

VILLAGE OF WEBBERVILLE

ORDINANCE No. 2005-03

**WATER QUALITY PROTECTION ORDINANCE**

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE PROTECTION OF REGIONAL WATER RESOURCES, PREVENTION OF WATER POLLUTION AND ABATEMENT OF DEGREDDATION; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES; AND, SEVERABILITY

- WHEREAS,** the Village Commission of the Village of Webberville (“Village Commission”) seeks to promote responsible and orderly development inside the Village limits and ETJ; and
- WHEREAS,** the Village Commission finds that reasonable regulations are necessary to protect and preserve the region’s life source – its water; and
- WHEREAS,** the Village Commission has determined that the rules enacted by and through this Ordinance are reasonable and narrowly tailored to further a legitimate public interest; and
- WHEREAS,** the creeks, streams, drainage ways and other watershed areas within the jurisdiction of the Village as well as those portions of the Trinity Aquifer (down dip) which underlie areas within the jurisdiction of the Village are subject to actual and potential threats of pollution;
- WHEREAS,** the threats posed by water pollution may result in the public health and safety hazards, losses of endangered species, damage to the integrity of local ecological systems, disruption of commerce and governmental services, impairment of recreational and aesthetic values, and extraordinary public expenditures for pollution reduction and environmental protection, all of which adversely affect the public health, safety and general welfare; and
- WHEREAS,** all watersheds within the Village jurisdiction are facing development pressure, which if not adequately and properly regulated can result in pollution of waterways and the aquifers from many sources including contaminated stormwater runoff, mismanagement of wastewater, discharges of pollutants from roadways, construction sites, and waste management areas, runoff of pesticides, fertilizers, and other nutrients from residential and agricultural land uses, and infiltration of such surface water contaminants to underground water-bearing formations; and

**WHEREAS,** all watersheds within the Village jurisdiction, and especially those with abrupt topography, sparse vegetation, and thin, highly permeable and easily disturbed soil, are vulnerable to degradation resulting from development activities; and

**WHEREAS,** in many cases, land development activities have caused large quantities of soil to be eroded, displaced and transported to downstream locations; and

**WHEREAS,** soil displacement and sediment buildup degrades water quality, destroys valuable environmental resources, clogs watercourses and storm drains, and impairs recreational opportunities for residents of the Village; and

**WHEREAS,** the continued economic growth of the Village is dependent on adequate quality and quantity of water, a pleasing natural environment, and recreational opportunities of residents of the Village; and

**WHEREAS,** if watersheds within the Village's jurisdiction are not developed in an environmentally responsible manner, the water resources, natural environment, and recreational opportunities within the Village could be irreparably damaged; and

**WHEREAS,** the adoption of this Article is a vital step necessary to ensure the environmentally responsible development of watersheds and the protection of surface and subsurface water quality within the Village jurisdiction; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

**WHEREAS,** pursuant to Sections 26.177 and 26.180, Texas Water Code and Section 401.002 of the Local Government Code, the Village has specific authority to adopt an ordinance promoting water protection, preventing water pollution, and mandating abatement; and

**WHEREAS,** the Village Commission finds that it is necessary and proper for the good government, peace or order of the Village of Webberville to adopt an ordinance regulating public nuisances and including procedures for the abatement and removal of the public nuisances.

**NOW, THEREFORE, BE IT ORDAINED** by the Village Commission of the Village of Webberville:

## 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

## 2. ENACTMENT

This Water Quality Protection Ordinance of the Village of Webberville is hereby established so to read in accordance with *Attachment A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

## 3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

## 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

## 5. CODIFICATION

The Village Secretary is hereby directed to record and publish the attached rules, regulations and policies in the Village's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

## 6. EFFECTIVE DATE

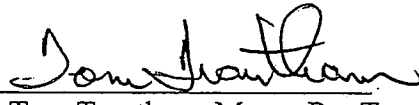
This Ordinance shall be effective immediately upon passage and publication as provided for by law.

## 7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this, the 15 day of June 2005, by a vote of 2 (ayes) to 0 (nays) to     (abstentions) of the Village Commission of Webberville, Texas.

**VILLAGE OF WEBBERVILLE**

by   
Tom Trantham, Mayor Pro Tem

**ATTEST:**

  
Carol Goodrich, Village Clerk

**APPROVED AS TO FORM:**  
Alan J. Bojorquez, Special Counsel

# Water Quality Protection

## TABLE OF CONTENTS

<i>Section</i>	<i>Page</i>
Section 1: Enactment Provisions.....	6
Section 2: Definitions.....	7
Section 3: Prohibitions.....	16
Section 4: Restricted Activities.....	18
Section 5: Performance Standards.....	19
Section 6: Impervious Cover.....	19
Section 7: [Reserved].....	22
Section 8: Water Quality Buffer Zones.....	23
Section 9: Setback Areas.....	24
Section 10: Control of Erosive Flow.....	24
Section 11: Infiltration.....	25
Section 12: Steep Slopes.....	25
Section 13: Vegetation.....	26
Section 14: Structural Water Quality Controls.....	26
Section 15: Enforcement.....	26

# ATTACHMENT A

## WATER QUALITY PROTECTION

### SECTION 1. ENACTMENT PROVISIONS

#### 1.1. Popular Name

This Ordinance shall be commonly cited as the "Water Quality Protection Ordinance."

