



**CITY OF BRYANT STORMWATER
MANAGEMENT ORDINANCE NO. 2019-32**

**ORDINANCE AMENDED BY ORDINANCE
NO. 2020-23**

City of Bryant
Ordinance No. 2020-03

AN ORDINANCE AMENDING THE STORMWATER MANAGEMENT ORDINANCE No. 2019-32.

WHEREAS, the City of Bryant Stormwater has an obligation and a responsibility to insure stormwater is managed for safety of its citizens, property and the environment; and

WHEREAS, the City of Bryant Stormwater has an obligation and a responsibility that all development, businesses and residents comply with requirements and specifications to protect the environment and the quality of life of the residents in the City of Bryant; and

WHEREAS, the City of Bryant Stormwater has an obligation to follow the guidelines set forth by the Federal Clean Water Act; and

WHEREAS, the City of Bryant Stormwater has an obligation to follow the Six Minimum Control Measures set forth by the Arkansas Department of Environmental Quality.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS:

SECTION 1. The City of Bryant is hereby adopting an Ordinance amending the Stormwater Management Ordinance No. 2019-32.

SECTION 2. All other provision that come in conflict with this Ordinance shall be repealed.

SECTION 3. Provision Severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are hereby declared to be severable.

SECTION 4. Emergency Declared. The Ordinance is necessary to preserve the public peace, health, safety, and welfare. This ordinance is necessary to preserve environmental quality and to insure all current design criteria is being met. An emergency is declared to exist and this Ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED THIS 10/27 DAY OF OCTOBER, 2020.


Mayor

ATTEST:


City Clerk

CITY OF BRYANT
ORDINANCE No. 2019-32

**AN ORDINANCE ADOPTING REVISED STORMWATER MANAGEMENT
REGULATIONS, OPERATIONS AND GUIDELINES.**

CITY OF BRYANT STORMWATER MANAGEMENT ORDINANCE

ARTICLE I. GENERAL PROVISIONS

1. Stormwater management ordinance - Adoption

The following regulations, designed to lessen or deter hazards to persons, property and the environment caused by runoff, obstructions to drainage and introduction of excessive silts, debris and pollutants into the drainage system, lakes, ponds, streams, rivers and other water bodies in the City of Bryant, and to otherwise promote the public health, safety and welfare of the public, are hereby adopted and this ordinance may be referred to as the "City of Bryant Stormwater Management Ordinance."

2. Introduction and findings.

The City of Bryant finds the creation of this ordinance necessary in order to better define and improve Stormwater Management. This ordinance will replace Ordinances 92-34 and 2011-28.

3. Purpose

(a) The purpose of this ordinance is to set forth the minimum requirements and procedures for construction site erosion control and stormwater management associated with both future land development and existing developed land along with standard compliance procedures for residents and businesses within the City of Bryant. These requirements and procedures will diminish threats to public health, safety, properties and natural resources of the City of Bryant by establishing performance standards that will help to:

- (1) Protect and preserve natural water courses, wetlands, watersheds, riparian habitat, and ecosystems from pollutants, nutrients, pathogens, toxic materials, silt, sedimentation, debris, and other contaminants;
- (2) Ensure Best Management Practices (BMPs) are being used and maintained;
- (3) Mitigate flooding, erosion, and sedimentation;
- (4) Ensure illicit discharge detection and elimination;
- (5) Assure that the City of Bryant is compliant with state and federal requirements pertaining to the Federal Clean Water Act (CWA);

(b) The application of this ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statutes. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary.

(c) Enforcement and administration of this ordinance shall be the responsibility of such office(s) or officer(s) as designated by the mayor, hereinafter termed the Administrative Authority. The Administrative Authority shall also be responsible for addressing other stormwater issues as they relate to the city's compliance with its Small MS4 Stormwater Permit as issued by the Arkansas Department of Environmental Quality to the City of Bryant. Arkansas Department of Environmental Quality will be hereinafter termed ADEQ.

ARTICLE II. STORMWATER CONCEPT AND PLAN

1. Performance standards and design criteria

(a) The City of Bryant Stormwater Management Manual, as adopted by this ordinance, shall be the source for design criteria and performance standards with respect to stormwater management.

(b) Stormwater concept and stormwater management plans and design reports that are incidental to the overall or ongoing site design shall be prepared and certified by an Engineer, Landscape Architect, or a Soil and Erosion Control Specialist with sufficient training and education in erosion control prevention and with approval by the Administrative Authority. In addition, the person preparing and certifying the plans and reports must verify that the plans have been designed in accordance with this ordinance and the standards and criteria stated or referred to in this ordinance and the Bryant Stormwater Management Manual.

2. Stormwater management permit.

The stormwater management permit does not authorize:

- (a) Discharges mixed with sources of non-stormwater unless the non-stormwater discharges are determined not to be a significant contributor of pollutants as defined in Part VII of the Arkansas General Permit No. ARR040000 to waters of the United States;
- (b) Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(I)-(ix) and (xi), except as allowed under Part 1.B.2.b;
- (c) Stormwater Discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15), except as allowed under Part I.B.2.a;
- (d) Stormwater discharges currently covered under an individual or other general NPDES permit;
- (e) Stormwater discharges whose direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat as defined by the U.S Fish and Wildlife Services (USF & WS).
<http://endangered.fws.gov/>;

- (f) Stormwater discharges or implementation of the Stormwater Management Plan, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless in compliance with the requirements of the National Preservation Act and any necessary activities have been coordinated to avoid or minimize impacts with the appropriate State Historic Preservation Officer.
- (g) Stormwater discharge that will cause or contribute to non-attainment of water quality standards, including failure to protect and maintain existing designated use of receiving waters. ADEQ may require an application for an individual NPDES permit to authorize discharges of stormwater from any activity that ADEQ determines to cause or makes a contribution to exceed a water quality standard or that ADEQ determines to cause or contribute to the loss of a designated use of receiving waters.
- (h) Stormwater discharges which are prohibited for permitting in 40 CFR 122.4 of the federal regulation;

3. Stormwater pre-construction and submittal requirements.

- (a) Large, Small, and Special Construction Sites along with sites that will perform instream activities as described below are required to submit and post on-site the following documents prior to any earth moving activities:
 - (1) Stormwater Management Plan (drainage calculations & erosion control plan) to the City of Bryant;
 - (2) Stormwater Pollution Prevention Plan (SWPPP) submitted and approved by ADEQ and posted on-site;
 - (3) Stormwater Maintenance Plan;
 - (4) Stormwater Quality Plan (when required by Bryant Public Works);
 - (5) Stormwater drainage study (when required by Bryant Public Works);
 - (6) Obtain Stormwater Management Permit;
 - (7) Submit payment for Stormwater Impact Fee;
 - (8) Obtain a Site Clearing Permit from the City of Bryant Code Enforcement;
 - (9) Obtain Short Term Activity Authorization (STAA) from ADEQ (if applicable for site);
 - (10) Obtain a Boring Permit from the City of Bryant Code Enforcement (if applicable for site);
 - (11) Obtain proper U.S Army Corp of Engineers permits (if applicable for site);
 - (12) Post on-site construction permits Notice of Intent (NOI) from ADEQ;
 - (13) Utilize and maintain best management practices (BMP's) to reduce runoff and erosion;

- (14) Mailbox and rain gauge posted on-site;
- (b) **Stormwater Maintenance Plan and Inspection Forms**) submitted to the City of Bryant Stormwater Department before final plat.
- (c) **Short Term Activity Authorization (STAA).** Activity conducted in any waters that might cause violation of the Arkansas Water Quality Standards **MUST** be authorized by the Arkansas Department of Environmental Quality (ADEQ).
- (1) Activities that may require ADEQ authorization are those that are essential to the protection or promotion of the public interest and that result in no permanent or long-term impairment of beneficial uses of the water, including (A) wastewater treatment facility maintenance, (B) fish eradication projects, (C) mosquito abatement projects, (D) algae and weed control projects, (F) construction activities, (G) debris removal, (H) bridge or crossing repair/maintenance, (I) bank stabilization, (J) culvert replacement or installation, (K) flood control projects, (L) utility or pipeline work and (M) activities that result in overall enhancement or maintenance of beneficial uses.
- (2) Authorization does not supersede existing state and federal permitting processes or requirements and shall not be granted for activities that result in the adverse impact on any federally threatened or endangered species or critical habitat of such species. (Reference ADEQ Regulation 2.305 Short Term Activity Authorization)
- (3) If you are required to obtain a U.S. Army Corps of Engineers (USACE) 404 Permit, including nationwide permits, or a Bridge Permit, you will need a STAA. You may need a STAA to remove debris from wetlands. You will need permission and approval from the City of Bryant if your activity is within an area covered by an active General Stormwater NPDES - Municipal Separate Storm Sewer System (MS4) permit.
- (4) A STAA covers instream activity only and does not allow turbidity exceedance due to stormwater runoff from construction sites.
- (5) If activity is being conducted in any water that might cause a violation of the Arkansas Water Quality Standards or the Federal Clean Water Act without a STAA from ADEQ and approval from the City of Bryant, an immediate stop work order or citation may be issued until proper approval and permits are obtained. If a person proceeds with activities after a stop work order has been issued then a citation will be issued.
- (d) **Construction Site(s) are defined as follows:**
- (1) Large construction site(s) include any construction activity that will result in the soil disturbance (e.g., clearing, grading, excavating, etc.) of five (5) or more acres of total land area. If an area being disturbed is less than (5) acres but is part of a larger common plan that ultimately disturbs (5) acres or more it will be considered a large scale development.

