

ORDINANCE NO. O-2023-244

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE VI, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING INSPECTION OF STORMWATER STRUCTURAL CONTROLS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,

TEXAS:

I.

That Chapter 14, Article VI, Section 14-140. Definitions, Code of Ordinances (2018 Edition), City of Round Rock, Texas is hereby amended to add the following new definitions to be placed in their proper alphabetical order in said section:

Sec. 14-140. Definitions.

Structural Control (or Practice) means a pollution prevention control or practice that requires the construction of a device, or the use of a device, to capture or prevent pollution in stormwater runoff. Structural controls and practices may include but are not limited to wet ponds, bioretention, infiltration basins, stormwater wetlands, silt fences, earthen dikes, drainage swales, vegetative lined ditches, vegetative filter strips, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

TPDES Permit means the Texas Pollutant Discharge Elimination System General Permit No. TXR04000, issued January 19, 2019 as superseded, replaced, or amended from time to time.

II.

That Chapter 14, Article VI, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended by adding new section 14-146.1, which shall read as follows:

Sec. 14-146.1 Maintenance and inspection of structural control features.

(a) Part III, Section B. 4. (c) of the TPDES Permit requires the city to develop and implement an inspection program to ensure that all post-construction control measures are operating correctly and are being maintained as required.

1 (b) The owners of structural controls are required to develop and implement a maintenance
2 plan addressing requirements to ensure that the structural controls are operating correctly. The
3 maintenance plan must be filed with the city and filed in the real property records of the county in which the
4 structural control measures are located.

5 (c) The owners of structural controls that were completed on or before September 1, 2023 are
6 required to have the structural controls inspected before September 1, 2026. Thereafter, these owners are
7 required to have the structural controls inspected on or before the third anniversary of the date of the
8 immediately preceding inspection report.

9 (d) The owners of structural controls that are completed after September 1, 2023, are required
10 to have the structural controls inspected on or before three years following the construction completion
11 date. Thereafter, these owners are required to have the structural controls inspected on or before the third
12 anniversary of the date of the immediately preceding inspection report.

13 (e) At least once every three years, the owners of structural controls are required to have the
14 structural controls inspected by an engineer licensed in Texas. The first such inspection shall occur on or
15 before the third anniversary of the completion of the construction of the structural control measures, and
16 every third year thereafter. The owner shall file the engineer's report with the city for its review and approval.

17 (f) At a minimum, the engineer's report shall include the following:

18 (1) A history of maintenance activities on the structural control measures during the
19 previous three years;

20 (2) An assessment of the condition of the structural control measures;

21 (3) The engineer's professional opinion related to the functionality of the structural
22 control measures, and its ability to control quantity and/or quality of runoff in
23 accordance with its original design; and

24 (4) The engineer's recommendations, if any, for remediation or maintenance of the
25 structural control measure to meet the original design specifications.

26 (g) City staff will review the engineer's report to determine if it is in compliance with this section
27 and if the structural controls are operating correctly and being maintained as required. If
28 so, the city staff will approve the engineer's report.

29 (h) If the city staff determines that the engineer's report is not in compliance with this section,
30 and/or that the structural control measures are not operating correctly, then the city staff
31 shall disapprove the engineer's report. In that event, no later than ninety days following
32 said disapproval, the owner shall have the structural control measures reinspected and
33 cause a new engineer's report to be filed with the city.

34
35 **III.**
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37 **A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are
38 expressly repealed.

39 **B.** The invalidity of any section or provision of this ordinance shall not
40 invalidate other sections or provisions thereof.

1 **C.** The City Council hereby finds and declares that written notice of the date,
2 hour, place and subject of the meeting at which this Ordinance was adopted was posted
3 and that such meeting was open to the public as required by law at all times during which
4 this Ordinance and the subject matter hereof were discussed, considered and formally
5 acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government
6 Code, as amended.

7 **READ** and **APPROVED** on first reading this the _____ day of
8 _____, 2023.

9 **READ, APPROVED** and **ADOPTED** on second reading this the _____ day of
10 _____, 2023.

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CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

MEAGAN SPINKS, City Clerk