Maintenance Plan is to be permanently linked to the deed of the land, regardless of changes in ownership.
- (e) The owner of the property holds the ultimate responsibility for ensuring that this plan is properly filed and followed throughout the lifespan of the permanent BMPs.
- (f) Transfer of Ownership: Cleaning and repair of permanent BMPs should be completed before transfer of ownership.
- (g) The city shall provide an owner, upon request, with a sample Detention Pond Maintenance Checklist for use. Further, the city shall provide an owner, upon request, with a sample Stormwater Facility Operation and Maintenance Agreement for use.

Sec. 13.04.075. Recourse for Noncompliance.

- (a) Inspection Violations: If the owner fails to submit completed inspection forms to the city within the time frame specified for the property, the city may issue a letter requesting that the inspections be completed within thirty (30) days from the postmarked date. If the inspection has not been completed at this time, the city may levy a fine not to exceed \$500 per incident/per day.
- (b) Maintenance Violations: If city inspection personnel discover malfunctioning or improperly maintained stormwater facilities, or facilities that have become a danger to public safety, the owner of the property will receive a notice detailing the violation. The notice of violation shall contain: (1) the name and address of the owner; (2) the address (when available) or description of the structure or land upon which the violation is occurring; (3) a statement specifying the nature of the violation; (4) a description of the remedial measures necessary to bring the facility into compliance with the city's stormwater facility BMPs; (5) a statement of the penalties that may be assessed according to this ordinance; and (6) a statement that the violation may be appealed to the city manager within fifteen (15) days of service of the Notice of Violation.
- (c) If the issue has not been resolved within thirty (30) days of the postmarked date, the city may issue a citation and levy a fine not to exceed \$500 per incident/per day. If the owner is nonresponsive or lacks means to perform the necessary

repairs or maintenance, the city may conduct the work and assess the cost of the work to the owner; this cost will become a lien on the property until paid.

Division 5

Enforcement

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SECTION 3

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity which remaining portions shall remain in full force and effect.

SECTION 4

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the laws of the State of Texas.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THIS THE __17th_ DAY OF __July_____, 2025.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM:

Terrence S. Welch, City Attorney