

# ORDINANCE NO. O-2020-13

## City of Ward Construction Site Storm Water Runoff Control Ordinance

### **PREAMBLE**

This Ordinance, adopted by resolution of the City of Ward, sets forth the administrative procedures, standards, and enforcement remedies which shall be used by the City of Ward's Storm Water Program Manager in meeting the requirements of the EPA's Phase II requirements.

#### **I. Purpose and Objectives**

##### **A. Purpose**

The purpose of this Ordinance is to minimize the pollution, impairment, or destruction of natural resources that could be caused by storm water runoff.

##### **B. Objectives**

Specific objectives include the following:

1. Minimize storm water runoff pollution.
2. Require Construction site owner/operators to obtain the proper permit coverage.
3. Require construction site owner/operators to develop a Storm Water Pollution Prevention Plan.
4. To restrict storm water runoff entering and leaving development sites to non-erosive velocities by requiring temporary and permanent soil erosion control measures.
5. To prevent unnecessary stripping of vegetation and loss of soils, especially adjacent to lakes, streams, watercourses, and wetlands.
6. To reduce long-term expenses and remedial projects which are caused by uncontrolled storm water runoff and soil erosion.
7. To encourage the design and construction of storm water control systems which serve multiple purposes, including but not limited to flood prevention, water



quality protection, wildlife habitat preservation, education, recreation, and wetlands protection.

8. To reduce the detrimental impacts of storm water flows on downstream communities.
9. To provide for enforcement of this ordinance and penalties for violations.

## II. Definitions

The following terms and phrases shall have the meaning given herein, unless the context otherwise requires:

1. **Best management practices (BMP)** – Structural device, measure, facility, or activity which helps to achieve soil erosion and storm water management control objectives at a designated site.
2. **Disturbed area** – An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling.
3. **Enforcing agency** – City of Ward and Arkansas Department of Environmental Quality.
4. **Large Construction Site** – Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres.
5. **Outfall** – The point where water flows out from a conduit, drain, or stream.
6. **Receiving body of water** – Any lake, pond, stream, wetland, or groundwater into which storm water runoff is directed.
7. **Sediment** – Mineral or organic solid particulate matter that has been removed from its site of origin by (a) soil erosion; (b) suspension in water; and/or (c) wind or water transport.
8. **Small Construction Site** – Construction activities including clearing, grading, and excavation that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes that disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance.
9. **Soil erosion** – The wearing away of land by the action of wind, water, gravity or a combination thereof.



**10. Soil erosion control facilities and measures** – Any structure, facility, barrier, berm, vegetative cover, basin, or other measure which serves to control soil erosions in accordance with the purposes and standards of this Ordinance.

**Temporary measures** – Installations designed to control soil erosions during construction or until soils in the contributing drainage area are stabilized.

**Permanent measures** – Installations designed to control soil erosions after a project is completed.

**11. Storm drain** – A conduit, pipe, natural channel or human-made structure which serves to transport storm water runoff.

**12. Storm water runoff** – Waters from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses, or conduits, measured in depth of inches.

**13. Storm Water Pollution Prevention Plan** – A document that indicates how erosion and sediment will be controlled whether by silt fence, hay bales, or other Best Management Practices.

### **III. Permit Requirements**

#### **A. Jurisdiction for Permit Administration**

1. All construction sites within the City of Ward are required to meet the following requirements.

#### **B. Permit Requirements**

1. The Owner shall apply for permit coverage.

2. All Construction sites that disturb an area of one acre or more are required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP is required to be maintained and updated at the site.

3. Small Construction Sites (Sites disturbing 1 to 5 acres) are required to post their site using ADEQ's Small Construction Site Notice.

4. Large Construction Sites (Sites disturbing greater than 5 acres) are required to submit a Notice of Intent, permit fee and SWPPP to ADEQ for review.

#### **C. Storm Water Pollution Prevention Plan**

A SWPPP shall be developed for all sites in accordance with the provisions set forth in ADEQ's General Construction Storm Water Runoff Permit.



**IV. Maintenance**

1. All BMP's identified in the SWPPP must be maintained in order to ensure that the controls are functioning properly.

**V. Inspections**

1. A site inspector will be designated by the Storm Water Management Program Manager. If the program manager sees necessary he/she may decline to appoint an inspector.
2. Site inspections will be made on a weekly basis.
3. Inspections will be conducted to ensure the proper permit coverage has been obtained and that the permit provisions are being complied with.
4. All complaints about storm water runoff pollution will be inspected in due time.

**VI. Enforcement Action**

**A. General Provision**

1. All Construction sites within the jurisdiction of Ward are subject to the provisions and penalties of this ordinance.
2. Each act of violation, and every day upon which any violation shall occur or continues to occur, shall constitute a separate offense.
3. A person who has not complied with this Ordinance and who, after notice, refuses to implement and maintain soil erosion and storm water runoff control measures and facilities in conformance with these regulations shall be subject to a fine of but not more than \$500.00 per each day that the violation was committed or ninety (90) days in jail, or both, plus the cost of prosecution.

**XVI. Severability**

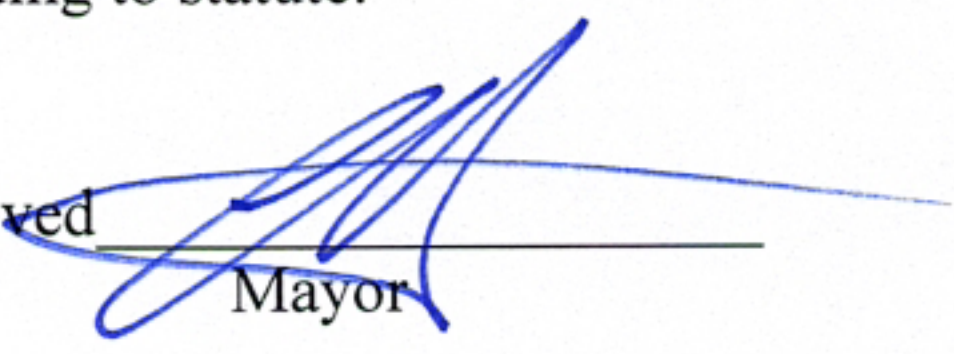
If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.



**Effective Date**

The Ordinance shall take effect on December 21<sup>st</sup>, 2020 after publication according to statute.

Approved \_\_\_\_\_

  
Mayor

Attest \_\_\_\_\_

  
City Clerk

City Seal