- (2) Small construction site(s) include any construction activity that will result in the soil disturbance (e.g., clearing, grading, excavating, etc.) of land equal to or greater than one (1) acre and less than five (5) acres of total land area, or less than one (1) acre of total land area if it is a part of a larger common plan of development or sale if the larger common plan will ultimately disturbed one (1) acre or more, but less than five (5) acres.
 - (3) Any new commercial construction sites under one (1) acre which includes construction activity that will result in soil disturbance (e.g., clearing, grading, excavating, etc.) regardless of size will meet the requirements of a small construction site.
 - (4) Any new residential, residential remodel, commercial remodel, or commercial expansion must follow all best management practice guidelines and permitting if applicable.
- (e) **Special Construction Sites.** Any construction activity that meets the following definition:
- (1) Any construction activity (e.g., clearing, grading, excavating, etc.) less than one (1) acre of land with the potential to pollute, which is adjacent to any lake, stream, tributary creek or other flowing body of water.
 - (2) Road, pipeline, and utility construction or maintenance activities where underlying and/or surrounding land is cleared, graded, or excavated as part of the operation.
 - (3) Road, pipeline and utility maintenance activities are regulated when they bordering lakes or streams under either the small or large construction site category.
- (f) Failure to comply with stormwater submittal requirements will result in an enforcement action of a stop work order and citation for the site of non-compliance.
- (1) When issuance of a stop work order occurs due to non-compliance with stormwater submittal requirements all activities on the site shall cease until proper requirements are met and approved by the Administrative Authority.

4. Stormwater, Illicit Discharge and Urban Runoff Pollution Control.

(a) **Illegal dumping/disposal.** No person shall throw, deposit, place, leave, maintain, keep (or permit to be thrown, placed, left, maintained), any refuse, rubbish, garbage, lawn clippings, mulch, building materials, sewage, grease, chemicals or any other discarded or abandoned objects, articles or accumulations in or upon any street, alley, parking lot, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, waterways, drainage easements, business place, or any public or private plot of land in the city, so that the same might be or become a pollutant, except in proper containers, proper storage areas, recycling bags or other lawfully established waste disposal facility. Any person found in violation may be issued an immediate citation.

(b) **Disposal in storm sewer.** No person shall dispose chemicals, grass, leaves, dirt, rocks, landscape debris or other pollutant into a water resource buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, parking lot, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance. Any person found in violation may be issued an immediate citation.

(c) **Illegal pool drainage.** No person shall drain a chlorinated or saltwater pool to any water bodies of the state, tributaries, sanitary sewer system, storm drain inlets, stormwater infrastructure or to streets at any time. Pools must be dechlorinated before any form of water discharges may occur. No person shall use any form of dechlorination chemical unless it meets Environmental Protection Agency standards. No person shall at any time discharge a saltwater pool. Any person found in violation may be issued an immediate citation for an illicit discharge.

(d) **Illicit discharges and connections.** No person shall cause any illicit discharge to enter the municipal stormwater system unless such discharge: (1) consist of non-stormwater that is authorized by an NPDES point source permit; or (2) is associated with firefighting activities.

(e) **Illegal burning.** No person shall burn garbage, lawn clippings, trees, building materials, or any other articles in a drainage ditch, drainage easement, or on the banks of streams, creeks, rivers, lakes or water bodies. Any person found in violation may be issued an immediate citation.

(f) **Storage of materials, vehicles, machinery and equipment.** Objects, such as motor vehicles, including parts, containing grease, oil, fuel or other hazardous substances and unscaled receptacles containing hazardous materials, shall not be stored within fifty feet (50') of waterbodies, drainage ditches or any form of stormwater infrastructure or in areas susceptible to runoff as is prohibited in areas identified by FEMA as designated floodplain areas identified on current FEMA FIRM maps. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges. This section shall apply to both actual and potential discharges. Any person found in violation may be issued an immediate citation.

(g) **Boring discharges.** No person, company, business or contractor shall at any time discharge bentonite clay, boring mud, boring water, fracking wastewater or any other discharges associated with boring into a street, roadway, basin, storm drain, culvert, curb, gutter, ditch, natural watercourse, waterbodies or other stormwater infrastructure. All boring discharges shall be captured in boring pits and removed by vacuum device, or removed with active vacuuming device at the time of boring. Any person found in violation may be issued an immediate stop work order and citation for an illicit discharge.

(h) **Grease traps and grease containment devices.** No person, company or business shall at any time discharge commercial grease traps or grease containment bins into a parking lot, basin, street, waterbodies or any other form of stormwater infrastructure. Any person found in violation may be issued an immediate citation.

(i) **Removal of debris and residue.** Debris and residue shall be removed as follows:

(1) Fuel and chemical residue or other types of potentially harmful material such as animal waste, garbage, or batteries, which is located in an area susceptible to runoff, shall be removed immediately and disposed of properly in compliance with all applicable federal, state and local laws and regulations.

(2) Household hazardous waste shall be disposed of through collection programs or at any other appropriate disposal site and shall not be placed in a trash container.

(j) **Non-stormwater discharges.** All discharges covered by this NPDES permit shall be composed entirely of stormwater except the following. Non-stormwater discharges that are combined with stormwater may be authorized by this permit:

- (1) Discharges from firefighting activities; fire hydrant flushing; water used to wash vehicles or control dust; potable water sources including uncontaminated waterline flushing; irrigation drainage; routine external building wash down which does not contain detergent or chemical pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensation; uncontaminated springs; uncontaminated groundwater; foundation or footing drains where flows are not contaminated with process materials such as solvents; and uncontaminated excavation dewatering.
 - (2) Except as described in (j)(1) above, discharges of material other than stormwater must be in compliance with an individual NPDES permit issued for the discharge.
 - (3) Any person using a pump to pump out water from a retention/detention basin, pond(s), excavation pits, etc., is required to pump through a dewatering bag for filtration. Any person pumping without proper dewatering bag filtration may be issued a stop work order or citation until proper dewatering procedures are in place.
- (k) **Good Housekeeping Provisions.** Any owner, business, occupant, developer or builder of property within the City of Bryant shall comply with the following good housekeeping requirements:
- (1) **Discharges.** No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or illicit waste in an area where discharge to streets, parking lots, waterbodies, drainage ditches, drainage easements or storm drain systems may occur. This section shall apply to both actual and potential discharges.
 - (2) **Solid waste dumpster(s).** Dumpsters are to be plugged, with functional lids to prevent illicit runoff. Dumpster shall be functional, not containing holes or rusted bottoms which could allow illicit runoff. Any dumpster that does not have proper functionality is not allowable. Large roll-off dumpsters are not required to have a cover but must be plugged and without holes or rusted bottoms. Once a dumpster has reached capacity it is to be emptied to prevent overflowing.
 - (3) All large, small and special construction sites must have solid waste dumpsters located at the site to properly dispose of building materials and solid waste.
 - (4) Solid waste dumpster(s) shall never be placed in a drainage way, over or near a storm drain inlet or waterbody which may lead to an illicit discharge.
 - (5) Free flowing trash and debris (floatables), piles of trash and debris must be removed at all times.
 - (6) **Hazmat storage.** Storage of any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.
 - (a) Hazmat storage containers shall be properly labeled at all times;

- (b) Hazardous materials shall be stored properly at all times. Materials may not be left on-site or present in weather without proper covered storage at any time, nor shall hazardous materials be stored or placed within 100 feet of drainage ditches, storm drain inlets, stormwater infrastructure or waterbodies;
 - (c) Hazardous chemicals stored or being used on-site at a business are required to have a Material Safety Data Sheet (MSDS) present on-site at all times;
 - (d) Hazardous chemical containers that are empty may at no time be stored outside, placed on the ground and shall never at any time be stored within 100 feet of drainage ditches, storm drain inlets, stormwater infrastructure or waterbodies. Empty containers shall be properly disposed of at all times;
 - (e) Businesses that use or contain hazardous materials shall have a spill containment kit present at all times;
- (7) **Grease traps (also known as grease interceptors, grease recovery devices, grease capsules and grease converters)** is a plumbing device (a type of trap) designed to intercept most fats, oils, grease and solids before they enter a wastewater disposal system.
- (a) Grease traps shall be serviced monthly to ensure functionality, capacity, also to prevent blockages, system backups, sewage spills, manhole overflows and fire hazards;
 - (b) Once a grease trap reaches a capacity of 25% they are to be serviced;
- (8) **Grease containment devices.** Grease containment devices are devices that are used to store or properly dispose of used fats, oils, grease and solids. These devices are usually mobile solid dumpsters or bins.
- (a) Grease containment devices shall be serviced monthly to ensure functionality, capacity, also to prevent spills, overflows and pollution the environment.
 - (b) Grease containment devices are to be plugged, with functional lids to prevent Illicit runoff. Devices shall be functional, not containing holes or rusted bottoms which could allow illicit runoff. Any device that does not have proper functionality is not allowable. Device lids shall remained closes at all time.
 - (c) Once a grease containment device has reached 50% capacity they are to be serviced and emptied;
 - (d) Exteriors of grease containment devices shall remain clean and free of fats, oils and grease at all times. This will prevent illicit runoff and pollution from the device by way of dripping or weather events.

