

ORDINANCE NO. 43.25

AN ORDINANCE AMENDING PART 12, CHAPTER 14 "STORMWATER MANAGEMENT", ARTICLE C, SECTIONS 12-1421 THROUGH 12-1425 BY CLARIFYING APPLICABILITY OF REQUIREMENTS TO BE CONSIDERED A "LAND DISTURBING ACTIVITY"; REQUIRING LAND DISTURBANCE ACTIVITY PERMIT APPLICATIONS TO INCLUDE BEST MANAGEMENT PRACTICES AND STRUCTURAL CONTROLS, INCLUDING LOW IMPACT DEVELOPMENT TECHNIQUES, MEANT TO IMPROVE STORMWATER QUALITY; AND PROVIDE PROVISIONS FOR THE LONG-TERM MAINTENANCE OF THE BEST MANAGEMENT PRACTICES AND STRUCTURAL CONTROLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER.

Be it ordained by the Mayor and the Council of the City of Moore, Oklahoma that Part 12, Chapter 14, Article C, Sections 12-1421 through 12-1425 shall be amended as follows:

Sec 12-1421 General Land Disturbing Activity

All land disturbing activities from new development and redevelopment projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are part of a larger common plan of development or sale, that discharge into the MS4 shall be in compliance with and permitted under this article. Application must be applied for under the state general OPDES permit for stormwater discharged associated with construction activity. If a general OPDES permit is applied for, a copy of the notice of intent (NOI) must be sent to the manager of stormwater quality management. To seek coverage under the state department of environmental quality general permit, the NOI must be submitted to the state department of environmental quality, water quality division.

Sec 12-1422 Land Disturbing Activity Regulated

A. Unlawful without permit, defined. It shall be unlawful for any person to conduct, or to permit another person to conduct, any land disturbing activity upon land without a permit issued under this article. Upon request, any owner of the land and the operator of any land disturbing activity shall provide a copy of the permit and personal identification to the manager or the manager's representatives. For purposes of this article, the term "land disturbing activity" is defined as follows:

Land disturbing activity means any land change which may result in soil erosion from water and wind and the movement of sediments into community waters or onto lands and roadways within the community, including, but not limited to, clearing, dredging, grading, excavating, transporting, stockpiling, mining, and filling of land. Land disturbing activity includes new development and redevelopment projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are part of a larger common plan or development or sale, that discharges into the MS4. ~~except that~~ The term "land disturbing activity" shall not include the following:

1. Such minor land disturbing activities as home gardens and individual home landscaping, home repairs, home maintenance work, and other related activities which result in minor soil erosion;

2. The construction of single-family residences when built separately on lots less than one acre not within a subdivision or which have been recorded in the office of stormwater quality management, and have been issued building permits, provided that excavation is limited to trenches for the foundation, basements, service and sewer connections, and minor grading for driveways, yard areas and sidewalks, with no offsite discharge of pollutants;
3. Individual service and sewer connections for single- or two-family residences;
4. Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting, farm ponds, dairy operations, and livestock and poultry management practices, and the construction of farm buildings;
5. Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture;
6. Installation, maintenance and repair of any underground public utility lines when such activity occurs on an existing hard-surface road, street or sidewalk, provided the activity maintains pollution control and is confined to the area of the road, street or sidewalk which is hard-surfaced; and
7. Construction, repair or rebuilding of tracks of a railroad company.

These activities may be undertaken without a permit; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting those activities in accordance with the provisions of this article and other applicable laws, including responsibility for controlling sedimentation and runoff.

- B. Best management practices for land disturbing activities. The minimum standards for controlling erosion and sedimentation from land disturbing activities shall be set forth in the best management practices manual, as adopted and amended from time to time by resolution approved by the city council. A copy of same shall be maintained on file in the offices of the manager of stormwater quality management. A copy of same shall be maintained in the office of the city clerk and may be viewed and copied in accordance with the provisions of this Code.

