

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CITY CODE SECTIONS 25-7-153, 25-8-231, 30-4-153, AND 30-5-231 RELATING TO MAINTENANCE OF DETENTION BASINS AND WATER QUALITY CONTROLS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 25-7-153 of the City Code is amended to read as follows:

**§ 25-7-153 DETENTION BASIN MAINTENANCE AND INSPECTION.] OF CERTAIN DETENTION BASINS AND APPURTENANCES.]**

~~[The record owner of a detention basin or appurtenance that receives stormwater runoff from a commercial or multifamily development shall maintain the basin or appurtenance in accordance with the maintenance standards in the Drainage Criteria Manual.]~~

(A) In this section:

- (1) COMMERCIAL DEVELOPMENT means all development other than Residential Development.
- (2) COMMERCIAL BASIN means a required detention basin or appurtenance that receives stormwater runoff from a Commercial Development.
- (3) DCM STANDARDS means the provisions in the Drainage Criteria Manual regarding maintenance of a required detention basin or appurtenance.
- (4) RESIDENTIAL DEVELOPMENT means development of two dwelling units or less per lot.
- (5) RESIDENTIAL BASIN means a required detention basin or appurtenance that receives stormwater runoff from a Residential Development.

(B) The record owner of a commercial development shall maintain the commercial basin serving the commercial development in accordance with the DCM standards, whether or not the commercial basin is located on the same property as the commercial development. The record owner shall

provide the City proof of the right to access and maintain the commercial basin if it is not located on the same property as the commercial development.

- (C) If more than one commercial development is served by a single commercial basin, the record owners of the commercial basin and all commercial developments served by the commercial basin shall be jointly and severally responsible for maintenance of the commercial basin in accordance with the DCM standards.
- (D) The director may authorize an alternative arrangement for maintenance of a residential or commercial basin in accordance with the DCM standards. If an alternative arrangement is approved by the director, the city attorney shall determine whether an agreement is necessary; the agreement must be approved by the city attorney and filed of record.
- (E) The City shall inspect each commercial basin at least once every three years to ensure that the commercial basin is being maintained in accordance with the DCM standards. If the commercial basin fails inspection requiring an additional inspection, the director may charge a re-inspection fee.
- (F) Until the City accepts a residential basin for maintenance, the record owner(s) of the residential basin and the residential development served shall maintain the residential basin in accordance with the DCM standards.
- (G) The City shall be responsible for maintenance of a residential basin only after the residential basin has been accepted for maintenance by the City. The City will accept a residential basin upon determining that it meets all requirements of the Drainage Criteria Manual.

**PART 2.** Section 25-8-231 of the City Code is amended to read as follows:

**§ 25-8-231 WATER QUALITY CONTROL MAINTENANCE AND INSPECTION.**

- (A) ~~[For a commercial or multifamily development, the owner shall maintain a required water quality control in accordance with the maintenance standards in the Environmental Criteria Manual. The Watershed Protection Utility shall inspect each water quality control at least once a year.]~~

In this section:

- (1) COMMERCIAL DEVELOPMENT means all development other than Residential Development.

- (2) COMMERCIAL POND means a required water quality control or appurtenance that receives stormwater runoff from a Commercial Development.
- (3) ECM STANDARDS means the provisions in the Environmental Criteria Manual regarding maintenance of a required water quality control or appurtenance.
- (4) RESIDENTIAL DEVELOPMENT means development of two dwelling units or less per lot.
- (5) RESIDENTIAL POND means a required water quality control or appurtenance that receives stormwater runoff from a Residential Development.
- (B) [For a single family or duplex residential development, the Watershed Protection and Development Review Department shall maintain a required water quality control if the water quality control has been accepted by the City. For a water quality control to be accepted by the City, it must meet the requirements of Section 25-8-234 (Fiscal Security In The Barton Springs Zone) and the Environmental Criteria Manual, as applicable.]The record owner of a commercial development shall maintain the commercial pond serving the commercial development in accordance with the ECM standards, whether or not the commercial pond is located on the same property as the commercial development. The record owner shall provide the City proof of the right to access and maintain the commercial pond if it is not located on the same property as the commercial development.
- (C) If more than one commercial development is served by a single commercial pond, the record owners of the commercial pond and all commercial developments served by the commercial pond shall be jointly and severally responsible for maintenance of the commercial pond in accordance with the ECM standards.
- (D) The director may authorize an alternative arrangement for maintenance of a residential or commercial basin in accordance with the DCM standards. If an alternative arrangement is approved by the director, the city attorney shall determine whether an agreement is necessary; the agreement must be approved by the city attorney and filed of record.

- (E) The City shall inspect each commercial pond at least once every three years to ensure that the commercial pond is being maintained in accordance with the ECM standards. If the commercial pond fails inspection requiring an additional inspection, the director may charge a re-inspection fee.
- (F) Until the City accepts a residential pond for maintenance, the record owner(s) of the residential pond and the residential development served shall maintain the residential pond in accordance with the ECM standards.
- (G) The City shall be responsible for maintenance of a residential pond only after the residential pond has been accepted for maintenance by the city. The city will accept a residential pond upon determining that it meets the requirements of the Environmental Criteria Manual and, if applicable, Section 25-8-234 (*Fiscal Security In The Barton Springs Zone*).