(l) **Construction site stormwater runoff control.** Any owner, business, developer, builder, or occupant of property in the City of Bryant shall install and maintain erosion and sediment controls during land disturbing activities (Article II, Section 2) for new development projects, redevelopment projects and individual lots in order to reduce pollutants from entering waterways.

(m) **Runoff.** Runoff water from washing down paved areas shall be minimized to the maximum extent practicable. Runoff of water from washing down paved areas in residential, commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any federal, state or local laws or regulations.

5. Stormwater Management Manual. To assist in the design and evaluation of stormwater management facilities in the City of Bryant, a Stormwater Management Manual has been adopted for development guidelines. This manual contains the development guidelines and standards for development within the City of Bryant.

6. Stormwater Management Permit and fees required.

(a) A Stormwater Management Permit will be required for construction site activities and those activities associated with excavation, filling, grading and removal of trees or surface vegetation unless otherwise exempt by this ordinance. The permit application and required submittal documents, when applicable, shall include a copy of permit coverage for large, small, special construction sites issued from ADEQ. Approvals shall be secured per size of development from the City of Bryant and ADEQ, as applicable prior to starting any clearing or earth work. It is the developer's responsibility to determine if other permits are required and to secure them.

(1) No stormwater management permit shall be issued or modified without the following:

(a) Payment for Stormwater Impact Fee has been received;

(b) All provisions of Article III. Section 3 of this ordinance shall be met;

(b) The approved stormwater management plan shall contain certification by the applicant that all land clearing, construction, development, and drainage will be done according to the stormwater management plan or previously approved revisions. Any stormwater management permit may be revoked at any time if the construction of stormwater management facilities is not in strict accordance with approved plans and regulations.

(c) In addition to the plans and permits required from the City of Bryant, applicants shall obtain all state and federal permits for the proposed development. The applicant shall also be responsible for determining the existence and limits of any wetlands and/or floodways as may be applicable, and be responsible for securing permits and approvals from the U.S Army Corp of Engineers and Federal Emergency Management Agency as required.

(d) **Permit Fees.** The permit and rates associated with the implementation of this ordinance will be based on the Stormwater Impact Fee as stated in this ordinance.

(e) **Triple fees.** A triple fee penalty may be imposed on the original cost of the Stormwater Impact Fee if land disturbance activities occur prior to meeting all requirements of Article III. Section 3 of this ordinance.

7. Exemptions.

- (a) Any land-disturbing activity with the potential to pollute less than one (1) acre within 25 feet of a stream, waterbody or a lake is NOT exempt from this ordinance.
- (b) The following activities are exempt from the requirements of this ordinance:
 - (1) Land use for agricultural purposes or any activity directly related to planting, growing and harvesting of agricultural crops;
 - (2) Land where timber extraction takes place without soil disturbance and provided that it is to be re-seeded as timber land;
 - (3) Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms or other hazards;

8. Permit conditions, applications and processing.

- (a) Each permit issued shall be subject to the following conditions:
 - (1) **Area.** The development, including associated construction shall be conducted only within the area specified in the approved permit and plans.
 - (2) **Execution.** Activities requiring a stormwater management permit shall not commence until the permit is in the possession of the permittee and posted on-site. The approved permit shall be on file with the Administrative Authority.
 - (a) The plan shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration of the project. Stormwater components of the plans shall be maintained in perpetuity.
 - (b) The permittee is responsible for successful completion of the erosion control plan and the stormwater management plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.
 - (c) Application for a permit shall constitute express permission by the permittee and landowner for the local approval authority to enter the property for purposes of inspection or curative action. The application form shall contain a prominent provision advising the applicant and landowner of this requirement/permission.
 - (3) **Inspections.** A schedule of inspections to be carried out during the construction phase of permitting shall be established by the Administrative Authority as a condition to the permit.

- (a) Application for a permit under this ordinance shall constitute permission by the applicant or landowner for the local approval authority to enter upon the property and inspect during the construction phase to confirm compliance with the requirements of this ordinance.
 - (b) Applicant and landowner for the local approval authority to enter upon the property and inspect during the construction phase prior to the inspections as necessary to confirm compliance with the requirements of this ordinance.
 - (c) As part of the plan approval process, the Administrative Authority shall determine the minimum number of inspections required to assure compliance. The site of any regulated land disturbing activity should be inspected once every 30 days, or more frequently as determined by the Administrative Authority during the construction phase.
 - (d) The permittee shall notify the Administrative Authority before construction activity begins.
 - (e) The Administrative Authority shall inspect the property to verify compliance with the erosion control plan within 72 hours of notification of soil disturbance.
- (4) **Maintenance.** Maintenance activities, as specified in the approved maintenance plan, shall be executed routinely, with scheduled reporting documents kept current, stored on the project site, and available for review and inspection upon request.
- (5) **Modifications.** If the activity authorized by the permit is not completed according to the approved plans, schedule and permit conditions, the Administrative Authority shall be notified. For revisions resulting in a schedule extension of more than 30 days, or if deviations from the permit conditions are expected to occur, approval of a permit modification is required by the Administrative Authority.
- (6) **Transfer.** No transfer, assignment or sale of the rights granted by virtue of an approved permit shall be made.
- (7) **Special.** Any additional special conditions, as deemed appropriate by the Administrative Authority, shall be established to address specific project needs or circumstances.
- (8) **Permit Application.** A stormwater permit application shall be submitted to the Administrative Authority using appropriate forms as provided. A permit application shall contain sufficient information and plans to allow the Administrative Authority to determine whether the projects comply with the requirements of this ordinance
- (9) **Approval process.**
- (a) The Administrative Authority shall verify that the permit application is complete and is in accordance with this ordinance and Stormwater Management Manual.

- (b) The Administrative Authority shall notify the applicant in writing of any deficiency in the proposed plan and the applicant shall be given an opportunity to correct any deficiencies.
- (c) Upon approval by the Administrative Authority, the stormwater management permit shall be issued by the Administrative Authority after the applicant has met all other requirements of this ordinance.

ARTICLE III. STORMWATER IMPACT FEE

1. Introduction and findings.

The City of Bryant has experienced development on all scales that causes displacement of large amounts of earth and vegetative cover. Significant and adverse problems result from such development which include flooding, soil erosion, soil deposition, unstable slopes, impaired quality of life and capacity issues within existing City of Bryant Stormwater Infrastructures including but not limited to; detention/retention basins, drainage ditches, ponds, city outfalls, piping, box culverts, streams and waterbodies.

- (a) The City of Bryant has a stormwater utility and it is responsible for managing stormwater run-off within its boundaries. To provide a better understanding of the complexity of this utility, along with its regulatory requirements and challenges, the following discussion and overview is provided.
 - (1) The City is legally required to manage both the quantity and the quality of the City's stormwater run-off. Stormwater runoff can collect pollutants from urbanized areas, which can add to or create problems in local stormwater infrastructure, waterbodies and streams.
 - (2) Federal and state regulations require action by the City of Bryant to minimize pollution carried by stormwater runoff. At a federal level, the City is subject to the federal regulations related to the National Pollutant Discharge Elimination System (NPDES). The City is required to implement a Stormwater Management Program (SWMP) which consists of Best Management Practices (BMPs) involving Six Minimum Control Measures, to control pollutants in stormwater to the maximum extent practical.
 - (3) The City of Bryant does require certain infrastructure (facilities) to manage stormwater quantity. These facilities are needed for purposes of conveyance, detention and discharge. More specifically, these facilities can include ponds, piping, box culverts, detention/retention basins, ditches, curbs and gutters.
 - (4) While management of stormwater is related to quantity, it is also related to water quality. Finally, it is important to note that growth, in and of itself, creates additional impacts and requires additional resources. This is true for all aspects of the City's services, and holds true for the stormwater utility and its facilities.

2. **Fee Implementation.** One-time flat rate Stormwater Impact Fee shall be imposed on new or proposed development project of all scales (residential, commercial, industrial or projects) to pay for all or a portion of the cost of providing public services to new development. These impact fees are considered to be a charge on new development to help fund and for the construction or needed expansion of offsite capital improvements. These fees shall be implemented to help with economic burden and growth to the City of Bryant.

