

CITY OF NOBLE ORDINANCE NO. 607

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF NOBLE, OKLAHOMA, AMENDING PART 19 OF THE NOBLE CODE OF ORDINANCES BY AMENDING CHAPTER 1 OF SAID PART 1 IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 2 AND CHAPTER 3 OF PART 1, ALL TO PROVIDE UPDATED STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL ORDINANCES FOR THE CITY OF NOBLE, OKLAHOMA; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY AND PROVIDING FOR THE DECLARATION OF AN EMERGENCY IF BY SEPARATE VOTE THE CITY COUNCIL DETERMINES THAT AN EMERGENCY EXISTS NECESSITATING THAT THIS ORDINANCE BE DECLARED TO BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NOBLE, OKLAHOMA:

SECTION 1. That Part 19, Chapter 1 of the Code of Ordinances of the City of Noble, Oklahoma, is hereby amended and new Chapters 2 and 3 are hereby added to said Part 19 of the Code of Ordinances of the City of Noble, Oklahoma, which said Part 19 of the Code of Ordinances of the City of Noble shall, from and after the effective date of this Ordinance read as follows:

PART 19

STORMWATER MANAGEMENT AND SEDIMENT AND EROSION CONTROL

CHAPTER 1

NON-CONSTRUCTION RELATED STORMWATER MANAGEMENT

Section 19-101	Purpose / Intent
Section 19-102	Definitions
Section 19-103	Applicability
Section 19-104	Responsibility for administration
Section 19-105	Ultimate responsibility

Section 19-106	Discharge prohibitions
Section 19-107	Suspension of MS4 Access
Section 19-108	Industrial or construction activity discharges
Section 19-109	Monitoring of discharges
Section 19-110	Requirement to prevent, control, and reduce storm water pollutants by the use of best management practices
Section 19-111	Watercourse protection
Section 19-112	Notification of spills
Section 19-113	Enforcement
Section 19-114	Appeal of notice of violation
Section 19-115	Enforcement measures after appeal
Section 19-116	Cost of abatement of the violation
Section 19-117	Injunctive relief
Section 19-118	Compensatory action
Section 19-119	Violations deemed a public nuisance
Section 19-120	Criminal prosecution
Section 19-121	Remedies not exclusive

CHAPTER 2

EROSION AND SEDIMENT CONTROL

Section 19-201	Erosion and Sediment Control
Section 19-202	Definitions
Section 19-203	Permits
Section 19-204	Review and Approval
Section 19-205	Erosion and Sediment Control Plan
Section 19-206	Design Requirements
Section 19-207	Inspections
Section 19-208	Enforcement and Penalties

CHAPTER 3

CONSTRUCTION RELATED STORMWATER MANAGEMENT

Section 19-301	Post Construction Stormwater Runoff
Section 19-302	Definitions
Section 19-303	Permit Procedures and Requirements
Section 19-304	Waivers to Stormwater Management Requirements

Section 19-305	General Stormwater Management Performance Criteria
Section 19-306	Basic Stormwater Management Design Criteria
Section 19-307	Enforcement and Penalties

CHAPTER 1

NON-CONSTRUCTION RELATED STORMWATER MANAGEMENT

SECTION 19-101

PURPOSE/INTENT

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Noble through the regulation of non-storm water discharges to the storm drainage system to the extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Oklahoma Pollutant Discharge Elimination System (OPDES) permit process. The objectives of this ordinance are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- B. To prohibit illicit connections and discharges to the municipal separate storm sewer system.
- C. To establish legal authority to require stormwater runoff plans, carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

SECTION 19-102

DEFINITIONS

For the purposes of this ordinance, the following shall mean:

- A. Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance
- B. Best Management Practices (BMPs): schedules of activities, prohibitions or practices, general good housing keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

- C. Clean Water Act: The federal Water Pollution Control Act (33 U.S. C. 1251 et seq.) and any subsequent amendments thereto.
- D. Construction Activity: Activities subject to OPDES Construction Permits. OPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more and for all smaller tracts that are part of a larger development area and any commercial and industrial activity. Such activities include but are not limited to clearing, grubbing, grading, excavating, and demolition.
- E. Hazardous Material: Any substance, waste, or combination thereof, which because of its quantity, concentration, physical, chemical, or infectious characteristics may cause, or significantly contribute to a present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- F. Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this ordinance.
- G. Illicit Connections: An illicit connection is defined as either of the following:
1. Any drain or conveyance which allows an illegal discharge to enter the storm drain system including but not limited to conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm rain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
 2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- H. Industrial Activity: Activities subject to OPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b) (14).
- I. Oklahoma Pollution Discharge Elimination System (OPDES) Storm Water Discharge Permit: A permit issued by EPA or by the State under authority delegated pursuant to 33 USC 1342 (b) that authorized the discharge of pollutants to Waters of the State, whether the permit is applicable to an individual, group, or general area- wide basis.
- J. Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