#### 1.2. Introduction

Section 26.177 of the Texas Water Code provides an opportunity for municipalities to regulate activities which may effect the quality of groundwater, well water and surface water reservoirs.

#### 1.3. Purpose

This Chapter provides standards and procedures for municipal determination of the Non-point source pollution control management policies shall govern the planning, design, construction, operation and maintenance of drainage, erosion, and water quality control facilities within the Village's jurisdiction. This Ordinance sets forth the minimum requirements necessary to provide and maintain a safe, efficient and effective non-point source pollution control system and to establish the various public and private responsibilities for the provision thereof. Further, it is the purpose of this Chapter to:

- (a) Protect human life, health and property; and
- (b) Prevent losses of endangered species and habitat of endangered species; and
- (c) Protect the integrity of local ecological systems; and
- (d) Prevent the degradation and/or pollution of groundwater resources
- (e) Minimize the expenditure of public money for building and maintaining non-point source pollution control projects and cleaning sediments out of storm drains, streets, sidewalks and watercourses; and
- (f) Help maintain a stable tax base and preserve land values; and
- (g) Preserve the natural beauty and aesthetics of the community; and
- (h) Control and manage the quality of stormwater runoff, the sediment load in that runoff, from points and surfaces within subdivisions; and
- (i) Establish a reasonable standard of design and performance for development which prevents erosion and sediment damage and which reduces the pollutant loading to streams, ponds and other watercourses.

#### 1.4. Scope

This Ordinance applies to all property within the Village limits and the ETJ.

1.5. **Mandate**

1.5.1 Any person proposing to develop or improve real property within the jurisdiction of the Village is subject to the provisions of this Ordinance.

1.5.2 It shall be an offense for any person to develop or improve real property in violation of this Ordinance.

**SECTION 2. DEFINITIONS**

2.1. **General**

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases not defined in this Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

2.2. **Specific**

***Affected Person:*** Any person who resides within the Village's jurisdiction, whose legal rights, duties, or privileges may be affected by stormwater management practices from any proposed development for which a permit is sought.

***Agricultural Activities:*** Pasturing of livestock or use of the land for planting, growing, cultivating, and harvesting crops for human or animal consumption.

***Agricultural Stormwater Runoff:*** Any stormwater runoff from orchards, cultivated crops, pastures, range land, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR § 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR § 122.24.

***Annual Pollutant Load:*** The amount of pollution in stormwater runoff that is discharged from a developed site over the course of one (1) year; usually measured in pounds and based on an average year of rainfall. The annual pollutant load is calculated by multiplying the pollutant concentration by the volume of runoff and does not include the background pollutant load.

***Applicant:*** A person who submits an application for approval required by this Ordinance. The applicant shall be the owner of the property subject to this Ordinance acting in person or by and through the owner's authorized representative. Documentation evidencing ownership of the property or the authority of the authorized agent must be submitted along with the application.

**Application:** A written request for an approval required by this Ordinance.

**Background Pollutant Load:** The amount of pollution in stormwater runoff that is discharged from a site before development. The background pollutant load is calculated by multiplying the drainage area of the site by the annual runoff coefficient by the background stormwater pollution concentrations.

**Best Management Practice (BMP):** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the non-point source pollution of waters in the State. The two basic types of BMPs for purposes of this Ordinance are “structural BMPs” (which include engineered and constructed systems that are designed to provide for water quantity and/or water quality control of storm water runoff) and “non-structural BMPs” (which include institutional and pollution-prevention type practices designed to prevent pollutants from entering storm water runoff or to reduce the volume of storm water requiring management). This term expressly includes both structural and non-structural BMPs.

**Bluff:** Geologic surface feature with a vertical change in elevation of more than forty feet (40') at an average gradient greater than four hundred percent (400%).

**Bond:** Any form of a surety bond in an amount and form satisfactory to the Village.

**Builder:** A person engaged in clearing, grubbing, filling, excavating, grading, constructing a pad, installing service utility lines and/or constructing or placing a building(s) or other structure(s) on a lot or other type of tract of land that is owned by the person and that will not be further subdivided into other lots.

**Building Official:** The inspector or administrative official charged with responsibility for issuing building permits and enforcing the building code requirements of the Village.

**Village Attorney:** The individual or law firm appointed by the Village Commission to render legal services and advice in relation to the administration, interpretation, and enforcement of this Chapter.

**Village Limits:** The incorporated municipal boundaries of the Village of Webberville.

**Commencement of Construction:** The disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

**Commercial Development:** All development other than open space, single-family, or multi-family residential development.