3. **Fees.**

A fee for each new development or project shall be paid to the City of Bryant as follows:

<i>Total Project Area</i>	<i>Stormwater Impact Fee (one-time fee)</i>
Less than 1 acre	\$100.00
1 acre but less than 5 acres	\$300.00
5 acres but less than 10 acres	\$500.00
10 acres but less than 20 acres	\$1000.00
20 acres or greater	\$2000.00

4. **Revenues.** The following revenues will be deposited into the Stormwater Impact Fee account:

- (a) All revenues collected from the Stormwater Impact Fee;
- (b) Any other revenues as may be determined by the Bryant City Council, including but not limited to grants and special appropriations;

5. **Expenses.** The City may use the Stormwater Impact Fee revenue for only the following expenses:

- (a) Watershed, stormwater management, floodplain, and storm drainage conveyance studies and planning;
- (b) The study, design, surveying, construction, expansion, retrofit, repair, maintenance, or landscaping of stormwater management facilities, storm water infrastructure, storm drainage, and other watershed improvements;
- (c) Stormwater improvement projects including flood mitigation, downstream improvements and regional detention;
- (d) Water quality monitoring and impact studies;
- (e) Acquisition of land for stormwater management facilities, regional detention or storm drainage, this shall include easements and right-of-ways;
- (f) Acquisition of equipment or materials needed for stormwater improvements or projects;
- (g) Reasonable operating and capital reserves to meet unanticipated or emergencies for storm drainage or water quality;

6. **Stormwater Impact Fee.** The City of Bryant hereby assess the following Stormwater Impact Fees:
 - (a) All new developments and projects of all scales located within the corporate limits of the City of Bryant, shall be charged a one-time flat rate Stormwater Impact Fee as listed in Article III Section 2-3 of this ordinance;
7. **Billing and Collection.** Stormwater Impact fees shall be paid before a Stormwater Management Permit shall be issued. Payment may be made by cash, check or credit card (American Express not accepted) to the Permits Clerk at the City of Bryant Code Enforcement at 312 Roya Lane, Bryant, Arkansas 72022.
8. **Exemptions of the Stormwater Impact Fee.** The following activities shall be exempt from the Stormwater Impact Fee:
 - (a) Logging without direct soil disturbance or earth moving activities;

Article IV. Best Management Practices (BMPs), Construction, Maintenance and Inspection

1. **Public and private inspection and plan update responsibilities under the stormwater management system.**
 - (a) **Owner/Permittee inspections.** The owner or permittee shall be responsible for inspections on-site.
 - (1) Inspections must be documented and be readily available on-site for review. Inspections are required as follows:
 - (a) Once every 7 days on exposed soil areas;
 - (b) Within 24 hours after a quarter inch rain event;
 - (c) Once every 14 days on stabilized areas;
 - (d) As soon as runoff occurs or prior to resuming construction on frozen ground;
 - (b) **Map and plan updates.** The owner/permittee shall be responsible for all updates to the site map and stormwater pollution prevention plan (SWPPP) on-site.
 - (1) Updates to site map shall occur when any staging areas, fueling areas, equipment maintenance areas, equipment wash areas, concrete waste management devices, ingress/egress points, hazmat storage, dumpster(s), portable restroom(s), mailboxes, etc. are added or removed from site;

- (2) Updates to stormwater pollution prevention plan (SWPPP) shall occur when any changes occur to the (SWPPP). At any point additional BMPs are added or any BMPs are removed the SWPPP shall be updated;
- (3) Updates to the stormwater pollution prevention plan (SWPPP) or site map must include an initial and the date which the updated occurred;
- (4) **Records of Stabilization.** A record of the dates when grading activities occur, when construction activities temporarily or permanently cease on a portion of the site, and when stabilization measures are initiated shall be included in the plan;

2. Best management practices (BMPs) and (BMP) maintenance for public and private.

Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, engineered systems, programs and other management practices published by state or designated area-wide planning agencies. The owner shall be responsible for all BMPs and BMP maintenance on-site. BMP standards and maintenance are as follows:

- (a) **Silt Fence.** This sediment barrier utilizes standard strength or extra strength synthetic fabric with wire backing. It is designed for situations in which only sheet or overland flows are expected. Non-wire backed silt fence is NOT ALLOWABLE with this ordinance.
 - (1) All silt fence shall be placed as close to the contour as possible. The bottom of the fabric should be buried in a 6-inch wide by 6-inch depth trench and it shall be backfilled and compacted to prevent underflow. The height of the silt fence shall be a minimum of 15 inches and shall not exceed 18 inches;
 - (2) Silt fence shall be purchased in a continuous roll cut to the length of the barrier to avoid the use of joints. When joints are necessary, fabric should be spliced together only at a support post, with a minimum 6-inch overlap and securely sealed;
 - (3) Post shall be spaced a maximum of 3-feet apart at the barrier location and driven securely into the ground a minimum of 6-inches;
 - (4) Trenches shall be excavated approximately 6-inches wide and 6-inches deep along the line of posts and unsloped from the barrier;
 - (5) Silt fence shall be properly installed and facing the correct direction or silt fence shall be removed and reinstalled;
 - (6) Silt fence shall be inspected immediately after each rainfall and daily during prolonged rainfall;
 - (7) If silt fence is not functional, it must be repaired or replaced within 48 hours. Immediate maintenance may be required by the Administrative Authority if the conditions of the site are deemed a public hazard or has the potential to cause environmental damage or pollution;

- (8) When sediment reaches $\frac{1}{2}$ the height of the silt fence as a perimeter or runoff control device, sediment must be removed within 48 hours;
 - (9) If a perimeter control device is not functional, it must be repaired or replaced within 48 hours;
 - (10) Silt fence(s) shall be removed once they have served their useful purposes, but not before disturbed area(s) has been permanently stabilized;
 - (11) No person shall willfully damage silt fencing at any time. If silt fence obstructs access to any point on a site it is to be removed and properly reinstalled. Any person found in violation of willfully running over or damaging silt fence shall be issued a citation for this act;
- (b) **Rock check barriers.** Temporary perimeter or runoff sediment control device used to remove sediment and other contaminants through ponding, settling, and physical filtration, effectively preventing contaminants from leaving the site and entering surface waters. Rock checks also reduce the velocity of concentrated stormwater flows thereby reducing erosion. Rock checks in ditches are also used for small concentrated flows.
- (1) Rock checks only perform their function of reducing velocities of concentrated flows and energy if they have been sized and constructed correctly and are maintained properly.
 - (2) Rock checks shall have two higher edge points with a low point in the flow line for runoff. This shall be constructed to a proper height for the purpose of its use but shall never exceed 3-feet in height.
 - (3) When sediment reaches $\frac{1}{2}$ the height of a rock check as a perimeter or runoff control device, sediment must be removed within 48 hours.
 - (4) Rock checks shall be inspected immediately after each rainfall and daily during prolonged rainfall.
 - (5) If a rock check is not functional or is sediment laden, it must be repaired or replaced within 48 hours. Immediate maintenance may be required by the Administrative Authority if the conditions of the site are deemed a public hazard or has the potential to cause environmental damage or pollution.
 - (6) Rock checks shall be removed once they have served their useful purposes or once the project is completed prior to final stabilization.
- (c) **Construction entrance.** A rock construction entrance is a bed of rocks that helps to remove sediment from vehicle tires. Rock construction entrances should be placed at all site ingress/egress points.
- (1) Entrance protection shall be no less than the width of all points of ingress/egress with a 20-foot minimum width and a minimum length of 50-feet;

- (2) Rock used on entrance protection shall be a minimum of 2-inch with NO FINES at a minimum depth of 6-inches;
 - (3) The Administrative Authority may at any time require geotextile fabric to be placed under entrance protection to assist with longevity of the entrance protection and to assist with alleviation of offsite tracking;
 - (4) Residential entrance protection should be the width of all ingress and egress points. Entrance length shall be adequate for any vehicle or equipment to get one full tire rotation on the ingress/egress pad;
 - (5) If conditions on the site are such that the majority of the mud is not removed by the vehicle/equipment traveling over the entrance pad, then the tires of the vehicle/equipment must be washed before entering any roadway. Wash water must be directed away from the entrance to a settling area to remove sediment;
 - (6) The Administrative Authority shall have the ability to enforce street sweeping as a best management practice measure if the conditions of the site are deemed to be excessive, a public hazard, an environmental threat or the site has failed to comply with construction entrance guidelines;
 - (7) The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public right-of-ways or roadways. This may require periodic top dressing with additional aggregate as conditions demand;
 - (8) All sediment spilled, dropped, washed, or tracked onto public-right-of-way or roadways must be removed immediately;
- (d) **Storm drain inlet protection.** The purpose of storm drain inlet protection is to prevent sediment from entering storm drainage systems prior to permanent stabilization of disturbed areas.
- (1) Storm drain inlet protection shall be used at sites:
 - (a) Where ponding will not encroach into traffic;
 - (b) Where sediment laden surface runoff may enter an inlet;
 - (c) Where disturbed drainage areas have not yet been permanently stabilized;
 - (d) Where soil disturbance or continual soil disturbance activities are occurring;
 - (e) Appropriate during wet and snow-melt seasons;

- (2) There are several inlet filters, traps and inlet protection designs which have different applications dependent upon site conditions and the type of inlet. These types and designs can be found in the City of Bryant Stormwater Management Manual, this manual can be found on the City of Bryant website <http://www.cityofbryant.com/895/Stormwater>.
 - (3) If inlet protection is not functional, it must be replaced within 48 hours. Immediate maintenance may be required by the Administrative Authority if the conditions of the site are a public hazard or has the potential to cause environmental damage or pollution.
 - (4) If inlet protection is not in place as listed in the above section (d)(1) site shall have 24 hours to have storm drain inlet protection in place.
- (e) **Concrete waste management.** Proper concrete waste management prevents the discharge of pollutants to stormwater, drainage ditches, storm drain inlets, storm drain systems, creeks, streams, water bodies and roadways. Concrete waste washout shall be performed on-site in a designated area using a proper concrete waste management pit and/or other approved concrete waste management devices. A concrete waste management pit or other approved concrete waste management device shall be in place before any concrete is poured on-site.
- (1) All small, large, special and commercial construction sites are required to have a labeled concrete waste management device on-site;
 - (2) All residential lots are required to have a proper concrete waste management device. No concrete washout shall leave the lot at any time;
 - (3) Concrete waste management devices may at no time be placed within 50' of a basin, water body, street, roadway, storm drain inlet, drainage ditch, surface inlet, stormwater infrastructure, drainage easement or in a floodplain;
 - (4) All concrete waste management devices shall have proper entrance protection leading to them at all times. Concrete waste management entrance protection shall be a minimum of 2-inch rock with NO FINES at a minimum depth of 6-inches. Entrance protection shall be sized at an adequate length and width;
 - (5) Concrete waste management devices shall be lined with plastic so that no concrete washout runoff occurs. Concrete waste management devices shall also be labeled on the site map;
 - (6) When concrete reaches ½ the height of the concrete waste management device, the device shall be cleaned out and relined with plastic;
 - (7) Alternative types of concrete waste management devices may be approved by the Administrative Authority;