- K. Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- L. Pollutant: Anything which causes or contributes to pollution. Pollutants may include but are not limited to: paints, varnishes, solvents, oil automotive fluids, nonhazardous liquid, solid wastes, yard wastes, refuse, rubbish, garbage, litter, floatables, pesticides, herbicides, fertilizers, sewage, fecal coliform, pathogens, dissolved and particulate metals, animal wastes, construction waste, and noxious or offensive matter of any kind.
- M. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- N. Storm Drainage System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- O. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- P. Stormwater Pollution Prevention Plan: A document which describes the Best Management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
- Q. Wastewater: Any water or other liquid other than uncontaminated storm water, discharged from a facility.

SECTION 19-103

APPLICABILITY

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 19-104

RESPONSIBILITY FOR ADMINISTRATION

The City of Noble shall administer, implement and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the City Manager of the City of Noble to persons or entities acting in the interest of or in the employ of the agency.

SECTION 19-105

ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards. Therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 19-106

DISCHARGE PROHIBITIONS

A. Prohibition of Illegal Discharges.

1. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
 - a. Water line flushing.
 - b. Landscape irrigation
 - c. Diverted stream flows
 - d. Rising ground waters
 - e. Residential building wash water without detergents.
 - f. Uncontaminated pumped ground water
 - g. Uncontaminated ground water infiltration
 - h. Discharges from potable water sources
 - i. Foundation or footing drains (not including active groundwater dewatering systems).
 - j. Air conditioning condensate
 - k. Irrigation water
 - l. Springs
 - m. Water from crawl space pumps
 - n. Footing drains
 - o. Lawn watering
 - p. Individual residential car washing
 - q. De-chlorinated swimming pool discharges
 - r. Street wash water
 - s. Fire hydrant flushing .
 - t. Non-commercial or charity car washes
 - u. Discharges from riparian areas and wetlands.
2. Discharges in compliance with a separate Oklahoma Pollutant Discharge Elimination System (OPDES)
3. Discharges or flows from emergency fire fighting activities provided procedures are in place for the Incident Commander, Fire Chief or other on-scene fire fighting official in charge to make an evaluation regarding potential releases of pollutants from the scene. Measures must be taken to reduce any such pollutant releases to the maximum extent practicable subject to all

appropriate actions necessary to ensure public health and safety. These procedures must be documented in the City's SWMP. Discharges or flows from fire fighting training activities are not authorized by this permit.

B. Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 19-107

SUSPENSION OF MS4 ACCESS

A. Suspension due to Elicit Discharges in Emergency Situations

The City of Noble may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment', or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State, or to minimize danger to persons.

B. Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

SECTION 19-108

**INDUSTRIAL OR CONSTRUCTION ACTIVITY
DISCHARGES**

Any person subject to an industrial or construction activity OPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Noble prior to the allowing of discharges to the MS4.

SECTION 19-109

MONITORING OF DISCHARGES

A. Applicability

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

1. The City of Noble shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
2. Facility operators shall allow the City of Noble ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an OPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
3. The City of Noble shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of facility's storm water discharge.
4. The City of Noble has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Noble and shall not be replaced. The cost of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the City of Noble access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a OPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the

authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance

7. If the City of Noble has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 19-110

REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The City of Noble will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipals storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid OPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of a storm water pollution prevention plan (SWPP) as necessary for compliance with requirements of the OPDES permit.