**Construction Limit Line:** The line marking the boundary of disturbance from construction.



**Contractor:** Any person, other than the owner, engaging in land development activities on land located within Village's jurisdiction.

**Contributing Zone:** The area or watershed where runoff from precipitation flows downgradient to the Recharge Zone of the Trinity Aquifer.

**Critical Environmental Features (CEFs):** Features determined to be of critical importance to the maintenance of water quality, including floodplains; riparian corridors; groundwater recharge areas; springs; canyon rimrocks; caves; sinkholes; faults and fractures with solution enlarged openings; and highly erodible natural features.

**Developer:** A person who owns a tract of land and who is engaged in clearing, grubbing, filling, mining, excavating, grading, installing streets and utilities or otherwise preparing that tract of land for the eventual division into one or more lots on which building(s) or other structure(s) will be constructed or placed.

**Development:** All land modification activity, including the construction of building, roads, paved storage areas, and parking lots. "Development" also includes any land disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, excavating, filling and grading, mining, and dredging, and the deposit of refuse, waste or fill. The following activities are excluded from the definition: care and maintenance of lawns, gardens, and trees; minimal clearing (maximum ten feet (10') wide) for surveying and testing; and agricultural activities.

**Discharge:** Any addition or introduction of any pollutant, stormwater, or any other substance in a harmful quantity into a stormwater drainage system or into waters in the State.

**Discharge (hydraulics):** The rate of fluid flow, expressed as the volume of fluid passing a point per unit time, commonly expressed as cubic feet per second.

**Discharger:** Any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

**Domestic Sewage:** Human excrement, gray water from home clothes washing, bathing, showers, dishwashing, and food preparation, other wastewater from household and residential drains, and waterborne waste normally discharged from the sanitary conveniences of apartment houses, hotels, office buildings, factories, institutions and other dwellings, but excluding industrial waste.

**Drainage Area:** The horizontal projection of the area contributing runoff to a single control or design point.

**ETJ:** The extraterritorial jurisdiction of the Village of Webberville.

**Erosion:** The detachment and movement of soil, sediment, or rock fragments by wind,

water, ice or gravity.

**Extremely Hazardous Substance:** Any substance listed in the Appendices to 40 CFR Part 355, Emergency Planning and Notification.

**Facility:** Any building, structure, installation, process, or activity from which there is or may be discharge of a pollutant.

**Fertilizer:** A solid or non-solid substance or compound that contains an essential plant nutrient element in a form available to plants that is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of one or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

**Fill:** The manmade deposition and compaction of material to effect a rise in elevation.

**Final Stabilization:** The status of a site when all soil disturbing activities have been completed and (1) a uniform perennial vegetative cover with a minimum density of seventy percent (70%) of the cover for unpaved areas and areas not covered by permanent structures has been established, or (2) equivalent permanent stabilization measures have been employed, such as the use of riprap, gabions, or geotextiles.

**Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters, or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**Grade:** The vertical location or elevation of a surface, or the degree of rise or descent of a slope.

**Harmful Quantity:** The amount of any substance that will cause pollution of water in the State.

**Hazardous Household Waste (HHW):** Any material generated in a household (including single and multiple residences, hotels, motels, bunk houses, ranger stations, crew quarters, camp grounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR §261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261.

**Hazardous Substance:** Any substance listed in Table 302.4 of 40 CFR Part 302.

**Hazardous Waste:** Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

**Herbicide:** A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

**Impervious Cover:** Buildings, parking areas, roads, and other impermeable man-made improvements covering the natural land surface that prevents infiltration. For purposes of compliance with this Chapter, the term expressly excludes storage tanks for rainwater collection systems.

**Industrial Waste:** Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

**Infiltration:** The passage or movement of water into the subsurface of the natural land.

**LCRA:** The Lower Colorado River Authority and duly authorized official of the LCRA, or a successor agency.

**Land User:** Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

**Licensed Professional Engineer (LPE):** A person who has been duly licensed and registered by the State Board of Registration for Professional Engineers to engage in the practice of engineering in the State of Texas. The term also includes a Professional Engineer (PE).

**Limited Plan Review:** A level of Village review of development site plans that is less detailed than standard review procedures and consisting of a geometric review of proposed impervious cover overlaid on stream buffer zones and CEF setbacks with no requirement in the review process to demonstrate achievement of otherwise applicable performance standards.

**Multi-family Dwelling:** Three or more dwelling units on a single lot designed to be occupied by three (3) or more families living independently of one another, exclusive of hotels and motels. Includes three-family units (triplex) and four-family units (quadriplex), as well as traditional apartments.

**Natural State:** The condition of the land existing prior to any development activities.

**New Construction:** Structures for which the "start of construction" commenced on or after the date of adoption of this article by the board of aldermen.