- (8) No person shall place, washout, discharge or empty concrete in/onto a roadway, right-of-way, drainage easement, drainage ditch, storm drain inlet, storm system, basin, pond or water body. No person shall discharge onto another person's property or use another person's concrete waste management device unless written consent was given by the property owner. Any person found in violation shall receive an illicit discharge citation and be held responsible for the clean-up process and damages caused. If dirt is disturbed during the clean-up process the person in violation will be responsible for stabilization of the area disturbed;
 - (9) Any concrete washout or concrete piles placed outside of a concrete waste management pit or approved concrete waste management device shall be removed immediately;
 - (10) Concrete or mortar residue discharges into a street, roadway, storm drain inlet or curb and gutter by way of incidentals, machine malfunction or washout shall be removed immediately. No person shall at any time use a watering source to wash down the concrete or mortar residue into a storm drain inlet. Failure to remove residue will be cause for an illicit discharge citation and restoration cost;
- (f) **Straw bales.** A temporary barrier used to intercept sediment laden runoff from areas of disturbed soil.
- (1) Although the City of Bryant does not recommend the use of straw bales, straw bales will be allowed for short term use as a BMP in this ordinance;
 - (2) For proper use and installation of straw bale mechanism information may be found in the City of Bryant Stormwater Management Manual on the City of Bryant website <http://www.cityofbryant.com/895/Stormwater>;
 - (3) When sediment reaches ½ the height of a straw bale mechanism as a perimeter or runoff control device, sediment must be removed within 48 hours;
 - (4) Straw bales shall be removed once they have served their useful purposes;
- (g) **Fueling and maintenance areas.** Designated area(s) on a construction site that are used for refueling or maintenance of vehicles or equipment.
- (1) Fueling and maintenance areas shall be labeled and posted on the site map;
 - (2) Fueling and maintenance areas shall have a spill containment kit present at all times;
 - (3) Fuel tanks shall have a bermed area lined with plastic surrounding the fuel tank that can hold the capacity of the fuel in the tank in case of rupture or tank malfunction;
 - (4) Any spills shall be cleaned up and properly disposed of immediately in accordance with local, state and federal laws;
 - (5) Fueling and maintenance areas shall never be placed within 100-feet of any drainage ditch, storm drain inlets, stormwater infrastructures or waterbodies;

- (h) **Stockpile Management.** Procedures and practices that are designed to reduce or eliminate stormwater pollution from stockpiles of soil, sand, aggregates, etc.
- (1) Stockpiles shall never exceed the maximum height of 16-feet;
 - (2) Storage of stockpiles shall not exceed beyond 12 months. Once a project is complete all piles must be removed. Areas where stockpile sat shall be stabilized;
 - (3) Stockpiles shall be covered, stabilized or have some form of best management practices (BMPs) surrounding them to prevent runoff during rain events;
 - (4) Stockpiles shall never be placed in a street, easement or within 15-feet of a street, drainage ditch, waterbody, basin or stormwater infrastructure, etc;
- (i) **Hazmat storage.** Storage of any item or agent (biological, chemical, radiological, and/or physical), which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.
- (1) Hazmat storage areas shall be labeled and added to the site map.
 - (2) Hazardous materials shall be stored properly at all times. Materials may not be left on-site without proper covered storage at any time, nor shall hazardous materials be stored or placed within 100 feet of drainage ditches, storm drain inlets, stormwater infrastructure or waterbodies.
 - (3) Hazardous chemicals stored or being used on-site are required to have a Material Safety Data Sheet (MSDS) present on-site at all times.
- (j) **Stabilization.** Process of implementing specific BMPs for the purpose of preventing soil from eroding. BMPs utilized for this purpose involve establishing a cover of some type over exposed soils such as mulch, sod, riprap, seed and straw, erosion control blankets, or other material that prevents soil from eroding.
- (1) A description of initial, interim, and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed areas are stabilized. Stabilization practices may include: mulching, temporary seeding, permanent seeding, geotextiles, sod stabilization, natural buffer strips, protection of trees, and preservation of mature vegetation and other appropriate measures.
 - (2) Requires that a natural buffer zone be established between the top of the stream bank and the disturbed area. The SWPPP shall contain a description of how the site will maintain natural buffer zones. For construction projects where clearing and grading activities will occur, SWPPP shall provide at least (25) feet of natural buffer zone from any named or unnamed streams, creeks, rivers, lakes or other water bodies. The plan shall also provide at least fifty (50) feet of natural buffer zone from established TMDL water bodies, streams listed on the 303(d) list, an Extraordinary Resource Water (ERW), Ecologically Sensitive Waterbody (ESW), Natural and Scenic Waterway (NSW). If the

site will be disturbed within the recommended buffer zone, then the buffer zone area shall be stabilized as soon as possible.

- (3) **Deadlines for stabilization after construction activity temporarily ceases.**
Stabilization measures shall be initiated as soon as practicable in portions of the site where construction activities have temporarily ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily ceased.
- (4) **Deadline for stabilization after construction activity permanently ceases.**
Stabilization measures shall be initiated immediately in portions of the site where construction activities have permanently ceased.
- (5) **Rill erosion** is the removal of soil by concentrated water running through little streamlets, or headcuts. Detachment in a rill occurs if the sediment in the flow is below the amount the load can transport and if the flow exceeds the soil's resistance to detachment.
 - (a) Erosion rills must be reworked, filled and compacted before final stabilization occurs on any disturbed area of land;
- (6) The Administrative Authority on a case by case basis may require any new or existing drainage ditches that are being constructed or have been disturbed during construction activities to be stabilized with solid sod to ensure the integrity of the drainage ditches. This will prevent future erosion and protect City of Bryant Stormwater Infrastructure.
- (7) A site can be considered finally stabilized when all soil disturbing activities at the site have been completed, and a uniform perennial vegetative cover with a density of 80% for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed.

3. City responsibilities.

- (a) Administration of these regulations shall be by the Administrative Authority who shall review to determine approval, disapproval or modification of stormwater management plans as provided herein.
- (b) All areas and/or structures dedicated to the city must be dedicated by plat or separate instrument and accepted by a formal letter from the Mayor, pursuant to resolution duly-adopted by the City Council.
- (c) Operation and maintenance of publicly owned facilities. The Administrative Authority shall be responsible, after written approval and acceptance, for the operation and maintenance of all drainage structures and improved courses which are part of the drainage structures and improved courses which are part of the stormwater runoff management system under public ownership and which are not constructed and maintained by or under the jurisdiction of any state or federal agency.

4. Private responsibilities.

- (a) Each developer or property owner of land within the corporate limits of the City of Bryant has a responsibility to provide that all approved stormwater runoff management facilities ensure adequate drainage and control of stormwater in the developer's or owner's property both during and after construction of such facilities.
- (b) Each developer, property owner, property owners association and improvement district has a responsibility and duty before and after construction to properly operate and maintain any on-site stormwater runoff control facility which has not been accepted for maintenance by the City of Bryant. Such responsibility is to be transmitted to subsequent owners through appropriate covenants.
- (c) All private systems not dedicated to the city shall have adequate easement to permit the Administrative Authority to inspect and, if necessary, to take any corrective enforcement action permitted by law should the responsible entity fails to properly maintain the system.
- (d) All private stormwater facilities shall be maintained by the owner in proper condition consistent with the performance standards for which they were originally designed.
- (e) All private systems must be designed to discharge at pre-developed rates unless approved by the Administrative Authority. New stormwater drainage system(s) cannot tie into existing systems of lesser capacity. In other words, a larger pipe cannot discharge into smaller pipe of lesser capacity.

5. Maintenance Plan Agreement (privately-owned facilities only):

- (a) A proposed inspection and maintenance agreement shall be submitted to the Administrative Authority for all private on-site stormwater discharge control facilities prior to approval of final plat. Such agreement shall be in a written form and its content acceptable to the Administrative Authority, and complying with it shall be the responsibility of the private owner or responsible party. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of the city at reasonable times for regular inspections. This agreement will identify who will have the maintenance responsibility. Possible arrangements for this maintenance responsibility might include the following:
 - (1) Use of homeowner's associations;
 - (2) Maintenance districts or improvement districts;
 - (3) Property owner or property leaser;
- (b) If at any time a maintenance agreement is submitted in a property leaser's name and the property leaser vacates the property, the maintenance agreement will automatically revert back to the owner of record.

