

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, CHAPTER 34 (ENVIRONMENT), ARTICLE IX (STORMWATER DISCHARGE), SECTION 34-334 (STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES) AND ADDING SECTION 34-341 (CONSTRUCTION ACTIVITIES IN RIGHT OF WAY); MODIFYING CERTAIN REGULATIONS RELATING TO STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES; ESTABLISHING REGULATIONS ON CONSTRUCTION ACTIVITIES IN THE RIGHT OF WAY; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco" or "City") to amend Frisco's Code of Ordinances, Ordinance No. 06-03-31, as amended ("Code of Ordinances"), by modifying Chapter 34 (Environment), Article IX (Stormwater Discharge), Section 34-334 (Stormwater Discharges from Construction Activities) and by adding Section 34-341 (Construction Activities in Right of Way), as set forth below; and

WHEREAS, the City Council has further investigated and determined that such amendments and additions are necessary to modify and/or establish stormwater discharge regulations to protect property, prevent damage to the environment and promote the public health, safety and general welfare; and

WHEREAS, the City Council finds that it is in the best interest of Frisco and its citizens to amend the Code of Ordinances as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Code of Ordinances, Chapter 34 (Environment), Article IX (Stormwater Discharge), Section 34-334 (Stormwater Discharges from Construction Activities). The Code of Ordinances, Chapter 34 (Environment), Article IX (Stormwater Discharge), Section 34-334 (Stormwater Discharges from Construction Activities) is hereby amended as follows:

"CHAPTER 34. ENVIRONMENT

ARTICLE IX. STORMWATER DISCHARGE

...

Sec. 34-334. Stormwater Discharges from Construction Activities

(a) General requirements.

...

- (2) Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of any construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, best management practices shall be revised as appropriate, and as soon as is practicable.

...

(b) Five-Acre Disturbances.

(1)

...

- m. Qualified personnel (provided by the operator of the construction site) shall inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven (7) calendar days. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the

MS4. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.

An alternative to the above-described inspection schedule may be used if the alternative schedule complies with the current TPDES General Permit for construction sites.

...”

SECTION 3: Amendment to the Code of Ordinances, Chapter 34 (Environment), Article IX (Stormwater Discharge), adding Section 34-341 (Construction Activities in Right of Way). The Code of Ordinances, is hereby amended by adding new Section 34-341 (Construction Activities in Right of Way), as follows:

“CHAPTER 34. ENVIRONMENT

ARTICLE IX. STORMWATER DISCHARGE

...

Sec. 34-341. Construction Activities in Right of Way

The following is required for all construction activity within public right of way dedicated to an agency such as the City, County or State or all construction activity within right of way dedicated to a homeowners association, except for construction activity performed by or for the agency responsible for the right of way:

- (a) At the end of each work day, the street shall be free of pollutants originating from the construction site.
- (b) No loose material may be placed or stored in right of way without sufficient BMPs installed and maintained to prevent any discharge to pavement or other drainage conveyance.
- (c) Sediment controls may not be placed on or near inlets or on pavement unless the control:
 - (1) Does not impede the flow of water or traffic; and
 - (2) Does not create siltation on pavement.
- (d) An 8.5” x 11” approved Frisco Stormwater placard shall be posted and made visible on the construction site. The City will make the approved placard available.

Sec. 34-342 – 34-365 Reserved”

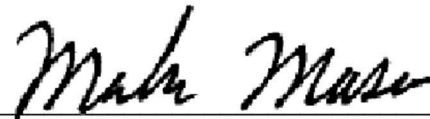
SECTION 4: Penalty. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding Two Thousand Dollars (\$2,000.00) if the violation relates to the public health, sanitation or dumping of refuse, otherwise the fine shall be in an amount not exceeding Five Hundred Dollars (\$500.00). Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent prosecution from being commenced for any violation occurring prior to the repeal of the ordinance. Any remaining portions of conflicting ordinances shall remain in full force and effect.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7: Effective Date. This Ordinance shall be effective ninety (90) days after its passage and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 19th day of April, 2016.



Maher Maso, Mayor

**ATTESTED AND
CORRECTLY RECORDED:**



Jenny Page, City Secretary



APPROVED AS TO FORM:



Abernathy, Roeder, Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

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