**Non-Point Source (NPS) Pollution:** Pollution that is caused by or attributable to diffuse sources. Such pollution results in the human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of water. Typically, NPS pollution results from land runoff, precipitation, atmospheric disposition, or percolation.

**Non-Point Source Pollution Control Plan:** The drawings and documents submitted by an applicant seeking plan or permit approval under this Article. Such a plan consists of a system of vegetative, structural and other measures to control the increased rate and volume of surface runoff and reduce pollutants in the runoff caused by human changes to

the land.

**Notice of Intent (NOI):** The notice of intent that is required by either the site development permit or building permit.

**Notice of Termination (NOT):** The Notice of Termination that is required by either the site development permit or the building permit.

**Oil:** Any kind of petroleum substance including but not limited to petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

**Operator:** The person or persons who, either individually or taken together, have day-to-day operational control over a facility and activities at the facility sufficient to attain compliance with the requirements of this Article.

**Owner:** The person who owns a facility or part of a facility subject to the requirements of this Chapter.

**Person:** Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.

**Pesticide:** A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, as these terms are defined in Texas Agriculture Code § 76.001.

**Petroleum Storage Tank (PST):** Any one or combination of aboveground or underground storage tanks that contain oil, petroleum products or petroleum substances, and any connecting underground pipes.

**Point Source:** Any discernable, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

**Pollutant:** Eroded or displaced sediment, soil, silt or sand resulting from development activities; dredged spoil; solid waste; sewage; garbage; chemical waste; biological materials; radioactive materials; abandoned or discarded appliances or equipment; and industrial, municipal, and agricultural waste which is or may be discharged into waters in the State.

**Pollution:** The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the State that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety,

or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

***Preferred Growth Area (PGA):*** Land areas within the incorporated municipal boundaries of the [Village] which are defined through the comprehensive planning process, described in Chapter 213 of the Texas Local Government Code as areas where future zoning may be proposed to be industrial, commercial or high-density residential.

***Recharge Zone:*** That area where the stratigraphic units constituting the Trinity Aquifer down dip, including the outcrops of other geologic formations in proximity to the Trinity Aquifer where caves, sinkholes, faults, fractures or other permeable features create a potential for recharge of surface waters into the Trinity Aquifer.

***Release:*** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into a stormwater drainage system or into waters in the State.

***Residence:*** Any building, or portion thereof, which is designed for or used as living quarters for one or more families.

***Riparian Corridor:*** The ecological areas within and adjacent to a floodplain that are or can be comprised of the following plant species: Pecan, American Elm, Arizona Walnut, Bald Cypress, Black Walnut, Bur Oak, Cedar Elm, Little Walnut, Green Ash, Texas Sargaberry, American Sycamore, Eastern Cottonwood, Black Willow, and Live Oak.

***Rubbish:*** Nonputrescible solid waste, excluding ashes, that consist of (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

***Runoff:*** That portion of precipitation or precipitation drainage that flows by force of gravity across ground surface as sheet flow or in a stormwater drainage system towards water in the State.

***Sewer or Sanitary Sewer:*** The system of pipes, conduits, and other conveyances which carry domestic sewage and/or industrial waste from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant and which are intended to exclude stormwater, surface water, and groundwater.

***Septic Tank Waste:*** Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

**Sewage (or Sanitary Sewage):** The domestic sewage and/or industrial waste that is discharged into a sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

**Single-Family Residence:** A dwelling designed and constructed for occupancy by one single family and which is located on a separate lot delineated by side and rear lot lines, including single-family detached and single-family attached (townhouses) dwellings.

**Site Development Permit:** The permit required by the Village's Ordinances.

**Solid Waste:** Any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

**Spring:** A point or zone of natural groundwater discharge having measurable flow, or a pool, and characterized by the presence of a mesic plant community adapted to the moist conditions of the site.

**Start of Construction:** The first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

**Stormwater Drainage System:** A conveyance or system of conveyances including roads with drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains designed or used for collecting or conveying storm water.

**Stormwater Pollution Prevention Plan (SWPPP):** A plan required by either the TPDES Construction Site General Permit or the TPDES Industrial General Permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity.

**Subdivision:** A division, or re-division, of any tract of land situated within the Village's jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or in the future, of sale, division of ownership or building development. "Subdivision" includes re-subdivisions of land or lots which are part of previously recorded subdivisions.

**TCEQ:** The Texas Commission on Environmental Quality or its predecessor or successor agencies as defined by law.

***TPDES General Permit for Industrial Stormwater Discharges:*** The Industrial General Permit issued by TCEQ and published as provided by law, and any subsequent modifications or amendments thereto.

***TPDES General Permit for Construction Site Stormwater Discharges:*** The Construction Site General Permit issued by TCEQ and published as provided by law, and any subsequent modifications or amendments thereto.