**PART 3.** Section 30-4-153 of the City Code is amended to read as follows:

**§ 30-4-153 DETENTION BASIN MAINTENANCE AND INSPECTION. [~~OF CERTAIN DETENTION BASINS AND APPURTENANCES.~~]**

- (A) [~~The record owner of a detention basin or appurtenance that receives stormwater runoff from a commercial or multifamily development shall maintain the basin or appurtenance in accordance with the maintenance standards in the Drainage Criteria Manual.~~

In this section:

- (1) COMMERCIAL DEVELOPMENT means all development other than Residential Development.
- (2) COMMERCIAL BASIN means a required detention basin or appurtenance that receives stormwater runoff from a Commercial Development.
- (3) DCM STANDARDS means the provisions in the Drainage Criteria Manual regarding maintenance of a required detention basin or appurtenance.
- (4) RESIDENTIAL DEVELOPMENT means development of two dwelling units or less per lot.

- (5) RESIDENTIAL BASIN means a required detention basin or appurtenance that receives stormwater runoff from a Residential Development.
- (B) The record owner of a commercial development shall maintain the commercial basin serving the commercial development in accordance with the DCM standards, whether or not the commercial basin is located on the same property as the commercial development. The record owner shall provide the City proof of the right to access and maintain the commercial basin if it is not located on the same property as the commercial development.
- (C) If more than one commercial development is served by a single commercial basin, the record owners of the commercial basin and all commercial developments served by the commercial basin shall be jointly and severally responsible for maintenance of the commercial basin in accordance with the DCM standards.
- (D) Alternative maintenance arrangements are authorized as follows:
- (1) The director may authorize an alternative arrangement for maintenance of a commercial basin in accordance with the DCM standards. If an alternative arrangement is approved by the director, the city attorney shall determine whether an agreement is necessary; the agreement must be approved by the city attorney and filed of record .
- (2) The executive manager of the Travis County Transportation and Natural Resources Department may authorize an alternative arrangement for maintenance of a residential basin in accordance with the DCM standards. If an alternative arrangement is approved by the executive manager, the county attorney shall determine whether an agreement is necessary; the agreement must be approved by the county attorney and filed of record .
- (E) The City shall inspect each commercial basin at least once every three years to ensure that the commercial basin is being maintained in accordance with the DCM standards, but will not inspect basins maintained by the County under Subsection (G) . If the commercial basin fails inspection requiring an additional inspection, the director may charge a re-inspection fee.
- (F) The record owner of a residential development shall maintain the residential basin serving the residential development in accordance with the DCM standards, whether or not the residential basin is located on the same

property as the residential development. The record owner may assign maintenance responsibility to a duly established Homeowner's Association upon written approval by the executive manager of the Travis County Transportation and Natural Resources Department.

~~(G)~~~~(B)~~ The county shall maintain a detention basin or appurtenance that is an integral part of a county road.

~~(H)~~~~(C)~~ Section 30-5-231 (*Water Quality Control Maintenance and Inspection*) provides for maintenance of water quality controls.

**PART 4.** Section 30-5-231 of the City Code is amended to read as follows:

**§ 30-5-231 WATER QUALITY CONTROL MAINTENANCE AND INSPECTION.**

~~(A) [For a commercial or multifamily development, the owner shall maintain a required water quality control in accordance with the maintenance standards in the Environmental Criteria Manual. The Watershed Protection Utility shall inspect each water quality control at least once a year.]~~

In this section:

(1) COMMERCIAL DEVELOPMENT means all development other than Residential Development.

(2) COMMERCIAL POND means a required water quality control or appurtenance that receives stormwater runoff from a Commercial Development.

(3) ECM STANDARDS means the provisions in the Environmental Criteria Manual regarding maintenance of a required water quality control or appurtenance.

(4) RESIDENTIAL DEVELOPMENT means development of two dwelling units or less per lot.

(5) RESIDENTIAL POND means a required water quality control or appurtenance that receives stormwater runoff from a Residential Development.

~~(B) [For a single family or duplex residential development, the Watershed Protection and Development Review Department shall maintain a required water quality control if the water quality control has been accepted by the City. For a water quality control to be accepted by the City, it must meet the requirements of Section 25-8-234 (Fiscal Security in the Barton Springs~~

Zone) and the Environmental Criteria Manual, as applicable.] The record owner of a commercial development shall maintain the commercial pond serving the commercial development in accordance with the ECM standards, whether or not the commercial pond is located on the same property as the commercial development. The record owner shall provide the City proof of the right to access and maintain the commercial pond if it is not located on the same property as the commercial development.

- (C) If more than one commercial development is served by a single commercial pond, the record owners of the commercial pond and all commercial developments served by the commercial pond shall be jointly and severally responsible for maintenance of the commercial pond in accordance with the ECM standards.
- (D) The director may authorize an alternative arrangement for maintenance of a residential or commercial basin in accordance with the DCM standards. If an alternative arrangement is approved by the director, the city attorney shall determine whether an agreement is necessary; the agreement must be approved by the city attorney and filed of record
- (E) The City shall inspect each commercial pond at least once every three years to ensure that the commercial pond is being maintained in accordance with the ECM standards. If the commercial pond fails inspection requiring an additional inspection, the director may charge a re-inspection fee.
- (F) Until the City accepts a residential pond for maintenance, the record owner(s) of the residential pond and the residential development served shall maintain the residential pond in accordance with the ECM standards.
- (G) The City shall be responsible for maintenance of a residential pond only after the residential pond has been accepted for maintenance by the City. The City will accept the residential pond upon determining that it meets the requirements of the Environmental Criteria Manual and, if applicable, Section 25-8-234 (*Fiscal Security In The Barton Springs Zone*).

**PART 5.** Part 1 and Part 2 of this ordinance take effect on \_\_\_\_\_, 2009. Part 3 and Part 4 of this ordinance take effect on the effective date of a Travis County ordinance enacting a similar provision.

**PASSED AND APPROVED**

\_\_\_\_\_, 2009

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\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_

David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_

Shirley A. Gentry  
City Clerk

*Draft*