Sec 12-1424 Permit Application

- A. Any application for the issuance of a land disturbance permit under this article shall include the following:
1. Name of applicant;
 2. Business or residence address of applicant;
 3. Name and address of owner of subject property;
 4. Address and legal description of subject property;
 5. Name and address of the contractor and any subcontractor who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
 6. A statement setting forth the nature, extent, and purpose of the land disturbing activity, including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity;
 7. A copy of the NOI and erosion and sediment control plan **with best management practices (BMPs) to improve stormwater quality.**
- B. Each application for a land disturbance permit shall be accompanied by a map or plat of the

premises showing the present contour lines and the proposed contour lines resulting from the land disturbing activity in relation to all parts of the premises and the properties immediately adjacent thereto and in relation to all abutting street grades and elevations; such map or plat shall show all existing drainage facilities, structural controls, and the proposed permanent disposition of surface waters upon completion of the land disturbing activity.

- C. Each application for a land disturbance permit shall be accompanied by an erosion and sediment control plan which shall accurately describe the potential for soil erosion and sedimentation problems resulting from the land disturbing activity and shall explain and illustrate the measures which are to be taken to control these problems to the maximum extent possible. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and the potential for off-site damage; the plan shall contain a description of the existing site conditions, a description of adjacent topographical features, a description of soil types and characteristics of the area, potential problems of soil erosion and sedimentation, stabilization specifications, stormwater management considerations, a time schedule for completion of the land disturbing activity and for maintenance after completion of the project, clearing and grading limits, and all other information needed to accurately depict solutions to potential soil erosion and sedimentation problems. Any erosion and sediment control plan must meet the standards established in the best management practices manual and shall be reviewed for record by the manager prior to the issuance of the land disturbing permit.
- D. ~~At any time the manager determines that an erosion and sediment control plan does not comply with the provisions of this article, the manager shall notify the applicant in writing of all deficiencies within said plan.~~ Best management practice (BMPs) for erosion and sediment control must be implemented to address post-construction runoff from new development and redevelopment projects. Structural and non-structural BMPs should be implemented to minimize water quality impacts in an attempt to maintain pre-development runoff conditions in new development and redevelopment. These BMPs can include post-construction plan review, projection of natural features, riparian/forested buffer, grassed swales, infiltration basin/trench, porous pavement, bioretention/rain gardens, catch basin inserts, vegetated filters, and stormwater wetland/wet ponds.
- E. The erosion and sediment control plan shall also provide consideration for Low Impact Development (LID) techniques and practices to address post-construction runoff. LID techniques and practices will be given the highest preference to minimize erosion and sediment disturbances.
- F. At any time the manager determines that an erosion and sediment control plan does not address structural controls, non-structural best management practices, LID techniques and maintenance plans or comply with the provisions of this article, the manager shall notify the applicant in writing of all deficiencies and corrective actions within said plan.

Sec 12-1425 Sediment And Erosion Control

- A. No land disturbing activity shall be conducted within the city except in such manner that:
 - 1. Stripping of vegetation, re-grading and other development activities shall be conducted so as to minimize erosion. Clearing and grubbing must be held to the minimum necessary for grading and equipment operation. Pre-construction vegetative ground cover shall not be destroyed, removed or disturbed more than 20 calendar days prior to grading or earth moving. Construction must be sequenced to minimize the exposure time of cleared surface area;
 - 2. Property owners and/or developers shall be responsible, upon completion of land disturbing

activities, for leaving slopes so that they will not erode. Such methods should include re-vegetation, sodding, mulching, or rip-rapping. Regardless of the method used, the objective will be to leave the site as erosion-free and maintenance-free as practicable;