***TPDES Permit:*** A permit issued by TCEQ pursuant to authority granted under 33 USC § 1342(b) that authorizes the discharge of pollutants into waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

***Uplands Zone:*** The area of land which is characterized by level, or nearly level, fields and croplands, as well as stable soils, and the ascending bluff topography, to the limits of Webberville's Extraterritorial Jurisdiction. This includes the majority of the land within the jurisdictional limits of the Village which is not in the 100-year floodplain.

***Variance:*** A grant of relief to a person from the requirements of this article when specific enforcement would result in unjustifiable or unnecessary hardship due to out-of-the-ordinary or extenuating circumstances.

***Village:*** The Village of Webberville, an incorporated municipality located in Travis County, Texas.

***Water in the State (or Water):*** Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, or canals inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are inside the jurisdiction of the State.

***Water Quality Buffer Zone:*** The areas on either side of rivers, creeks, streams or seasonal drainageways, as shown in Section 8 of this Ordinance, where the treat of pollution or contamination is increased due to topography and the permeability of streamside soils.

***Watershed:*** The total area contributing runoff to a stream or drainage system.

***Wetland:*** An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions and conforms to the U.S. Army Corps of Engineers' definition. Wetlands generally include swamps, marshes, bogs, and similar areas.

***Yard Waste:*** Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

## SECTION 3. PROHIBITIONS

### 3.1. General Prohibitions

- 3.1.1. Except as otherwise specifically authorized by this Ordinance, no person shall discharge, or cause, suffer or allow the discharge, of any wastes, substances or other materials into or adjacent to any water in the State which causes or will cause pollution of any water in the State.
- 3.1.2. Except as otherwise specifically authorized by this Ordinance, no person shall introduce or cause to be introduced into a stormwater drainage system any pollutants or other discharge that is not composed entirely of stormwater.

### 3.2. Specific Prohibitions

- 3.2.1. No person shall introduce or cause to be introduced into a stormwater drainage system any discharge that causes or contributes to causing a violation of a water quality standard established by law.
- 3.2.2. No person shall introduce, discharge, or cause, suffer or allow a release of any of the following substances into a stormwater drainage system:
- (a) Any used motor oil, antifreeze, or any other motor vehicle fluid;
  - (b) Any industrial waste;
  - (c) Any hazardous waste, including hazardous household waste;
  - (d) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
  - (e) Any garbage, rubbish, or yard waste;
  - (f) Any wastewater from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance operation at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity that operates more than two such vehicles;
  - (g) Any wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
  - (h) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
  - (i) Any wastewater from commercial floor, rug, or carpet cleaning;
  - (j) Any wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
  - (k)



- (l) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;
- (m) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydromulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
- (n) Any runoff or washdown water from any animal pen, kennel, or fowl or livestock containment area;
- (o) Any filter backwash from a swimming pool, or fountain, or spa;
- (p) Any swimming pool water containing any harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (q) Any discharge from water line disinfection by superchlorination or other means if it contains any harmful quantity of chlorine or any other chemical used in line disinfection;
- (r) Any fire protection water containing oil or hazardous substances or materials (except for discharges or flows from fire fighting activities by a locally accredited Fire Department);
- (s) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- (t) Any contaminated runoff from a vehicle wrecking yard;
- (u) Any substance or material that will damage, block, or clog the stormwater drainage system;
- (v) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by a leaking PST, or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge satisfies all of the following criteria:
  - (1) the discharge complies with all state and federal standards and requirements;
  - (2) the discharge does not contain a harmful quantity of any pollutant;
  - (3) and the discharge does not contain more than 50 parts per billion of benzene; 500 parts per billion combined total quantities of benzene, toluene, ethylbenzene, and xylene (BTEX); or 15 mg/l of total petroleum hydrocarbons (TPH).

- 3.2.3. No person shall introduce or cause to be introduced into a stormwater drainage system any harmful quantity of sediment, silt, dirt, soil, sand or other material associated with clearing, grading, excavation or other construction activities, or associated with landfilling or other placement or disposal of soil, rock, sand or other earth materials, in excess of what could be retained on site or captured by employing sediment and erosion control measures to the minimum extent required by this Ordinance.
- 3.2.4. No person shall connect a line conveying sanitary sewage, whether domestic or industrial, to a stormwater drainage system, nor allow such a connection to continue if discovered.
- 3.2.5. No person shall cause or allow any pavement washwater from a service station to be discharged into a stormwater drainage system unless such washwater has first passed through a grease, oil, and sand interceptor which is properly functioning and maintained.