- (c) All maintenance agreements shall contain and uphold, without limitation, the following provisions:
- (1) A description of the property on which the stormwater management facility is located and all easements from the site to the facility;
 - (2) Size and configuration of the facility;
 - (3) A statement that properties which will be served by the facility are granted rights to construct, use, reconstruct, repair and maintain access to the facility;
 - (4) A statement that each lot served by the facility is responsible for repairs and maintenance of the facility and any unpaid ad valorem taxes, public assessments for improvements, and unsafe building and public nuisance abatement liens charged against the facility, including all interest charges together with attorney fees, costs, and expenses of collection. If an association is delegated these responsibilities, then membership into the association shall be mandatory for each parcel served by the facility and any successive buyer. The association shall have the power to levy assessments for these obligations, and all that unpaid assessments levied by the association shall become a lien on the individual parcel;
 - (5) All stormwater facilities must be designed to minimize the need for maintenance, to provide easy vehicle and personal access for maintenance purpose, and be structurally sound. It shall be the responsibility of the applicant to obtain any necessary easements or other property interested to allow access to the facilities for inspection or maintenance;
 - (6) Detention/retention areas, earthen berms, intake structures, piping, discharge structures, trickle channels, spillways, pipe flares, weirs and fencing shall be regularly inspected, maintained and repaired to ensure their proper operation and to prevent the creation of any hazards or nuisances;
 - (7) Major deposits of sediment shall be removed from the detention/retention area on an annual basis or after any extreme storm event. Excavated materials shall be properly disposed of off-site. Every five years the detention area(s) shall be surveyed to confirm that the original as-constructed contours have been maintained;
 - (8) Every three months piping and outlet structures shall be inspected and cleared of any accumulated debris;
 - (9) Erosion in detention/retention areas shall be promptly repaired and stabilized with appropriate Best Management Practices (BMP's);
 - (10) Detention/retention area shall be mowed during the growing season May through September to maintain the turf height of 6-inches or less. Any brush or trees that may grow within the detention areas bottom, slopes or banks shall be removed;

- (11) Litter and foreign materials shall be removed from the detention area(s) weekly. Large or noxious pieces of litter shall be removed immediately. The area(s) shall be inspected visually after rainfall events in excess of 1" in 24 hours;
- (12) Inspections of overall detention/retention area(s) and detention/retention components shall occur monthly with their conditions noted on an inspection form. If any remedial action is required, it should be noted and corrected;
- (13) All inspection forms must be retained on-site, including the "As-Built" drawings and photographs of the improvements in their original condition;

6. Inspection authority. Inspections will be performed by the Administrative Authority on a regular basis during construction to ensure that the stormwater management plan measures are properly installed and maintained. The Administrative Authority shall inspect all stormwater facilities during the first year of operation, and at least once every year thereafter. In all cases the inspector will attempt to work with applicant or developer to maintain proper stormwater management.

7. Maintenance assurances and final approval.

- (a) **Maintenance Agreement.** A maintenance agreement approved by the Administrative Authority ensuring perpetual maintenance of stormwater management facilities or improvements, shall be agreed upon by the Administrative Authority and the applicant.
- (b) Maintenance of detention/retention ponds shall be the responsibility of the owner of record, property leaser, property owner's association and/or maintenance/improvement district. The owner of record, property owner's association, property leaser and/or a maintenance/improvement district shall be responsible for all maintenance and standards set forth in Article IV. Section 3-5 of this ordinance listed above.

ARTICLE V. STORMWATER INFRASTRUCTURE WARRANTY BOND.

- 1. Stormwater Infrastructure Warranty Bond.** A one year maintenance bond against defects in workmanship shall be required by the Administrative Authority for any portion of the stormwater management facilities privately owned or stormwater management improvements dedicated to the city, said maintenance bond is to be provide by cashier's check, irrevocable letter of credit or acceptable surety authorized to do business in the State of Arkansas. All forms of maintenance bonds shall be subject to approval by the Administrative Authority. The value of the bond shall be an amount equal to 100% of the value of the privately owned stormwater management facilities or stormwater system improvements being privately owned or dedicated to the city. A cost list must be provide to prove and verify the amount of the maintenance bond. The cost list shall include cost of stormwater infrastructure construction and components (piping, weirs, spillway structures, junction boxes, trickle channels, inlets, grates, riprap and site stabilization).
- 2. Procedurals.** These procedures are applicable to Stormwater Infrastructure that is to be dedicated to the public and maintained by the City of Bryant and for Private Stormwater Infrastructure that will be connected to overall City of Bryant Stormwater Infrastructure.

In accordance with Ordinance No. 2019-32 Article V. Section 1, City of Bryant Stormwater Department will require a Maintenance Warranty Bond as part of the process for approving Stormwater Infrastructure. The bond will be equal to 100% of the cost of construction of the Stormwater Infrastructure System at the time of completion of the Stormwater Infrastructure System. The purpose of the bond is to cover the cost of correcting deficiencies not addressed by the developer during the warranty period and to insure no adverse effects will occur to the overall function of the City of Bryant Stormwater Infrastructure.

3. **Determining the Maintenance Warranty Bond Amount.** During the final inspection process, the City of Bryant Stormwater Department will verify and approve the Warranty Bond estimate for all Stormwater Infrastructure within the proposed unit using:
 - (a) The Warranty Bond cost list estimate shall be presented to the City of Bryant Stormwater Department by formal letter. The formal letter shall include project name, developer contact information and "Cost List for Construction of Stormwater Infrastructure Components" including but not limited to piping, weirs, spillway structures, junction boxes, trickle channels, riprap, inlets, grates, weirs and site stabilization;
 - (b) The Bond amount will need to be re-evaluated if more than 18 months have passed from the time of the estimate review to the time of providing the bond to the City of Bryant Stormwater Department;
4. **Submitting the bond to the city.** After requesting a final inspection of the Stormwater Infrastructure and approval of completion by the City of Bryant Stormwater Department, the developer must provide the City of Bryant Stormwater Department with a bond equal to amount determined in Article V. Section 3. of this document. The Bond must be for a period of 12 months and be a financial guarantee in the form of a bond, letter of credit, or trust agreement executed by a surety company authorized to do business in the State of Arkansas. The Bond must be payable to the City of Bryant Public Works Department, conditioned that the developer will maintain the Stormwater Infrastructure in accordance with the Stormwater Management Manual Ordinance No. 2019-31 and the Stormwater Management Ordinance No. 2019-32.
5. **Warranty period.** After the Stormwater Infrastructure construction passes the final inspection and the one year warranty bond is received, the one year maintenance warranty period will begin. The one-year warranty period will start on the date the Maintenance Warranty Bond is received and accepted. There shall be no separate warranty period start dates for Stormwater Infrastructure within a single unit.
6. **Follow-up inspection.** The City of Bryant Stormwater Department will conduct a follow-up inspection within the tenth month of the warranty period but in no event any later than two months prior to the bond expiring. The City of Bryant Stormwater Department will issue a punch list of deficiencies that will be sent to the developer or contractor for the unit. If no deficiencies are found and camera video passes inspection, release of the bond will proceed as set out and as listed in Article V. Section 10 of this document.

7. **Correcting Deficiencies and Camera Video.** The developer must contact the City of Bryant Stormwater Department at least 24 hours before correcting any deficiencies or performing camera video. The developer shall also camera all stormwater infrastructure to ensure that there is no sediment laden infrastructure. Upon notification by the developer that all deficiencies have been corrected and camera video has been completed, the City of Bryant Stormwater Department will re-inspect to verify compliance with correction of deficiencies and reviewing the camera video to assure the stormwater infrastructure is not sediment laden or defective.
8. **Calling in the bond.** If the developer does not contact the City of Bryant Stormwater Department, deficiencies have not been corrected and the stormwater infrastructures has not been camera videoed by the end of the 11th month or one (1) month prior to the expiration of the Bond, the City of Bryant Stormwater Department will prepare an estimate and list of work to be done to bring the stormwater infrastructure into compliance. The City of Bryant Stormwater Department will contact the bonding agency to submit the cost estimates for correcting the deficiencies.
9. **Requesting Acceptance.** Once all deficiencies have been corrected, the City of Bryant Stormwater Department will prepare the paperwork for the Stormwater Infrastructure within the unit accepted for maintenance by the City of Bryant 'if dedicated', or paperwork will be prepared to release the bond if infrastructure is a private unit.
10. **Bond Release.** The Bond will be released once the City of Bryant has accepted the Stormwater Infrastructure for maintenance 'if dedicated', and an acceptance letter has been written by the City of Bryant Public Works. If all compliance has been met with a private Stormwater Infrastructure Unit(s) then the City of Bryant Stormwater Department shall contact the developer by formal letter and release the bond. No partial release of the Bond will be allowed at any time.

ARTICLE VI. DRAINAGE EASEMENTS, DRAINAGE SYSTEMS IN RIGHT OF WAY.

1. **Easement.** An easement is a right attached to a tract of land for a specific use or purpose. The land within the easement remains the property of the parent tract owner of which the easement is attached. A drainage easement allows for the unimpeded flow of stormwater through a particular area of property.
2. **The ownership and routine maintenance** of an easement or drainage easement rests with the property owner. It is expected that this area will be maintained as a property owner maintains the rest of their land.
3. **Landowner Responsibilities within Easements are as follows:**
 - (a) Maintain the drainage easement as your lawn, as much as practical. During wet times it may not be possible to mow. However, mowing and line-trimming should be performed as field conditions allow. Keep area free of limbs, leaves, trash and other debris that could impede drainage.
 - (b) Notify the Stormwater Department or City Code Enforcement if you observe anyone illegally, dumping, obstructing or otherwise blocking a drainage easement.