SECTION 19-111

WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee; shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 19-112

NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or

may result in illegal discharges of pollutants into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous material, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice. addressed and mailed to the City of Noble within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION 19-113

ENFORCEMENT

A. Notice of Violation.

Whenever the City of Noble finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation;

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices, or operations shall cease;
4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore Within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION 19-114

APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the

authorized enforcement agency. The notice of appeal must be received within 10 days from the date of the Notice of Violation. Hearing on the appeal before the appropriated authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

SECTION 19-115

ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 3 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 19-116

COST OF ABATEMENT OF THE VIOLATION

Within 10 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 5 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 10 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

SECTION 19-117

INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION 19-118

COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION 19-119

VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

SECTION 19-120

CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$1,000.00 dollars per violation per day and/or imprisonment for a period of time not to exceed thirty (30) days. The authorized enforcement agency may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION 19-121

REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

CHAPTER 2

EROSION AND SEDIMENT CONTROL

Section 19-201

Erosion and Sediment Control

1. During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

2. As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the City of Noble. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design,

construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth or land in the City of Noble

Section 19-202

Definitions

Certified Contractor means a person who has received training and is licensed by The City of Noble to inspect and maintain erosion and sediment control practices.

Drainage Way means any channel that conveys surface runoff throughout the site.

Erosion Control means a measure that prevents erosion.

Erosion and Sediment Control Plan means a set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Grading means the excavation or fill of material, including the resulting conditions thereof.

Perimeter Control means a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing means clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control means measures that prevent eroded sediment from leaving the site.

Site means a parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development means a permit issued by the municipality for the construction or alteration of ground.

Permit means improvements and structures for the control of erosion, runoff, and grading.

Stabilization means the use of practices that prevent exposed soil from eroding.

Start of Construction means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse means any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City of Noble.

Waterway means a channel that directs surface runoff to a watercourse or to the public storm drain.

Section 19-203

Permits

- A) No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of one (1) acre (43,560 square feet) or more without submitting an Erosion and Sediment Control Plan and obtaining an Erosion and Sediment Control Permit issued by the City of Noble.
- B) No site development permit is required for the following activities:
 - 1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - 2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- C) Each application shall bear the name(s) and address(es) of the owner or developer of the site and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a Permit Application Fee in the amount of two-hundred and fifty (\$250.00) dollars plus twenty (\$20.00) dollars per additional acre or portion thereof.

Sec. 19-204

Review and approval

- A) The City of Noble will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, the City of The Noble shall, in writing:
 - 1) Approve the permit application;
 - 2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - 3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- B) Failure of the City of The Noble to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the City of Noble. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the City of Noble.

Sec. 19-205

Erosion and Sediment Control Plan

- A) The Erosion and Sediment Control Plan shall include the following:

- i. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code.
- ii. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
- iii. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
- iv. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- v. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

B) Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 9-253 of this chapter, and may be authorized by the City of Noble by written authorization to the permittee, and shall include:

- i. Major amendments of the erosion and sediment control plan as submitted to the City of Noble.
- ii. Field modifications of a minor nature.

Sec. 19-206

Design Requirements

- A) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Noble. Cut and fill slopes shall be no greater than 2:1, except as approved by the City of Noble to meet other community or environmental objectives.
- B) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns shall be used to the satisfaction of the City of Noble.

- C) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- D) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the City of Noble.
- E) Erosion control requirements shall include the following:
 - 1) Soil stabilization shall be completed within five days of clearing or inactivity in construction.
 - 2) If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the City of Noble may require the site to be reseeded or a non-vegetative option employed.
 - 3) Soil stockpiles must be stabilized or covered at the end of each workday.
 - 4) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
 - 5) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 - 6) Techniques that divert upland runoff past disturbed slopes shall be employed.
- F) Sediment controls requirements shall include:
 - 1) Settling basins, sediment traps, or tanks and perimeter controls.
 - 2) Settling basins that are designed in a manner that allows adaptation to provide long-term storm water management, if required by the City of Noble.
 - 3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.
- G) Waterway and watercourse protection requirements shall include:
 - 1) A temporary stream crossing installed and approved by the City of Noble if a wet watercourse will be crossed regularly during construction.
 - 2) Stabilization of the watercourse channel before, during, and after any in-channel work.
 - 3) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels
- H) Construction site access requirements shall include:
 - 1) Temporary access road provided at all sites.
 - 2) Other measures required by the City of Noble in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

- A) The City of Noble or designated agent shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City of Noble shall be maintained at the site during the progress of the work.
- B) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the City of Noble at the time interval specified in the approved permit.
- C) The City of Noble or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

Sec 19-208

Enforcement and Penalties

- 1) Violations. Any development activity that is commenced or is conducted contrary to this Section may be restrained by injunction or otherwise abated in a manner provided by law.
- 2) Notice of Violation. When the City of Noble determines that an activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:
 - a) the name and address of the owner or applicant;
 - b) the address when available or a description of the building, structure or land upon which the violation is occurring;
 - c) a statement specifying the nature of the violation;
 - d) a description of the remedial measures necessary to bring the development activity into compliance with this section and a time schedule for the completion of such remedial action;
 - e) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - f) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
- 3) Stop-Work Order; Revocation of Permit. In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the

public welfare or injurious to property or improvements in the neighborhood, the City of Noble may suspend or revoke the site development permit.

4) Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Ordinance shall be punished by a fine of not less than One Thousand Dollars (\$1000.00) or by imprisonment for a period not to exceed (60) days, or both such fine and imprisonment. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

5) Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Noble may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

CHAPTER 3

CONSTRUCTION RELATED STORMWATER MANAGEMENT

Sec 19-301

Post Construction Stormwater Runoff

1. Findings of fact. It is hereby determined that:

Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;

This storm water runoff contributes to increased quantities of water-borne pollutants, and; Storm water runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of storm water runoff from development sites.

Therefore, the City of Noble establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of storm water runoff discharges from land development projects and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with storm water runoff is in the public interest and will prevent threats to public health and safety.

2. Purpose.

The purpose of this section is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and

welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

- a) Minimize increases in storm water runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
- b) Minimize increases in non-point source pollution caused by storm water runoff from development, which would otherwise degrade local water quality.
- c) Minimize the total annual volume of surface water runoff, which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
- d) Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

3. Applicability

This section shall be applicable to all subdivision or site plan applications equal to or exceeding 43,560 square feet in area, unless eligible for an exemption or granted a waiver by the City of Noble under the specifications of Section 19-304 of this chapter. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of storm water runoff, the City of Noble has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing 43,560 or more square feet of land. The following activities may be exempt from these storm water performance criteria:

- a) Any agricultural activity, which is consistent with an approved soil conservation plan.
- b) Additions or modifications to existing single-family structures.
- c) Developments that do not disturb more than 43,560 square feet of land, provided they are not part of a larger common development plan;
- d) Repairs to any storm water treatment practice deemed necessary by the City of The Noble.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 19-302 of this chapter, decisions on permitting and on-site storm water requirements shall be governed by special storm water sizing criteria found in the current City of Noble design manual. These criteria are dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the City of Noble.

4. Compatibility with Other Permit and Ordinance Requirements

This section is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 19-302. Definitions.

“Accelerated Erosion” means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

“Applicant” means a property owner or agent of a property owner who has filed an application for a storm water management permit.

“Building” means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

“Channel” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

“Detention” means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

“Detention Facility” means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

“Developer” means a person who undertakes land disturbance activities.

“Drainage Easement” means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

"Erosion and Sediment Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

"Hotspot" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

"Hydrologic Soil Group (HSG)" means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from "A" soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

"Impervious Cover" means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

"Infiltration" means the process of percolating storm water into the subsoil.

"Infiltration Facility" means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

"Jurisdictional Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

"Land Disturbance Activity" means any activity, which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity, which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

"Landowner" means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

"Maintenance Agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

"Non-point Source Pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“Off-Site Facility” means a storm water management measure located outside the subject property boundary described in the permit application for land development activity.

“On-Site Facility” means a storm water management measure located within the subject property boundary described in the permit application for land development activity.

“Recharge” means the replenishment of underground water reserves.

“Redevelopment” means any construction, alteration or improvement exceeding 43,560 square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

“Stop Work Order” means an order issued which requires that all construction activity on a site be stopped.

“Storm Water Management” means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

“Storm Water Retrofit” means a storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

“Storm water Runoff” means flow on the surface of the ground, resulting from precipitation.

“Storm water Treatment Practices (STPs)” means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

“Water Quality Volume (WQv)” means the storage needed to capture and treat 90% of the average annual storm water runoff volume. Numerically (WQv) will vary as a function of long term rainfall statistical data.

“Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Sec. 19-303. Permit Procedures and Requirements.

1. Permit Required

No landowner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

2. Application requirements

Unless specifically excluded by this ordinance, any landowner or operator desiring a permit for a land disturbance activity shall submit to the City of Noble a permit application on a form provided for that purpose. Unless otherwise excepted by this ordinance, a permit application must be accompanied by the following in order that the permit application be considered: a storm water management concept plan, a maintenance agreement, and a non-refundable Construction Related Stormwater Permit Fee in the amount of Three Hundred Dollars (\$300.00).

