

**CITY OF JOHNSON CITY CODE OF ORDINANCES
CHAPTER 10. SUBDIVISION BUILDING REGULATION
ARTICLE 10.04 STORMWATER DETENTION AND DRAINAGE**

Sec. 10.04.001 Purpose

The purpose of this Article is to provide adequate measures for the detention and distribution of stormwater in a manner that minimizes the possibility of stormwater flooding or the adverse impact to water quality during and after subdivision development.

Sec. 10.04.002 Scope

- (a) *Applicability.* This Article shall apply to any application for the approval of a subdivision plat, a subdivision replat, a master development plan, a building permit, a change in zoning, a zoning variance, or the redevelopment of property within the City's corporate limits or extraterritorial jurisdiction.
- (b) *Exceptions.* Lots individually platted and developed for single family use shall be exempt from the requirements of this Article.

Sec. 10.04.003 Drainage Facilities

- (a) *New development.* Peak stormwater runoff rates for all new development shall be less than or equal to the peak runoff rates from the site's pre-development conditions for the 5-, 25-, and 100-year design storm events.
- (b) *Redevelopment.* Peak stormwater runoff rates from an area of redevelopment shall be less than or equal to the peak runoff rates produced by existing development conditions for the 5-, 25-, and 100-year design storm events.
- (c) *Stormwater detention.* Stormwater detention shall be required for all new developments or redevelopment of individual parcels of property to mitigate peak flow rates to pre-development or existing development conditions as stated in subsections (a) and (b) above. The maximum allowable out-flow rate from the detention facility must be restricted to the flow rate for the undeveloped or existing development tract for the 5-, 25-, and 100-year frequency.

Sec. 10.04.004 Design Standards and Regulations

- (a) *Design.* Stormwater runoff may be determined by using the Austin standard method, the rational method, or similar method acceptable to the City Engineer. Calculations and plans of the drainage area in pre-development, existing development, or ultimate development shall be submitted, for review and approval by the City Engineer, as required in Section 10.04.003. The difference in runoff quantities and the flow rates shall be managed by an onsite storm detention system. The detention system shall be designed to release stormwater at a rate not to exceed that of the pre-development or existing development rate. The design of the detention

"reservoir" shall preclude any pooling of water or result in additional identifiable adverse flooding within the subdivision or to other properties.

- (b) *Approval.* The detention system design must be reviewed for acceptability and approved by the City Engineer, who then shall make a recommendation to the City Council, and it shall be approved by the City Council before any improvements may be made within the proposed subdivision.
- (c) *Maintenance.* The detention system must be maintained in a safe and sanitary manner in accordance with its approved design.

Sec. 10.04.005 Definitions

For the purposes of this Article, a “person” is an individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind, including commercial or residential subdivision development.

Sec. 10.04.006 Fee in Lieu of Detention

- (a) *Fee in Lieu.* The City may, at its sole discretion, accept a fee in lieu of detention. Fees in lieu of detention are established by the Master Fee Schedule, as amended.
- (b) *Permit application and fee.*
 - (1) A person shall submit to the City an application requesting a fee in lieu of detention.
 - (2) The application shall be accompanied by payment of a nonrefundable fee set by the Master Fee Schedule.
 - (3) All fees in lieu of detention collected will be used for regional detention basins or drainage improvements within the City.

Sec. 10.04.007 Violation and Enforcement

- (a) *Violation declared.* It shall be unlawful for any person to violate any term or provision of this Article. The City shall have the power to administer and enforce the provisions of this Article.
- (b) *Criminal offense.*
 - (1) A person who violates a provision of this Article commits a misdemeanor.
 - (2) A fine for a violation may not exceed \$500.
 - (3) Each day of the violation shall constitute a separate offense.
 - (4) The penalties in this Section shall be cumulative and are not exclusive of any other rights or remedies the City may have or pursue.
- (c) *Civil action.*
 - (1) Any condition caused or permitted to exist in violation of any provision of this Article constitutes a public nuisance.
 - (2) A person who violates a provision of this Article is subject to a civil fine or injunction.

- (3) The City may file suit in district court to enjoin the violation or threatened violation of this Article by a person.
- (4) Prior to taking civil action, the City shall notify the violator of the provisions of the Article that are being or have been violated.
- (5) The City may seek to recover damages from the violator in an amount adequate for the City to undertake activity necessary to bring compliance with this Article.
- (6) A person who violates a provision of this Article is subject to a civil penalty up to \$1,000.00 and not less than \$250.00 per day per violation.
- (7) The remedies in this Section shall be in addition to the penalties described above.

(d) *Administrative enforcement.*

- (1) The CAO or designee may issue a Stop Work Order to immediately halt work on a property at which a violation is occurring or has occurred.
- (2) The CAO or designee may withhold or revoke site plan approval, building permits, occupancy permits, or any other appropriate approvals necessary to continue development on a property at which a violation is occurring or has occurred.
- (3) An applicant may appeal an order to the City Council who shall issue a decision without unreasonable or unnecessary delay. The decision of the City Council shall be final.

(e) *Right of entry.* The CAO or designee shall have the authority to enter upon the property premises of an applicant within the City or its ETJ for the purpose of enforcing the provisions of this Article.

(f) *Legal fees and costs.* In any civil or criminal action, the City shall be entitled to recover from the defendant reasonable attorney's fees, costs of suit, and any other costs of enforcement.