

**ORDINANCE NO. 2018-21**

**AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, AMENDING THE CODE OF ORDINANCES TO ADD A NEW SECTION 18-287, DETENTION POND OPERATION AND MAINTENANCE, TO ARTICLE VII, DRAINAGE DESIGN, OF CHAPTER 18, ENVIRONMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER RELATED MATTERS.**

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**WHEREAS**, the City of Tomball has adopted standards for the design of storm water drainage systems; and

**WHEREAS**, the City Council hereby finds it to be in the best interest of the health, safety and welfare of its citizens to adopt the regulations related to detention pond operation and maintenance contained in this ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** The Code of Ordinances of the City of Tomball, Texas are hereby amended to add a new Section 18-287, Detention Pond Operation and Maintenance, to Article VII, Drainage Design, of Chapter 18, Environment, with the new Section 18-287 to read as follows:

“Section 18-287. – Detention pond operation and maintenance.

- (a) The Engineer of Record shall provide as-built drawings certifying that the pond was constructed in accordance with the approved engineering plans.
- (b) The property owner or their designative representative shall be responsible for routinely inspecting ponds to ensure that all components of the pond are maintained and are in good working condition.

- i. Routine inspections and maintenance shall include:
  - a. Repair or replace all damaged fencing and locks, if applicable.
  - b. The accumulation of litter, obstructions, sediment and excessive vegetation, including weeds, shall be removed.
  - c. Eroded areas shall be reestablished and bare ground shall be reseeded.
  - d. For dry bottom ponds, areas of ponding shall be eliminated.
  - e. Replace damaged or defective drainage structures; including pumps, inlets, grates, pipes, overflow weirs and sediment controls.
  - f. Outlet structures, including pumped discharges, shall release at rates as specified on the approved engineering plans.”

**Section 3.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 4.** Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 4<sup>th</sup> DAY OF JUNE 2018.

COUNCILMAN FORD	<u>ABSENT</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 18<sup>th</sup> DAY OF JUNE 2018.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN QUINN	<u>AYE</u>

Gretchen Fagan  
Gretchen Fagan, Mayor

ATTEST:

Doris Speer  
Doris Speer, City Secretary