- (c) Construct Run-off controls (silt fencing or other devices) along the drainage easement line if you are doing work near the easement involving soil disturbance. This will help to reduce sediment and other erosion materials from entering the drainage system.
- (d) Do not fill-in, obstruct, or block a drainage easement or permit an impediment in the drainage easement to remain.
- (e) Do not construct or place improvements in a drainage easement such as pools, fences, sheds or other structures. Also, do not install temporary obstacles which cannot be easily moved such as play stations, swing sets, etc. These may impede the flow of water within the easement.
- (f) Do not dispose of brush, grass clippings, leaves, household materials or hazardous materials such as chemicals or petroleum products within the drainage easement.

4. City Involvement. Within an easement, the city will occasionally perform inspections, maintenance or drainage projects but the routine maintenance will be the responsibility of the property owner(s).

5. Drainage Systems in Rights of Ways. Owners of lots, tracts and parcels of land shall be responsible for maintaining stormwater drainage systems within city road right-of-ways except when otherwise specified in writing by the city. Maintenance responsibilities of the landowners fall into five Categories within road right-of-ways.

6. Categories of Rights-of-Way.

- (a) Open Swale Drainage without Sidewalks
- (b) Open Swale Drainage with Sidewalks
- (c) Curb and Gutter Drainage
- (d) Fully Piped and Covered Swale
- (e) Half Piped or Material Lined Swale

7. Property Owner's Maintenance Responsibilities by Right-of-Way Category.

- (a) **Open Swale without Sidewalk** - landowner is responsible for the area from the edge of the pavement to the owner's unencumbered lot line.
Property Owner Responsibilities - mowing the grassed area; removal of grass, weeds, bushes, sand, silt and debris at both ends of any driveway culvert; and replacement of the culvert pipe beneath any driveway that crosses the swale. If culvert replacement is a result of a drainage improvement or modification initiated by the city, or the culvert is damaged by the public, the remedy shall be at the city's expense. The landowner is responsible for repairing damage which they have caused.

- (b) **Open Swale with Sidewalk** - landowner is responsible for the area from the edge of the pavement to the owner's unencumbered lot line.
Property Owner Responsibilities - mowing the grassed area; removal of grass, weeds, bushes, sand, silt and debris at both ends of any driveway culvert; keeping sidewalks clean and maintained including mowing and edging grass; and replacement of the culvert pipe beneath any driveway that crosses the swale. If culvert replacement is a result of a drainage improvement or modification initiated by the city, or the culvert is damaged by the public, the remedy shall be at the city's expense. The landowner is responsible for repairing damage which they have caused.
- (c) **Curb and Gutter** - landowner is responsible for the area from the edge of the curb to the owner's unencumbered property line. If there is an existing sidewalk, the same requirements shall apply as in category B listed above.
Property Owner Responsibilities - keep curbs, gutters and catch basins free of litter and debris.
- (d) **Fully Piped and Covered Swale** - landowner is responsible for the area from the edge of the pavement to the owner unencumbered property line. If there is an existing sidewalk, the same requirements shall apply as in category 2 listed above.
Property Owner Responsibilities - maintain, repair and replace, when necessary, any structure which landowner has installed in the city's right-of-way.
- (e) **Half Piped or Material Lined Swale** - landowner is responsible for the area from the edge of the pavement to the owner unencumbered property line.
Property Owner Responsibilities - remove silt, litter, debris, grass, and weed clippings from the lined swale or channel so that half-pipe/channel remains free flowing.

8. Additional Guidelines of Drainage Systems in Rights-of-Way

- (a) The landowner may make a written request to the Public Works Director requesting that Public Works maintain the swale. The Public Works Director or their designee shall conduct an on-site inspection to confirm slope, then a written response with a maintenance schedule will be submitted to the landowner for the city to maintain the swale.
- (b) Landowners shall not be responsible for regrading swales within the road right-of-way adjacent to their lot. Once regrading is completed by the city, the landowner will resume responsibilities as listed.

- 9. A landowner building a fence structure on a tract of land which contains a drainage easement, cannot construct any part of the fence within the area of the recorded drainage easement. The fence must be offset from the easement and placed on the extent of the drainage easement lines. The landowner must provide themselves a means of access to the drainage easement area for maintenance purposes. This access could be a gate or opened pathway to the drainage easement. Maintenance includes management of vegetation as well as trash and debris removal.

10. Grass or weeds which have grown to a height of more than (6) inches, when not being used for a pasture or other agricultural purposes, shall be cut. All premises and exterior property shall be maintained free from weeds or excessive plant growth.

ARTICLE VII. MISCELLANEOUS PROVISIONS & ENFORCEMENT

1. Variances and appeal.

- (a) Variances from requirements.
- (1) The Administrative Authority may grant on a case by case basis a variance from the requirements of this ordinance if there are exceptional circumstances applicable to the site, such that strict adherence to the provisions of this ordinance will result in unnecessary hardship and not fulfill the intent of the ordinance;
- (b) An applicant may include in the application a request for variance. No variance shall be granted unless the applicant demonstrates and the Administrative Authority finds that all of the following conditions are present:
- (1) Enforcement of the standards set forth in this ordinance will not result in unnecessary hardship to the landowner;
- (2) The hardship is due to exceptional physical conditions unique to the property;
- (3) Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the purpose and intent of this ordinance;
- (4) The project will have no adverse impact upon any of the stated purposes of this ordinance;
- (5) The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety, and welfare, the environment and public and private property;
- (6) The net cumulative effect of the variance will not impact downstream conditions, waterbodies, creeks, streams or wetlands;
- (7) Existing regional facilities are shown to meet the performance standards of this ordinance;
- (c) If all of the conditions of paragraph 1-b above are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship in determining whether a variance will be granted, primary consideration given to water quality.
- (d) The content of a variance shall be specific and shall not affect other approved provisions of a SWPPP.

- (e) Economic hardship is not sufficient reason for granting a variance.
- (f) A written request for variance shall be required and shall state the specific variance sought and the reasons with supporting data, for the granting. The request shall include descriptions, drawings, calculations, and any other information that is necessary to evaluate the proposed variance.
- (g) Any substantial variance from the stormwater management plan shall be referred to all agencies which reviewed the original plans.
- (h) Appeals.
 - (1) Any person aggrieved by a decision of the Administrative Authority (including any decision with reference to the granting or denial of a variance from the terms of this ordinance) may appeal by filling a written notice of appeal with the Administrative Authority within thirty (30) calendar days of the issuance of said decision by the Administrative Authority. The Administrative Authority can then reverse his/her decision or send this notice to the City Council with comments. A notice of appeal shall state the specific reasons why the decision of the Administrative Authority should be reconsidered and the Administrative Authority shall prepare and send the City Council, within fifteen (15) of receipt of the notice of appeal, a written response to said notice of appeal;
 - (2) All such appeals shall be heard by the City Council which is hereby granted Specific Authority to hear and determine such appeals in a quasi-judicial capacity. Said appeal shall be heard by the City Council at its next regularly scheduled meeting date, not to exceed thirty (30) days after receipt of notice of appeal, or at such other time as may be mutually agreed upon in writing by the Mayor. The City Council will then render a decision within fifteen (15) days after the appeal has been heard;
 - (3) The City Council may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken;
 - (4) The concurring vote of a majority of the City Council shall be necessary to reverse the decision of the Administrative Authority;
 - (5) Each party to the appeal shall be entitled to a hearing before the City Council;
 - (6) Should either party be dissatisfied with the decision of the City Council, any appeal of said decision may be appealed to a court of competent jurisdiction in accordance with the laws of Saline County and the State of Arkansas;

2. **Tree removal.** If the Administrative Authority in good judgment and knowledge deems that an existing tree's future growth on a project site may have an adverse effect on stormwater infrastructure due to tree uprooting, root growth or over hanging a drainage easements, the Administrative Authority shall have full authority to request the removal of tree's.

3. **Incidentals and damages.** Any damages caused to existing stormwater infrastructure (drainage pipes, culverts, box culverts, storm drain inlets, etc.) in the City of Bryant caused during construction, expansions, utility work or directional boring, shall be the responsibility to repair or replace by the party in which the damage was caused. All incidents and damages shall be reported to the Administrative Authority and/or Bryant Public Works Department immediately.
 - (a) All repairs/replacements shall be inspected and approved by the Administrative Authority upon completion.

