

November 23, 2009

City of Center

ORDINANCE NUMBER 2009-20

AN ORDINANCE OF THE CITY OF CENTER, TEXAS REGULATING THE DRAINAGE AND THE DISCHARGE OF STORM WATER

WHEREAS, the City of Center endeavors to secure the safety and property of citizens and businesses within the City from increased risks of flood damage or storm water runoff; and,

WHEREAS, it is the desire of the City to regulate the practices and activities related to development that increase storm water flow or potential damage to adjoining properties;

WHEREAS, Ordinance 96-4 regulating development standards within the City of Center does not provide specific guidance for the development practices that would minimize storm water discharge;

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

1. That the general provisions Section 4.1 within Ordinance 96-4 are hereby repealed in so much as they conflict with the provisions of this ordinance.
2. The provisions of the attached exhibit "A", entitled Center Drainage and Storm Water Regulations is adopted in its entirety as if set forth in full in this ordinance and shall govern the requirements for site development and storm water discharge.

3. REPEALER

That any other ordinance of the City of Center in conflict with this ordinance is repealed to the extent that it conflicts with this ordinance or the rules, regulations and policies adopted herein.

4. SEVERABILITY

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance or the attached Exhibit shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

5. PROPER NOTICE & MEETING

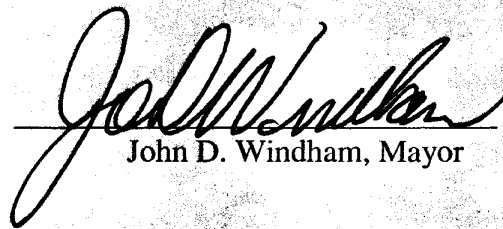
The meetings at which this ordinance and the rules and regulations herein considered, adopted and approved were open to the public.

6. EFFECTIVE DATE & PUBLICATION

This ordinance shall be in full force and effect upon its passage and publication in accordance with the Charter of the City of Center and the laws of the State of Texas.

PASSED AND APPROVED THIS THE 23rd DAY OF NOVEMBER, 2009.

ATTEST:


John D. Windham, Mayor

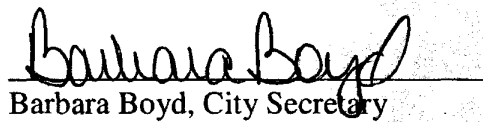

Barbara Boyd, City Secretary



EXHIBIT "A"

Center Drainage and Storm Water Discharge Regulations - 2009

I. Applicability

These regulations shall apply to any properties within the City Limits of the City of Center, Texas and to subdivisions of property as defined in Chapter 212 of the Local Government Code. Where laws or regulations of the federal government or the State of Texas impose more stringent requirements than those herein, the more stringent requirements shall apply.

II. Drainage Control During Construction

a. Applicability

All sites, properties or locations within the incorporated city limits of the City of Center. The permit for site work shall be included in the building permit and such application for building permit shall include a site plan inclusive of a site grading plan, site drainage plan and storm water discharge calculations.

b. NPDES General Permit Requirements

Construction contractors and/or the property owner are responsible for meeting the requirements of the US Environmental Protection Agency (EPA), Texas Commission on Environmental Quality (TCEQ) and any other regulations applicable to the specific site on which construction is occurring.

c. Basic Construction Standards

All construction sites shall require silt fencing or other silt control to prevent erosion onto adjoining properties, drainage structures or storm water channels.

III. Development Standards for Drainage Control

All non-residential construction within the City of Center meeting either of the following categories shall be required to comply with these requirements for post-construction control of the site's storm water discharge under this Section.

(b) Sites of three (3) acres or more regardless of percent of impervious coverage.

(c) Sites of one (1) acre but less than three (3) acres with greater than 85% impervious coverage of the site or the immediate point of discharge from the site.