#### **SECTION 4. RESTRICTED ACTIVITIES**

##### **4.1. Pesticides, Herbicides, and Fertilizers.**

- 4.1.1. Any sale, distribution, application, labeling, manufacture, transportation, storage, or disposal of a pesticide, herbicide, or fertilizer must comply fully with all state and federal statutes and regulations including, without limitation, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and all federal regulations promulgated pursuant to FIFRA; Chapters 63, 75, and 76 of the Texas Agriculture Code and all state regulations promulgated pursuant thereto; and any other applicable state or federal requirements.
- 4.1.2. Any license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for sale, distribution, application, manufacture, transportation, storage, or disposal of a pesticide, herbicide or fertilizer must be presented to an authorized Village enforcement officer for examination upon request.
- 4.1.3. No person shall use or cause to be used any pesticide or herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
- 4.1.4. No person shall use or cause to be used any pesticide, herbicide, or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters of the United States.
- 4.1.5. No person shall dispose of, discard, store, or transport a pesticide, herbicide, or fertilizer, or a pesticide, herbicide, or fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide, herbicide, or fertilizer to enter a stormwater drainage system or waters in the State.

**4.2. Used Oil**

**4.2.1.** No person shall:

- (a) discharge used oil into a stormwater drainage system or a sewer, drainage system, septic tank, surface water, groundwater, or water course;
- (b) knowingly mix or commingle used oil with solid waste that is to be disposed of in a landfill or knowingly directly dispose of used oil on land or in a landfill;
- (c) apply used oil to a road or land for dust suppression, weed abatement, or other similar use that introduces used oil into the environment.

**4.2.2.** All businesses engaged in the changing of motor oil for the public, all municipal waste landfills, and all fire stations shall serve as public used oil collection centers as provided by state law.

**4.2.3.** A retail establishment which sells oil in containers directly to the public for use off-premises shall post in a prominent place a sign informing the public that improper disposal of used oil is prohibited by law. The sign shall prominently display the toll-free telephone number of the state used oil information center.

**SECTION 5. PERFORMANCE STANDARDS**

**5.1.** Except as otherwise provided in this Chapter, all development subject to this Chapter shall achieve the following performance standards:

- (a) No net increase of Pollutant Load.
- (b) Background Pollutant Loads and Pollution Concentrations for developed sites:
  - (1) Background pollutant concentrations shall be as defined in Division 2 of this Ordinance.
  - (2) Standard pollutant concentrations for developed sites shall be as defined in the TCSS Manual.
  - (3) Calculation of annual pollutant loading shall comply with the criteria set forth in the TCSS Manual.

**5.2.** Water Quality Design Threshold: The design storm event for water quality design shall be the two (2) year, three (3) hour storm event.

**SECTION 6. IMPERVIOUS COVER**

**6.1.** Maximum limitations on impervious cover are established as follows on developments for which a site development plan is first filed after the effective date of this Ordinance:

**6.1.1.** For areas within a Water Quality Buffer Zone (WQBZ):

- (a) Five percent (5%) - for developments with scattered and disconnected impervious cover (i.e., no connected blocks of impervious cover greater than 20,000 sq. ft.) and which have no hard-lined drainage conveyance structures (i.e., no curbs and gutters; no storm sewers; no ditches or swales). For this classification of developments, no structural BMPs are required and only Limited Plan Review is required.
- (b) Ten percent (10%) - for developments reviewed under standard plan review procedures.
- (c) Twenty percent (20%) - if transitional water quality protection measures are utilized as approved in the sole discretion of the Village and subject to the conditions set forth in Subsection (g) of this Section.

6.1.2. For single-family residential developments within the Uplands Zone:

- (a) Ten percent (10%) - for developments with scattered and disconnected impervious cover (i.e., no connected blocks of impervious cover greater than 20,000 sq. ft.) and which have no hard-lined drainage conveyance structures (i.e., no curbs and gutters; no storm sewers; no ditches or swales). For this classification of developments, no structural BMPs are required and only Limited Plan Review is required.
- (b) Twenty percent (20%) - for developments reviewed under standard plan review procedures.
- (c) Thirty-five percent (35%) - if transitional water quality protection measures are utilized as approved in the sole discretion of the Village and subject to the conditions set forth in Subsection (g) of this Section.

6.1.3. For commercial and multi-family residential developments in the Uplands Zone:

- (a) Fifteen percent (15%) - for developments with scattered and disconnected impervious cover (i.e., no connected blocks of impervious cover greater than 20,000 sq. ft.) and which have no hard-lined drainage conveyance structures (i.e., no curbs and gutters; no storm sewers; no ditches or swales). For this classification of developments, no structural BMPs are required and only limited plan review is required.
- (b) Forty percent (40%) - for developments reviewed under standard plan review procedures.
- (c) Seventy-five percent (75%) - for developments where all building roof runoff is captured and used for landscape irrigation through rainwater harvesting techniques incorporating a 14-day landscape irrigation storage capacity.
- (d) Fifty percent (50%) - if transitional water quality protection measures are utilized as approved in the sole discretion of the Village and subject to the conditions set forth in Subsection (g) of this Section.