4. **Deficiencies in workmanship.** The City of Bryant shall hold all developments and construction to quality standards in workmanship in compliance with approved plans by the City of Bryant. If the Administrative Authority deems that quality standards are not being met, the following may occur:
 - (a) Stop work order may be issued;
 - (b) Non-quality workmanship shall be removed or updated to meet quality standards;

5. **Stop work orders and enforcement.**
 - (a) **Violations and penalties.** Permits may be revoked, stop work order issued, citation issued and Certificate of Occupancy held if one or more of the following occur:
 - (1) Proper state and federal permits are not obtained and posted on-site;
 - (2) Site has not followed proper submittal and approval requirements;
 - (3) Stormwater pollution prevention plan (SWPPP) not posted on-site;
 - (4) Construction plans not in accordance with the intent of approved SWPPP;
 - (5) Construction not in accordance with the intent of approved plans;
 - (6) Construction not adhering to requirements of the City of Bryant Stormwater Management Manual;
 - (7) Non-compliance with correction notice(s);
 - (8) The existence of an immediate danger in a downstream area in the judgement of the Administrative Authority;
 - (9) The existence of public health and safety hazards in the judgement of the Administrative Authority;

- (10) Environmental pollution in accordance with the Federal Clean Water Act;
- (b) **Violation Enforcement.** Whenever the Administrative Authority finds any noncompliance with the provisions stated in this ordinance that may be deemed as an imminent danger or will cause or threaten to cause bodily harm, damage to off-site property, or a public hazard a stop work order may be issued immediately.
- (c) **Stop work orders.** If one or more of these conditions above in section (5)(a) or (5)b are found, an immediate stop work order shall be issued. Stop work orders shall be served upon the owner or duly-authorized operator(s) on-site if available. If owner or duly-authorized operator(s) are not available for immediate contact, a stop work order shall be posted in a conspicuous place on the premises, and the owner or duly-authorized operator(s) shall be contacted by electronic mail, phone, facsimile mail or certified letter. The permittee, owner or duly-authorized operator(s) shall have 72 hours from the time and date of notification by the Administrative Authority to correct any noncompliance. Stop work orders shall cause all activities, not necessary to correct noncompliance, to cease until noncompliance is corrected. If site is not in compliance within the 72 hours after the stop work order is issued a citation may be issued. Stop work orders shall include the following:
- (1) Name of the owner or duly-authorized operator(s) in which the stop work order was issued to;
 - (2) Address, parcel number or location of the site in violation;
 - (3) Date and time of issuance of the stop work order;
 - (4) Violation(s) which set forth the issuance of the stop work order;
 - (5) Measures necessary to achieve compliance with violation(s) stated in stop work order;
 - (6) Signature of the Authority who issued the order;
- (d) **Operational suspension.** An order executed by the Administrative Authority which temporarily stops operations of a permit or business license holder for the purpose of putting a halt to a violation in progress, protecting the environment, or safeguarding public health. Operations can resume and the operational suspension lifted, once the Administrative Authority deems compliance has been achieved and all related requirements and activities have been met. These requirements may include, but are not limited to cleanup, soil testing, water testing, restoration, stabilization or other activities as prescribed by the Administrative Authority. The Administrative Authority may require cleanup to be done by licensed Environmental Restoration Professional.
- (1) Any business in violation of this ordinance, can be subject to an operational suspension per the Administrative Authority if deemed necessary to reach compliance. Operational suspension may include suspension of a permit or business license if deemed necessary to stop a violation in progress or to reach total compliance.

- (e) **Noncompliance and stop work order removal.** It shall be a violation of this ordinance for the unauthorized removal of a stop work order from the premises when posted on the project site. Failure to comply with a stop work order will result in a citation. Once a stop work order has been issued only the Administrative Authority may remove the stop work order.
- (f) It shall be a violation of this ordinance for any owner, duly-authorized operator or contractor to commence any activity that requires permit coverage without prior approval from the Administrative Authority. Failure to obtain approval may result in stop work orders, enforcement fees, citations, court cost and/or fines.
- (g) **Remedial work.** If it is determined through inspection that the development is not proceeding in accordance with the approved stormwater management plans, construction plans, drainage or building permit, the Administrative Authority shall immediately issue a written notice in person, by electronic mail, certified letter or facsimile mail to the permittee concerning the alleged noncompliance, accompanied by documentary evidence demonstrating noncompliance and specifying what remedial work is necessary to bring the project into compliance. The permittee, upon notification, shall immediately commence the recommended remedial action and shall complete the remedial work within 72 hours or reasonable time as determined in advance by the Administrative Authority or a stop work order or citation shall be issued.

6. Notice of violation and enforcement.

- (a) Notice of violation(s) shall be given in cases of noncompliance with this ordinance or the Stormwater Management Manual. Notice of Violation(s) may be issued if one or more of the following have occurred:
 - (1) Noncompliance with best management practices (BMP) standards as listed in this ordinance;
 - (2) Overgrowth of land, basin or easement way;
 - (3) Illegal dumping or minor illicit discharges;
 - (4) Noncompliance with approved plans by the City of Bryant;
 - (5) Noncompliance with ADEQ Large or Small Scale Development Permit (NPDES Construction General Permit Number ARR150000);
 - (6) Noncompliance with Good Housekeeping Standards;
- (b) Notice of violation(s) shall be served upon the owner or duly-authorized operator(s) on-site if available. If owner or duly-authorized operator(s) are not available for immediate contact, the owner or duly-authorized operator shall be contacted by electronic mail, facsimile mail or certified letter with the Notice of Violation. Notice of Violation shall include the following:

- (1) Name of the owner or duly-authorized operator(s) in which notice of violation was issued;
 - (2) Address, parcel number or location of the site in violation;
 - (3) Date and time of issuance of the notice of violation;
 - (4) Violation(s) which set forth the issuance of the notice of violation;
 - (5) Measures necessary to achieve compliance with violation(s);
 - (6) Time frame given for violations to be in full compliance with this ordinance;
 - (7) Signature of Authority who issued the notice of violation;
- (c) If the Administrative Authority deems necessary, an extension to correct violation(s) may be given.

7. Certificate of Occupancy. The City of Bryant Stormwater Department may at any time put a hold on a Certificate of Occupancy (temporary or permanent) to ensure completion of approved plans by the City of Bryant, completion of stormwater management facilities, silt recovery, completion of final stabilization and compliance with this ordinance and City of Bryant Stormwater Management Manual.

8. Inspection. The Administrative Authority shall be responsible for determining whether the stormwater management plan, plans approved by the City of Bryant, and stormwater management facilities are in conformance with the requirements specified by the city's Stormwater Management Manual. Also, the Administrative Authority shall be responsible for determining whether the development site is proceeding in accordance with the approved drainage plan. Periodic inspection of the development site shall be made by the Administrative Authority. Through such periodic inspections the Administrative Authority shall ensure that the stormwater management plan and approved site plan is properly implemented and that improvements are maintained and updated.

9. Legal. The City of Bryant, by and through its legal representative, may institute injunctive, mandamus, or other action or proceedings at law or equity for the enforcement of this ordinance or to correct violations of this ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunction, mandamus or other appropriate forms of remedy or relief.

10. Penalty.

- (a) Any owner, permittee, firm, corporation, business, developer, contractor or persons who fails to comply with or violates any of the regulations or requirements in this ordinance and found guilty shall be charged on the schedule of fines listed below:

<i>Offense</i>	<i>Fine (Per Day)</i>
First and Subsequent Offenses	\$100.00 - \$500.00

- (b) Any owner, business, permittee, firm, corporation, developer, contractor or persons found guilty of an illicit discharge shall be charged on the schedule of fines listed below:

<i>Illicit Discharge Offense</i>	<i>Fine (Per Offense)</i>
First	\$1000.00 (Maximum)
Second	\$2000.00
Third and Subsequent Offenses	\$3000.00

- (c) **Enforcement fee.** Where enforcement action is needed to bring a site into compliance with this ordinance or the Federal Clean Water Act, fees will be charged to permit holder, owner, business, contractor or persons in violation of this ordinance.

11. Conflict resolution and interpretation.

- (a) **Interpretation.** In the interpretation and application, the provisions of these regulations in this ordinance shall be held to the minimum requirements for the promotion of the public health, safety and general welfare.
- (b) **Conflict with other laws.** Whenever the provisions of this ordinance impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more restrictive standards that are required herein, the requirements of such shall prevail.

12. Disclaimer of liability.

- (a) The performance standards are design criteria set forth herein and in the Stormwater Management Manual establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the City of Bryant or its officers and employees of the adequacy or safety of any stormwater management structure or use of the land. Nor shall the approval of the Stormwater Management Plan imply that the land uses that are permitted will be free from damages caused by stormwater runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff heights may be increased by man-made or natural causes. These regulations, therefore, shall not create liability on the part of the city or any officer or employee with respect to any legislative or administrative decision lawfully made hereunder.
- (b) Neither approval of a plan under the provisions of this ordinance nor the compliance with the provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law.

13. Amendments.

For the purpose of providing for the public health, safety and general welfare, the City Council may, from time to time, amend the provisions of these regulations. This ordinance may be amended in the manner as prescribed by law for its original adoption. Before the City Council considers an amendment to this ordinance, it must seek the advice of the Administrative Authority who will make a recommendation for each amendment within thirty (30) days of this request.

SECTION 2. Pre-existing Projects. Any applicant or owner of a parcel of land within the jurisdiction of the City of Bryant who has constructed a required stormwater management facility or who is in the application process shall be held to the requirements in effect at the time the permit was approved.

SECTION 3. Severability. The provisions of this ordinance are severable. If any term, requirement or provision of this ordinance or the application thereof to any person or circumstance shall, to any extent, be found invalid or unenforceable, the remainder of this ordinance or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall be valid and be enforced to the fullest extent permitted by law. The City of Bryant hereby declares that it would have enacted the remainder of these regulations even without any such part, provisions or application found to be unlawful or invalid.

SECTION 4. Repealer. All ordinances and resolutions, and parts thereof, which are in conflict with any provisions of this ordinance, are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. The ordinance shall become effective on the 1st day of January 2020 after adoption.