

ORDINANCE NO. A-239

ORDINANCE FOR STORMWATER OPERATION AND MAINTENANCE

BE IT ORDAINED by the City Council of the City of Tuscumbia in the State of Alabama, as follows:

Section I. Best Management Practice (BMP).

Definitions

Structural device, measure, facility, or activity that helps to achieve stormwater management control objectives at a designated site.

Plan

A document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at a site. The plan shall be prepared by a professional engineer. The subdivision regulations and the building code shall be revised to include these regulations.

Section II. Design.

- A. All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines are outlined in the most recent version of the subdivision regulations of the City of Tuscumbia.
- B. Stormwater easements and covenants shall be provided by the property owner for access for facility inspections and maintenance. Easements and covenants shall be recorded with the City of Tuscumbia prior to the issuance of a permit.
- C. Final design shall be approved by the City Engineer.
- D. The property owner/developer will acquire an NPDES Permit from ADEM and present a copy to the City Engineer.
- E. A permit will be issued by the City Engineer prior to construction start up. This permit acknowledges receipt of proper BMP and ADEM permit.

Section III. Routine Maintenance.

- A. All stormwater BMPs shall be maintained according to the measures outlined in the most recent version of The City of Tuscumbia Stormwater Pollution Prevention Plan, as required by the subdivision regulations and as approved in the permit.
- B. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Options include:
 - (1) Property owner.
 - (2) Homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements.
 - (3) Private contractor under contract with the Owner.
- C. Maintenance agreements shall specify responsibilities for financing maintenance.

Section IV. Nonroutine Maintenance.

Nonroutine maintenance includes maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures.

- A. Nonroutine maintenance shall be performed on an as-needed basis on information gathered during regular inspections.
- B. If nonroutine maintenance activities are not completed in a timely manner or as specified in the approved plan, the City of Tuscumbia may fine the Owner an appropriate amount to cover the cost of the City providing maintenance.

Section V. Inspections.

- A. The person(s) or organization(s) responsible for maintenance shall inspect stormwater BMPs on a regular basis as outlined in the plan.
- B. Authorized representatives of the City of Tuscumbia may enter at reasonable times to conduct on-site inspections or routine maintenance.
- C. For BMPs maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with the City of Tuscumbia, as provided for in the plan.


- D. Authorized representatives of the City of Tuscumbia, may conduct inspections to confirm the information in the reports filed under Section C.

Section VI. Severability Clause.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

This Ordinance shall become effective upon its approval by the City Council and upon its otherwise becoming law, and its publication as provided by law.

PASSED and ADOPTED this the 24th day of February, 2003.



WADE GANN, MAYOR

ATTEST:



FLORA HANBACK
CITY CLERK

CERTIFICATION

I, Flora Hanback, City Clerk for the City of Tuscumbia, Alabama, hereby certify that the foregoing ordinance was duly and properly adopted at a regular meeting of the City Council of the City of Tuscumbia on the 24th day of February, 2003.

That said Ordinance has been duly and properly published on this the 14th day of March, 2003, by publishing a copy of said Ordinance in the *Colbert County Reporter*.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of office this the 14th day of March, 2003.

Flora Hanback
Flora Hanback - City Clerk