

AN ORDINANCE AMENDING SECTIONS ARTICLE 5 AND ARTICLE 6 OF THE STORMWATER MANAGEMENT REGULATIONS

WHEREAS, the City Council adopted the Stormwater Management Regulations on December 18, 2008 (ORD-08:099);

WHEREAS, the Stormwater Management Board desires to amend Article 5 – 5.0 Maintenance Agreement, Article 5 – 5.4 Notifications, and Article 6 Enforcement of the Stormwater Management Regulations;

WHEREAS, the Stormwater Management Board has amended Article 5 – 5.0 Maintenance Agreement, Article 5 – 5.4 Notifications, and Article 6 Enforcement and recommends it for adoption by the City Council;

NOW, THEREFORE BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS:

Section 1. That ORD-08:099 passed and approved by the City Council on December 18, 2008 be hereby amended.

Section 2. That the following Article 5 – 5.0 Maintenance Agreement be amended as follows:

5.0 Maintenance Agreement – A maintenance agreement assuring perpetual maintenance of stormwater management improvements and drainage easements to be dedicated to the City shall be agreed upon by the City and the Developer prior to final plat approval. The maintenance agreement shall be the responsibility of the Developer and shall be in a form acceptable to the City Engineer and the City Attorney.

Section 3. That the following Article 5 – 5.4 Notifications be amended as follows:

5.4 Notifications – Developers having been issued a Grading Permit shall notify the City Engineer upon final stabilization of the disturbed lands and request that the grading permit be terminated. Request for a Certificate of Occupancy for a structure shall be deemed a sufficient means of notification.

Section 4. That the following Article 6 – Enforcement be amended as follows:

6.1 General – It shall be the duty of the City Engineer or Chief Building Official to bring to the attention of the City Attorney any violation or lack of compliance of these regulations.

6.2 Violations and Penalties – Any person, firm, corporation, or other legal entity who fails to comply with or violates these regulations shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100 per day and not more than \$500 per day for so long as the violation or violations exist. Each day shall constitute a separate offense.

6.3 Inspection – The City Engineer may make or cause to be made the inspection of any tract of land for each of the following:

- A. Permit – Before a Compliance Letter or Grading Permit is issued, the City Engineer may examine or cause to examine any tract of land for which an application has been received.
- B. Construction – Permitted sites may be inspected at various intervals during the course of construction including but not limited to:
 - 1. Prior to the initiation of the project after temporary or permanent erosion prevention and sediment control practices have been installed;
 - 2. After the completion of rough grading and installation of stormwater management structures, and;
 - 3. Upon completion of the project.

6.4 Revocation; Stop Work Orders – The City Engineer or Chief Building Official may revoke any permit issued under the provisions of these regulations when informed of any false statement misrepresentation of facts in the application or plans. Any non-permitted stormwater management system, or construction, or fill located within a floodplain shall, upon written notice, be removed at the expense of the Developer.

When it is found that any provisions of these regulations are being violated, the City Engineer or Chief Building Official may issue a stop work order. The stop work order shall be served upon the Developer and the Engineer of Record for the project, and by posting of the stop work order at the site of the violation.

A hearing to appeal the stop work order may be requested by the Developer upon whom an order has been served. An appeal must be requested in writing to the Secretary of the Stormwater Management Board or his or her designee within 30 days after service of the stop work order. The Stormwater Management Board shall hold an appeal hearing within 31 days after receipt of appeal. If no appeal is requested within 30 days after service of the stop work order, the stop work order shall remain in effect until compliance with the appropriate regulations can be demonstrated to the reasonable satisfaction of the City Engineer or Chief Building Official.

Section 4. The Mayor and City Clerk are hereby authorized by the City Council for the City of Jonesboro to execute these amendments to the Stormwater Management Regulations.