6.2. The above impervious cover limits are set forth in the following table for reference purposes:

	Scattered	Standard Review	Structural Controls	Rainwater Capture
Single Family - Uplands Zone	10%	20%	35%	
Commercial & Multi-Family - Uplands Zone	15%	40%	50%	70%
Water Quality Buffer Zone	5%	10%	25%	
100-Year FEMA Floodplain	0%	0%	0%	

6.3. No variances from the impervious cover limits set forth in this Section shall be granted. Impervious cover limits in this Section are expressed as percentage of the gross site area of the subject tract. For purposes of calculation of impervious cover limits, the gross site area includes Water Quality Buffer Zone areas and Critical Environmental Features setback areas.

6.4. Impervious cover shall include all man-made improvements which prevent the infiltration of water into the natural soil, or prevent the migration of the infiltration as base flow.

6.5. The following shall be considered as impervious cover:

- (a) roads, pavements, and driveways;
- (b) parking areas;
- (c) buildings;
- (d) pedestrian walkways and sidewalks;
- (e) concrete, asphalt, masonry, surfaces areas, and paving stone surfaced areas;
- (f) swimming pool water surface area;
- (g) densely compacted natural soils or fills which result in a coefficient of permeability less than  $1 \times 10^{-6}$  cm/sec;
- (h) all existing man-made impervious surfaces prior to development;
- (i) water quality and stormwater detention basins lined with impermeable materials;
- (j) stormwater drainage conveyance structures lined with impermeable materials;
- (k) interlocking or "permeable pavers";
- (l) fifty percent (50%) of the horizontal surface area of an uncovered deck that has drainage spaces between the deck boards that is located over a pervious surface.

6.6. The following are not considered to be impervious cover:

- (a) existing roads adjacent to the development and not constructed as part of the development at an earlier phase;
- (b) naturally occurring impervious features, such as rock out crops;
- (c) landscaped areas and areas remaining in their natural state;
- (d) water quality controls and stormwater detention basins not lined with impermeable materials.
- (e) stormwater drainage conveyance structures not lined with impermeable materials.

- 6.7. Restrictions on Siting of Impervious Cover:  
Impervious cover shall not be constructed:
- (a) downstream of water quality controls;
  - (b) within Water Quality Buffer Zones.
  - (c) within Critical Environmental Feature setback areas.
  - (d) within the areas designated for on-site irrigation for treated wastewater effluent disposal.

## SECTION 7. [RESERVED]

## SECTION 8. WATER QUALITY BUFFER ZONES

- 8.1. A water quality buffer zone is established along each waterway with the specified contributing (watershed drainage) area as follows:
- 8.2.1. Waterways with **32 - 120** acres of contributing area: The WQBZ shall extend a minimum of 100 feet from either side of the centerline of the waterway (total of 200 feet of buffer zone).
  - 8.2.2. Waterways with **120 - 300** acres of contributing area: The WQBZ shall extend a minimum of 150 feet from either side of the centerline of the waterway (total of 300 feet of buffer zone).
  - 8.2.3. Waterways with **300 - 640** acres of contributing area: The WQBZ shall extend a minimum of 200 feet from either side of the centerline of the waterway (total of 400 feet of buffer zone).
  - 8.2.4. Waterways with **greater than 640** acres of contributing area: The WQBZ shall extend a minimum of 400 feet from either side of the centerline of the waterway (total of 800 feet of buffer zone).
- 8.2. The minimum buffer zone set forth in Subsection 8.1 shall be expanded as follows:
- 8.2.1. In those cases where a FEMA 100-year floodplain has been established, or a 100-year floodplain has been calculated and approved by a governmental authority, the buffer zone shall be expanded to encompass such 100-year floodplain plus an additional 25 feet beyond the edge of the floodplain.
  - 8.2.2. In those cases where U.S. jurisdictional wetlands exist beyond the edge of the minimum buffer zone set forth in Subsection (a), the buffer zone shall be expanded to encompass the full extent of the wetlands plus an additional 25-feet beyond the edge of the wetland.
  - 8.2.3. If two or more WQBZs overlap, the widest of the buffer zones shall be established.

- 8.3. Except as specifically provided for in this Section, all development activities, including temporary construction activities, structural BMPs and landscaping activities, are prohibited in the Water Quality Buffer Zone of a waterway.
- 8.4. The following development activities within a WQBZ may be allowed in the sole discretion of the Village:
- (a) critical utility crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;
  - (b) critical roadway crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;
  - (c) critical transportation crossings if the number of crossings of the WQBZ is limited to the maximum feasible extent;
  - (d) hike and bike trails if provided for in an approved comprehensive development plan;
  - (e) maintenance and restoration of natural vegetation;
  - (f) water quality control monitoring devices;
  - (g) removal of trash, debris, pollutants;
  - (h) fences that do not obstruct flood flows;
  - (i) public and private parks and open space, if human activities are limited to hiking, jogging, or walking trails, boat launch ramps, and excluding stables, corrals and other forms of animal housing; and/or
  - (j) private drives to allow access to property not otherwise accessible.
- 8.5. Any development within a WQBZ allowed under Subsection (d) shall be designed and/or conducted in a manner which limits the alteration and pollution of the natural riparian corridor to the maximum extent feasible. In no case shall any wastewater line be located less than one hundred (100) feet from the center line of a waterway unless the applicant has demonstrated that installation of the wastewater line outside of this zone is physically prohibitive or environmentally unsound. Any wastewater lines located in a WQBZ shall meet design standards and construction specifications to ensure zero leakage.
- 8.6. All water quality control discharges and stormwater discharges onto a WQBZ shall only be in the form of diffused, overland sheet flow and shall have peak velocities of less than five (5) feet per second at the 2-year design rainfall event.

