

ORDINANCE NO. 1422-2024

AN ORDINANCE AMENDING CHAPTER 13 "UTILITIES" OF THE RIVER OAKS CODE OF ORDINANCES (2020); REVISING ARTICLE 13.10 "STORM WATER MANAGEMENT PROGRAM" BY REPEALING IN ITS ENTIRETY THE EXISTING ARTICLE 13.10 AS ADOPTED ON SEPTEMBER 24, 2019; REPLACING IT WITH THE REVISED ARTICLE 13.10 HEREIN PROVIDED FOR IN THIS ORDINANCE AS "EXHIBIT A" INCORPORATING ARTICLE 13.10 DIVISION 1 "STORM WATER MANAGEMENT PLAN" AUTHORIZED BY TPDES SMALL MS4 GENERAL PERMIT (TXR040000) AND BEING EFFECTIVE ON AUGUST 8, 2023; RESUBMITTING TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) BY THE CITY OF RIVER OAKS THEREBY AMENDING THE CITY'S STORM WATER MANAGEMENT PLAN; FURTHERMORE INCORPORATING DIVISION 2, SECTION 13.10.014 "STORM WATER DRAINAGE BASIN MAPPING" (MAP ATTACHMENT "A") OF "EXHIBIT A" TO THIS ORDINANCE AND DIVISION 3, SECTION 13.10.015 "STORM WATER DRAINAGE OUTFALL MAPPING" (MAP ATTACHMENT "B") OF "EXHIBIT A" TO THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE FOR VIOLATION THEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the watersheds and receiving waters of the United States have proven to be a precious resource that must be protected from pollution; and

WHEREAS, on May 1, 2009 the TCEQ issued the Small MS4 (Municipal Separate Storm Sewer System) General Permit for the City of River Oaks; and

WHEREAS, Small MS4 General Permit, TPDES Permit No. TXR040000, was issued on December 13, 2013 and all regulated entities (new and existing) had until June 11, 2014 to apply for coverage or a waiver under the general permit; and

WHEREAS, MS4 General Permit # TXR040146 was issued to the City of River Oaks MS4 on December 11, 2014; and

WHEREAS, TPDES small MS4 General Permit (TXR040000) became effective on January 24, 2019 with the renewal period ending on July 23, 2019 and therefore the City of River Oaks didn't meet the renewal deadline and therefore were required to resubmit the NOI Permit application to TCEQ along with the revised Storm Water Management Plan for permit coverage; and

WHEREAS, TCEQ reviewed and approved the revisions to the 2019 Storm Water Management Plan that are attached herein to this Ordinance as Exhibit A; and

WHEREAS, under the Texas Water Code, the TCEQ (Texas Commission on Environmental Quality) has the authority to issue General Permits for the discharge of storm water discharge into the waters of the United States; and

WHEREAS, the city's Storm Water Management Plan (SWMP) under the City's MS4 General Permit (#TXR040146) that expired necessitating certain revisions in order to be reconsidered for approval by TCEQ; and

WHEREAS, City of River Oaks had applied to TCEQ under TPDES Small MS4 General Permit No. TXR040000 for a new authorization number TXR040674 to discharge storm water to surface water in the state from City of River Oaks and authorization was issued by TCEQ to the City of River Oaks on August 8, 2023, for MS4 Level 1.; and

WHEREAS, the City Council desires to now adopt within the City Storm Water Management Program an updated and revised Storm Water Management Plan as approved by TCEQ and is designed to develop a watershed-wide approach to storm water management; and

WHEREAS, the City Council has established that the goal of the Plan and of the Program is to set measurable goals and best management practices to protect the Watershed and to ensure good water quality; and

WHEREAS, the Storm Water Management Plan is essential to developing a Storm Water Management Program and it has been determined that such a Plan should be adopted as herein provided for; and

WHEREAS, the City Council has now concluded after due and careful consideration that it is necessary to adopt a revised Storm Water Management Plan as provided for in this Ordinance as "Exhibit A" to ensure the health, safety, and general welfare of the inhabitants in and around the City of River Oaks.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:

SECTION 1.

With the adoption of this Ordinance, Chapter 13 "Utilities" of the River Oaks Code of Ordinances (2020) will be amended by revising Article 13.10 "Storm Water Management Plan", to incorporate the City's updated Storm Water Management Plan attached hereto as **Exhibit "A"** into the River Oaks Code of Ordinances that establishes policies and procedures regarding storm water management within the City.

SECTION 2.

REPEALING CLAUSE

With the adoption of this Ordinance, Chapter 13 "Utilities" of the River Oaks Code of Ordinances (2020), specifically in Article 13.10 "Storm Water Management Program" is hereby amended by repealing in its entirety the existing Article 13.10 as adopted on September 24, 2019 as Ordinance # 1248-2019; replacing it with the revised Article 13.10 herein provided for in this ordinance as "Exhibit A" by incorporating the revised Article 13.10 Division 1 "Storm Water Management Plan" that updates the city's storm water management plan and furthermore, incorporates into the River Oaks Code of Ordinances as amended Division 2 "Storm Water Drainage Basin Mapping" and Division 3 "Storm Water Drainage Outfall Mapping".

SECTION 3.

CUMULATIVE CLAUSE

This Ordinance shall be Cumulative of all provisions of Ordinances and of the River Oaks Code of Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances or Code, in which case the conflicting provisions of such Ordinances or Code are hereby repealed.

SECTION 4.

SEVERABILITY CLAUSE

It is hereby declared to be the intentions of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

SAVINGS CLAUSE

All rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of River Oaks, Texas or any other ordinances affecting storm water drainage and management which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

PENALTY CLAUSE

In accordance to Section 1.01.009, "General penalty for violations of code; continuing violations", of the City of River Oaks Code of Ordinances (2020) as adopted and as amended; whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed four thousand dollars (\$4,000.00). Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

SECTION 7.

PUBLICATION


The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, penalty clause, publication clause and effective date of this ordinance one (1) time after the adoption of this ordinance in accordance with Chapter 5, Section 5.02 (c) of the Charter of the City of River Oaks.

SECTION 8.

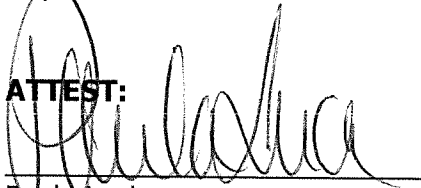
EFFECTIVE DATE

This Ordinance shall be in full force and effect after its passage by a majority vote of the City Council of the City of River Oaks and the legal publication of this ordinance if any is required and it is so ordained.

APPROVED THIS THE 7th DAY OF MAY 2024.



Darren Houk , Mayor
City of River Oaks

ATTEST: 

Paula Luck
City Secretary
City of River Oaks