

ORDINANCE NO. 1348-2022

AN ORDINANCE AMENDING CHAPTER 13 "UTILITIES" OF THE RIVER OAKS CODE OF ORDINANCES (2020) BY INCORPORATING ARTICLE 13.13 "iSWM CRITERIA MANUAL FOR SITE DEVELOPMENT" ADOPTING THE INTEGRATED STORMWATER MANAGEMENT (iSWM) PROGRAM DEVELOPED BY NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) ADOPTING THE iSWM TECHNICAL MANUAL FOR PLANNING, WATER QUALITY, HYDROLOGY, HYDRAULICS, SITE DEVELOPMENT CONTROLS, CONSTRUCTION CONTROLS AND LANDSCAPING WITH THE CITY OF FORT WORTH 2015 STORM WATER CRITERIA MANUAL THAT BECAME EFFECTIVE ON SEPTEMBER 29, 2015 AS A RESOURCE GUIDELINE FOR LOCALLY ADOPTED DESIGN CRITERIA ALLOWING THE CITY OF RIVER OAKS A FLEXIBLE APPROACH TO THE iSWM PROGRAM AT THE LOCAL LEVEL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE, PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER 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 City of River Oaks, Texas recognizes the important relationship between stormwater quantity and stormwater quality; and

WHEREAS, the City of River Oaks, Texas recognizes the *Integrated* Stormwater Management (iSWM) Program developed by the North Central Texas Council of Governments (NCTCOG) addresses both stormwater quality and stormwater quantity; and

WHEREAS, pursuant to Texas Pollutant Discharge Elimination System (TPDES) as regulated by the Texas Commission on Environmental Quality, the City of River Oaks is required to adhere to the Municipal Separate Stormwater System (MS4) Tier II permit regulating municipal stormwater system; and

WHEREAS, the City of River Oaks, Texas seeks to adopt an ordinance implementing the iSWM Program; and

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 is hereby amended incorporating Article 13.13 " iSWM Criteria Manual for Site Development" that adopts the City of River Oaks iSWM Criteria Manual for Site Development and Construction and amending appropriate sections of other related drainage and storm water ordinances.

SECTION 2.

The City of River Oaks does hereby agree to participate in the iSWM program as prepared by the NCTCOG and adjusted to meet local guidelines adopting the City of Fort Worth 2015 Stormwater Criteria Manual as the resource for locally adopted design criteria within the

city. The City understands that the iSWM program is a living program that is updated as appropriate based on new information, technology and practices. The City agrees to implement the current elements of the iSWM program. The iSWM program will be the City's official program for addressing stormwater and drainage issues associated with new development and redevelopment.

SECTION 3.

The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting considering the Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public and that all the foregoing was done as required by law at all times during which this Ordinance has been discussed, considered and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and posting thereof.

SECTION 4. 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 5. 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 6. 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 stormwater 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 7. PENALTY CLAUSE

Unless a differing penalty is expressly provided for within the Code, every person convicted of a general violation of any provision of the Code or any rule, ordinance, or police regulation of the City shall be punished by a fine not to exceed \$2,000.00 for violations of all such rules, ordinances and police regulations that govern fire safety, zoning, or public

health and sanitation, including dumping of refuse, and not exceeding \$500.00 for all other violations. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. A person who violates a provision of this division is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine as provided in section 1.01.009.

**SECTION 8.
PUBLICATION CLAUSE**


The City Secretary is directed to publish in the official newspaper of the City, the caption, penalty clause, savings clause, publication clause and effective date clause of this ordinance one time as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

**SECTION 9.
EFFECTIVE DATE**

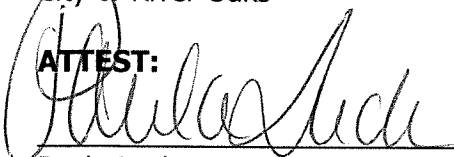
This Ordinance shall be in full force and effect after its passage by a majority vote of the City Council of the City of River Oaks and the legal publication of this ordinance if any is required and it is so ordained except that the provisions of the current subdivision ordinance shall continue to apply to the following developments for the period of time set forth herein:

1. Subdivision phrases phases for which a preliminary plat has been approved prior to the effective date of the ordinance and for which a final plat is filed within the time specified in the Subdivision Ordinance;
2. Developments for which constructions plans have been submitted in compliance with the construction plan requirements of the Subdivision Ordinance prior to the effective date of this ordinance for which construction is underway within one-year from the effective date;
3. Buildings for which a complete detailed site plan has been approved prior to the effective date of the ordinance and which construction is underway within one-year from the effective date;
4. Buildings for which a plat has been approved and recorded prior to the effective date of the ordinance and for which construction is underway within one-year from the effective date;
5. Subdivisions recorded with a final plat prior to the effective date of the ordinance for which a replat for administrative changes is filed.

APPROVED THIS THE 28th DAY OF JUNE 2022.



Joe Ashton, Mayor
City of River Oaks

ATTEST:


Paula Luck
City Secretary
City of River Oaks