

CITY OF KRUM, TEXAS

ORDINANCE NO. 2024-797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS AMENDING THE CITY'S CODE OF ORDINANCES CHAPTER 13, "UTILITIES," ARTICLE 13.14, "STORMWATER UTILITY PROTECTION," SECTION 13.14.006, "CONSTRUCTION SITE STORMWATER RUNOFF CONTROL MEASURES," SUBSECTION (b), "REQUIREMENTS FOR ALL CONSTRUCTION SITES" TO ADD REGULATIONS FOR INDIVIDUAL LOTS WITHIN A SUBDIVISION TO INSTALL CONTROL MEASURES; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR FINDINGS; PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY, PROVIDING FOR A PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Krum, Texas is a Home Rule Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Krum, Texas, is given authority by Chapter 51 of the Local Government Code to self-governance with the authority to amend an ordinance; and

WHEREAS, the City of Krum, Texas, adopted Ordinance No. 2024-795 which repealed Ordinance No. 2011-02-01 and updated Storm Water Regulations; and

WHEREAS, the City of Krum is required to impose controls to reduce the discharge of pollutants in storm water to the maximum extent practicable using management practices, control techniques and system design and engineering methods, and such other provisions which are determined to be appropriate for the control of such pollutants; and

WHEREAS, the City of Krum recognizes the Storm Water System and Program as a utility; and

WHEREAS, the City Council hereby finds and determines that the adoption of this Ordinance is necessary for the public health, safety and welfare of the citizens of the City of Krum, Texas.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KRUM, DENTON COUNTY, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

That all of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

SECTION 3
AMENDMENTS

3.01 That the City of Krum Code of Ordinances, Chapter 13, "Utilities," Article 13.14, "Stormwater Utility Protection," Section 13.14.006, "Construction Site Stormwater Runoff Control Measures," Subsection (b), "Requirements for all construction sites," is hereby amended as follows:

"§ 13.14.006 Construction Site Stormwater Runoff Control Measures

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(b) Requirements for all construction sites. All persons operating construction sites, including all individual lots either part of a larger common plan of development or not, shall implement BMPs and control measures to prevent the discharge, to waters of the United States or the City MS4, of sediment, silt, earth, soil, and other material associated with the demolition, clearing, grading, excavation, and other construction activities to the maximum extent practicable under the circumstances. The City hereby adopts the Integrated Stormwater Management (iSWM) – Technical Manual for Construction Controls and subsequent updates developed specifically for the North Central Texas Region by the North Central Texas Council of Governments (NCTCOG, 2020). The persons operating the construction site shall implement and maintain iSWM Technical Manual – Construction Controls or a City-approved equivalent, at their own expense, appropriate to prevent and reduce the discharge of pollutants into waters of the United States or the City MS4. The BMPs must be identified in the erosion and sedimentation control plan or SWPPP. The following design requirements must be considered when planning, implementing, and maintaining BMPs:"

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3.02 All other articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4
CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5
SAVINGS

All rights and remedies of the City of Krum, Texas are expressly saved as to any and all violations of the provisions of the City's Code of Ordinances or of any other ordinance affecting traffic and vehicles, which have been secured 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 court.

SECTION 6
SEVERABILITY

The provisions of this Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decision or enactment.

SECTION 7
PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision of this Ordinance shall be fined, upon conviction, an amount not to exceed two thousand dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

If the governing body of the City of Krum determines that a violation of this Ordinance has occurred, the City of Krum may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
PUBLICATION

The City Secretary of the City of Krum is directed to publish in the official newspaper of the City, the caption, and effective date of this Ordinance as required by law.

SECTION 9
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City of Krum, Texas.

SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KRUM, TEXAS, ON THIS THE 5TH DAY OF FEBRUARY, 2024.

APPROVED:



Rhonda Harrison
Mayor

ATTEST:



Lisa Dawn Cabrera, TRMC, CMC
City Secretary



APPROVED AS TO FORM:



Lance Vanzant
City Attorney