3. Whenever feasible, natural vegetation shall be retained, protected, and supplemented to minimize erosion;
4. Permanent or temporary soil stabilization must be applied to disturbed areas to the extent feasible within seven days on areas that will remain unfinished for more than 14 calendar days. Permanent soil stabilization with perennial vegetation shall be applied as soon as practicable after final grading is reached on any portion of the site. Soil stabilization refers to measures which protect soil from the erosive forces of wind, raindrop impact, and flowing water, and includes the growing of grass, sod, application of straw, mulch, fabric mats, and the early application of gravel base on areas to be paved;
5. A permanent vegetative cover shall be established on disturbed areas not otherwise permanently stabilized;
6. To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, silt fences, check dams or similar measures until the disturbed area is stabilized;
7. Neighboring persons and property shall be protected from damage or loss resulting from excessive stormwater runoff, soil erosion or deposition upon property or public streets of water transported silt and debris. Adjacent property owners shall be protected from land devaluation due to exposed bare banks;
8. Controlled construction entrance/exit shall be maintained in a condition that will prevent tracking or flowing of sediment onto the public right-of-way;
9. Erosion and sediment control measures must be in place and functional before earth moving operations begin, and must be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but must be replaced at the end of the workday;
10. Structural controls shall be designed and maintained as required to prevent pollution. All surface water flowing toward the construction area shall, to the extent practicable, be diverted by using berms, channels, or sediment traps as necessary. Erosion and sediment control measures shall be designed according to the size and slope of disturbed or drainage areas, to detain runoff and trap sediment. Discharges from sediment basins and traps must be through a pipe or lined channel so that the discharge does not cause erosion. Muddy water to be pumped from excavation and work areas must be held in settling basins or treated by filtration prior to its discharge into surface waters where practicable. Waters must be discharged through a pipe or lined channel so that the discharge does not cause erosion and sedimentation. All channels, outlets, storm sewer inlets, streets, creeks, and streams must be protected from the introduction of garbage, rubbish, yard waste, sediment, or floatable materials;
11. All control measures shall be inspected, and repaired as necessary, bi-weekly in dry periods and within 24 hours after any rainfall of 0.5 inches within a 24-hour period. During prolonged rainfall, daily inspections and repairing is necessary. The permittee shall maintain record of such inspections and repairs; any land disturbing activity located in the watershed of any creek or stream that is listed as impaired by the ODEQ shall be inspected, and repaired as necessary, on a weekly basis in dry periods and within 24 hours after any rainfall of 0.5 inches within a 24-hour period. During prolonged rainfall, daily inspections and repairing is necessary. The permittee shall maintain record of such inspections and repairs;
12. A specific individual shall be designated to be responsible for erosion and sediment controls

on each site. A notice shall be posted on each site with the OKR10 permit number, contact name and telephone number, project name and location of the SWP3 if not on-site;

13. There shall be no distinctly visible floating scum, oil or other matter contained in the stormwater discharge. The stormwater discharge must not cause an objectionable color contrast in the receiving water. The stormwater discharge must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream; and
14. Concrete washout areas must be designated, utilized, and maintained to minimize pollutant discharges.
15. **For street and parking lot designs, measures such as minimization of the percentage of impervious area after development, minimization of directly connected impervious areas shall be implemented along with erosion and sediment control measures.**

B. When the land disturbing activity is finished and stable, and perennial vegetation has been established on all remaining exposed soil, the permittee shall notify the manager of these facts and ~~submit~~ submit a notice of termination (NOT) of the permit issued under this article. The manager shall then provide a final inspection of the site and, when advisable, may require additional measures to stabilize the soil and prevent erosion. If such requirements are given by letter, the permittee shall continue to be covered by this provision of this section, until a request for termination of the permit has been accepted by the manager.

1. **Structural controls and long-term BMP(s) that are installed during and left in place after the completion of a construction project shall be maintained to ensure long-term operation. Maintenance may be conducted by the MS4 or by the owner/operator of the BMP(s). The owner/operator is the party with control over operational and maintenance activities of the BMP(s).**
2. **Maintenance agreements shall include all person(s) that own or operate structural controls shall be required to enter into a maintenance agreement with the City. Owner or operators of structural controls include, but are not limited to, homeowner associations (HOAs), commercial and industrial entities. The maintenance agreement shall include:**
 - a. **A schedule of routine maintenances activities;**
 - b. **Inspection frequency; and**
 - c. **Plans for annal inspections to assess the property functioning of the structural controls.**

The maintenance agreement shall be approved t the manager and recorded into the land record prior to final approval.

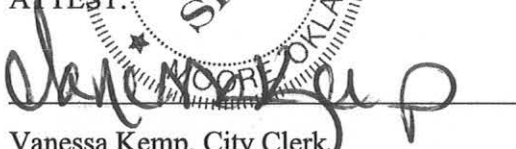
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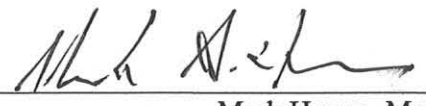
If any of the provisions of this ordinance are determined to be unconstitutional or unlawful by any court of competent jurisdiction, the remainder shall be severable and unaffected.

Repealer

Any ordinance or parts thereof in conflict with this section are hereby repealed.

PASSED AND APPROVED THIS 4th DAY OF AUGUST, 2025.

ATTEST:  
Vanessa Kemp, City Clerk


Mark Hamm, Mayor

APPROVED AS TO FORM AND LEGALITY:


Brian K. Miller, City Attorney