4. Application Procedure

- a) Applications for land disturbance activity permits must be filed with the City of Noble on any regular business day.
- b) A copy of this permit application shall be forwarded to the City of Noble for review.
- c) Permit applications shall include the following: two copies of the storm water management concept plan, two copies of the maintenance agreement, and any required review fees.
- d) Within thirty (30) business days of the receipt of a complete permit application, including all documents as required by this ordinance, the City of Noble shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.
- e) If the permit application, storm water management plan or maintenance agreement are disapproved, the applicant may revise the storm water management plan or agreement. If additional information is submitted, the City of Noble shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- f) If the permit application, final storm water management plan and maintenance agreement are approved by the City of Noble, all appropriate land disturbance activity permits shall be issued.

5. Permit Duration

Permits issued under this section shall be valid from the date of issuance through the date the City of Noble notifies the permit holder that all storm water management practices have passed the final inspection required under permit condition.

Every applicant shall provide for storm water management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the storm water management plan requirements shall be submitted to the City of Noble for approval.

The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
- b) Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the City of Noble and the implementation of the plan is required by local ordinance.
- c) Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the storm water practice.
- d) The City of Noble finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
- e) Non-structural practices will be used on the sites that reduce:
 - i) the generation of storm water from the site,
 - ii) the size and cost of storm water storage and
 - iii) the pollutants generated at the site. These non-structural practices are explained in detail in the current design manual and the amount of credit available for using such practices shall be determined by the City of Noble.

In instances where one of the conditions above applies, the City of Noble may grant a waiver from strict compliance with these storm water management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the City of Noble that the variance will not result in the following impacts to downstream waterways:

- a) Deterioration of existing culverts, bridges, dams, and other structures;
- b) Degradation of biological functions or habitat;
- c) Accelerated stream bank or streambed erosion or siltation;
- d) Increased threat of flood damage to public health, life, property.

Unless determined by the City of Noble to be exempt or granted a waiver, the following performance criteria shall be addressed for storm water management at all sites:

- a) All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- b) All storm water runoff generated from new development shall not discharge untreated storm water directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the City of Noble. In no case shall the impact on functional values be any less than allowed by the Army Corps of Engineers (ACE) or the (Appropriate State Agency) responsible for natural resources.
- c) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.

Sec 19-306 Basic Stormwater Management Design Criteria

1. Minimum Control Requirements

All storm water management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10 year, 100 year) as identified in the current design manual unless the City of Noble grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City of Noble reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

Sec 19-307 Enforcement and Penalties

1. Violations. Any development activity that is commenced or is conducted contrary to this Section may be restrained by injunction or otherwise abated in a manner provided by law.
2. Notice of Violation. When the City of Noble determines that an activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- a) the name and address of the owner or applicant;
 - b) the address when available or a description of the building, structure or land upon which the violation is occurring;
 - c) a statement specifying the nature of the violation;
 - d) a description of the remedial measures necessary to bring the development activity into compliance with this section and a time schedule for the completion of such remedial action;
 - e) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
 - f) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.
3. Stop Work Orders. Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the City of Noble confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.
 4. Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this Ordinance shall be punished by a fine of not less than One Thousand Dollars (\$1000.00) or by imprisonment for a period not to exceed (60) days, or both such fine and imprisonment. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.
 5. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Noble may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
 6. Holds on Occupancy Permits. Occupancy permits will not be granted until corrections to all storm water practices have been made and accepted by the City of Noble.

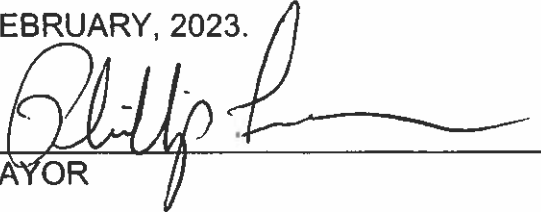
SECTION 2. Repealer. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. Provisions Severable. The provisions of this ordinance are severable and if any section, subsection, subdivision, paragraph, sentence, clause or phrase or any part thereof is for any reason determined to be unconstitutional or adjudged invalid or ineffective by any Court of competent jurisdiction, such determination or adjudication shall not affect or impair the validity or effectiveness of the remaining parts, provisions or portions hereof.


EMERGENCY CLAUSE

WHEREAS, it being immediately necessary for the preservation of the peace, health, welfare and safety of the City of Noble, Oklahoma, and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof, this ordinance shall take effect and be in full force from and after its passage as provided by law.

ADOPTED AND APPROVED THIS 6th DAY OF FEBRUARY, 2023.


MAYOR

ATTEST:


CITY CLERK
(SEAL)