(d) For purposes herein, impervious coverage shall mean any non-dirt or natural ground surface material that prevents natural absorption of water and include but not be limited to all building materials, concrete, asphalt and gravel.

b. Discharge Control

i. Drainage Calculations

Both pre-development and proposed post-development discharge rates shall be calculated for the 25-year storm event for the specific site prior to any site clearing, grading or the issuance of a building permit.

ii. Design Storm

The design storm used to determine discharge rates and detention volume necessary to obtain the required discharge rate shall be a storm with a statistical probability of occurrence of one in 25 in any given year. If the project is within an environmentally critical area, including any designated floodplain or discharging directly into a designated floodplain, the design storm may be adjusted to require discharge rates and detention based on the 100 year storm event at the discretion of the floodplain administrator.

iii. Discharge Point

The discharge point for drainage water from each site shall be determined based upon the preservation of natural drainage patterns, restricting obstructions to natural water courses and whether the capacity of existing drainage channels is adequate for the additional volume.

iv. Discharge Rate

To the extent practical, the peak drainage water discharge rate from pervious and impervious surfaces on the site shall not exceed 0.2 cubic feet per second per acre under design storm conditions or three percent (3%) increase in the discharge rate from pre-development conditions, whichever is less.

v. Control Measures

During new development, redevelopment and land-disturbing activities, best management practices shall be used to accomplish the following:

- (a) Control erosion and the transport of sediment from the site through measures such as mulching, matting, covering, silt fences, sediment traps and catch basins, settling ponds and protective berms;
- (b) Permanently stabilize exposed soils that are not being actively worked, through such methods as the installation of permanent vegetative cover and installation of slope protective materials; and
- (c) Control the introduction of contaminants and pollutants into, and reduce and treat contaminants in drainage water, drainage control facilities, surface water and groundwater, and public drainage systems by methods such as covering of material stockpiles; proper disposal of hazardous materials; regular cleaning of catch basins, gravel truck loading and heavy equipment areas; spill control for fueling operations; sweeping; and maintaining erosion control protective features described above.

vi. Drainage Easement Requirements

When drainage easements are required for the proper discharge of site drainage across other private properties, evidence of drainage easements shall be reflected in the site plan or records filed in the deed records of Shelby County.

vii. Floodplain Development Regulations

Nothing herein shall alter or adjust the regulations, requirements or other provisions regulating the development of properties in, on or adjacent to the designated floodplains within the city, generally referred to as the Floodplain Development Ordinance.

viii. Federal/State Permits for Adjustments to Water Courses

In the event the developer has obtained federal permits for the adjustment, relocation or other modification of existing drainage channels, the development requirements herein shall be overruled by the issuance of such permits.

IV. Protection of Property from Grading of Adjoining Property

The provisions of this Section shall apply to permanent and temporary protection of, and encroachment on, adjoining property.

i. Maximum Slope

When the existing grade of a site is altered by fill, excavating, dredging or moving of earth materials, the owner shall protect all adjoining property during construction from encroachment or collapse by sloping the sides of the temporary grading at a slope which is safe and not more than one horizontal to one vertical. In addition, adjoining property shall be protected from encroachment or collapse by sloping the sides of the permanent grading at a slope not greater than two horizontal to one vertical. The Building Official may approve temporary or permanent slopes of greater steepness based on a certified design by a geotechnical/civil engineer.

ii. Encroachment

All grading shall occur entirely within the site unless the applicant provides one of the following:

- (a) Proof of ownership; or
- (b) An easement, granted by the fee owner of the encroached-upon property, which authorizes the encroachment on the adjoining property; or
- (c) A letter signed by the owner of the adjoining property, which authorizes such temporary encroachments during construction on the adjoining property as temporary change of grade, temporary stockpiling or shoring.

iii. Conflict with Other Requirements

Nothing herein shall minimize other requirements or regulations of the City of Center including any provisions of the Zoning Ordinance, Floodplain Ordinance or other general laws, ordinances and policies of the City of Center. To the extent that the provisions herein create situations of conflict with other ordinances, the more stringent provisions as determined by the City Manager shall govern.