## SECTION 9. SETBACK AREAS FOR CEFs

- 9.1. A minimum setback area of one hundred fifty (150) feet is established around the outside periphery of all CEFs.
- 9.2. For a CEF which is in direct communication with the Colorado River, the upstream setback area shall extend out to the upper catchment divide of the CEF or three hundred (300) feet, whichever is less, but in no circumstances less than 150 feet.

## SECTION 10. CONTROL OF EROSIVE FLOWS

- 10.1. No untreated stormwater runoff from developed land shall be allowed to flow over critical environmental features.
- 10.2. To the maximum extent practical, all roof runoff from non-residential buildings shall have down spouts disconnected from the site stormwater drainage system.
- 10.3. To the maximum extent practical, all stormwater drainage shall be treated using overland flow methods to a grass-lined swale or other vegetated buffer. The vegetated buffer shall be designed in accordance with the TCSS Manual.
- 10.4. Drainage patterns shall be designed to the maximum extent practical to prevent erosion, maintain the recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by stormwater. All discharge points from stormwater retention and detention ponds or other accumulation areas shall provide for energy dissipation prior to exiting the site.
- 10.5. Overland sheet flow and natural drainage features and patterns shall be maintained to the maximum extent practical, rather than concentrating flows in storm sewers and drainage ditches. Stormwater drainage structures shall be sized to maintain flood flow velocities below the velocity associated with the 25-year, 3-hour rainfall event.
- 10.6. For site designs that provide for discharge of stormwater into a waterway, adequate retention and detention shall be incorporated into the site design to limit flows into the receiving waterway to the level consistent with the volume of the two-year, three-hour rainfall event evenly distributed over a 24-hour period.
- 10.7. Construction of enclosed storm sewers and impervious channel linings are permitted only when the Village determines that such storm sewers or impervious linings are protective of water quality.
- 10.8. Overland flow facilities for a stormwater drainage system shall be designed in accordance with the criteria of the TCSS Manual.

## SECTION 11. INFILTRATION

- 11.1. To the maximum extent practical, water quality controls shall be designed to restore the infiltration capacity of pre-development conditions. Infiltration BMP's shall be designed in accordance with the TCSS Manual.
- 11.2. Infiltration systems shall be designed and located to avoid impacts to existing springs and recharge structures.

## SECTION 12. STEEP SLOPES



- 12.1. To the maximum extent practical, non-residential construction shall be limited to those areas with pre-development natural grades of less than twenty-five percent (25%).
- 12.2. Erosion control, terracing and water quality control BMP's shall be designed in accordance with the TCSS Manual.
- 12.3. A cut or fill with a finished gradient steeper than thirty-three percent (33%) shall be stabilized with a permanent structure.

### SECTION 13. VEGETATION

- 13.1. To the maximum extent practical: (i) landscape shall be preserved in its natural state; (ii) xeriscape and low maintenance vegetation shall be included in all non-residential development in accordance with the specifications in the TCSS Manual; (iii) the use of herbicides, pesticides and fertilizers shall be minimized.
- 13.2. A pesticide and fertilizer management plan shall be submitted providing information regarding proper use, storage, and disposal of pesticides and fertilizers. The plan shall indicate likely pesticides and fertilizers to be used. The plan shall include two lists of pesticides and fertilizers: (1) those which, due to their chemical characteristics, potentially contribute significantly to water quality degradation; (2) those which, due to the chemical characteristics, potentially would result in minimal water quality degradation.
- 13.3. An Integrated Pest Management (IPM) Plan shall be submitted in accordance with the TCSS Manual.
- 13.4. Vegetative BMP's, such as vegetative filter strips, shall be designed in accordance with the TCSS Manual.

### SECTION 14. STRUCTURAL WATER QUALITY CONTROLS

- 14.1 Structural water quality controls are required for all new impervious cover development as follows:
  - (a) All multi-family developments
  - (b) All commercial developments which include any land in the WQBZ
  - (c) All industrial developments

### SECTION 15. ENFORCEMENT

#### 15.1. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of

this Chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

15.2. **Criminal Prosecution**

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Chapter is a misdemeanor.

15.3. **Civil Remedies**

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (a) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (b) a civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (c) other available relief.

15.4. **Administrative**

The Village may deny, withhold or postpone issuance of permits if applicant is found to have violated or failed to comply with this Ordinance.