

**VILLAGE OF BEE CAVE, TEXAS
NONPOINT SOURCE POLLUTION CONTROL ORDINANCE
FOR THE
LAKE TRAVIS, LAKE AUSTIN, AND BARTON CREEK WATERSHEDS**

ORDINANCE NO. 90-1

**AS APPROVED AND ADOPTED BY THE
BOARD OF COMMISSIONERS**

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VILLAGE OF BEE CAVE, TEXAS
NONPOINT SOURCE POLLUTION CONTROL ORDINANCE
PREAMBLE

The Village of Bee Cave was incorporated in 1987 and one of its municipal goals and responsibilities is to conserve and protect the soil and water resources within its corporate boundaries and extraterritorial jurisdiction (ETJ). To that end, the Village Board of Commissioners has adopted this Nonpoint Source Pollution Control Ordinance which has been patterned after the water quality leadership policy and Lake Travis Nonpoint Source Pollution Control Ordinance adopted, respectively, in August 1988 and December 1989 by the Lower Colorado River Authority (LCRA). The regulatory program established by this ordinance is designed to reduce the total pollutant load present in stormwater runoff thus reducing the introduction of pollutants in the three (3) watersheds within Bee Cave and its ETJ. Those watersheds are Lake Travis, Lake Austin, and Barton Creek

The Environmental Protection Agency (EPA) reports that nonpoint source pollution now accounts for more than 98% of the fecal and total coliform bacteria, 90% of the sediment, 80% of the nitrogen, and over 50% of the phosphorus entering the nation's rivers and streams.

The impacts of nonpoint source pollution can be widespread and severe. Impacts include:

- Siltation of creeks and reservoirs
- Reduced fish and wildlife habitat
- Growth of aquatic weeds

- Algal blooms and fish kills
- Reduced recreational opportunities because of bacterial contamination and increased turbidity
- Contamination of food and water sources

Prevention of nonpoint source pollution is far less expensive than correcting the pollution once it has occurred and creates economic benefits such as:

- Reduced water treatment costs
- Prolonged viability of water storage reservoirs
- Expanded recreational opportunities and resultant economic growth
- Increased property values and tax base along lakes and waterways
- Decreased damages to health and property

Environmental benefits of controlling nonpoint source water pollution include:

- Increased productivity of range and farmland
- Increased productivity of aquatic ecosystems
- Preservation of diverse wildlife habitat
- Increased recreational and aesthetic opportunities

By adopting this ordinance, Bee Cave's commitment to maintaining the water quality of Lake Travis, Lake Austin, and Barton Creek is clearly demonstrated.

**VILLAGE OF BEE CAVE NONPOINT SOURCE POLLUTION
CONTROL ORDINANCE**

SECTION 1. TITLE. This ordinance shall be known and may be cited as Village of Bee Cave Nonpoint Source Pollution Control Ordinance.

SECTION 2. AUTHORITY. This ordinance is promulgated under the authority of the H.B. No. 3187 and H.B. No. 2884, Acts of the 71st Legislature, Regular Session, 1989.

SECTION 3. DEFINITIONS.

Affected person: Any person who resides within Bee Cave's corporate limits or ETJ, whose legal rights, duties, or privileges may be adversely affected by NPS pollution from any proposed development or which a permit is sought.

Agricultural activities: Pasturing of livestock or use of the land for planting, growing, cultivating, and harvesting crops for human or animal consumption.

Annual pollutant load: The amount of pollution in stormwater runoff that is discharged from a developed site over the course of one year; usually measured in pounds and based on an average year of rainfall. (The average annual rainfall in Travis County in the Lake Travis watershed is 32.5 inches/year.) The annual pollutant load is estimated by multiplying the pollutant concentration by the volume of runoff and does not include the background pollutant load.

Applicant: A landowner or land user (or their duly authorized designee) who applies for a permit under this ordinance.

Background pollutant load: The amount of pollution in stormwater runoff that is discharged from a site before development. The background pollutant load is calculated according to the following formula: area of site X annual runoff coefficient X background stormwater pollution concentrations. The annual runoff coefficient is 0.10. The background stormwater pollution concentrations for total suspended solids, total phosphorous, and oil and grease are 48 mg/l, .08 mg/l and 0.0 mg/l, respectively.

Best Management Practices (BMPs): Those practices, including but not limited to those described in LCRA's Technical Manual, that prevent or control nonpoint source pollution.

Commercial development: All development other than open space, single-family, or multi-family residential development.

Commission: The Board of Commissioners of the Village of Bee Cave.

Development: All land development activity, including the construction of buildings, roads, paved storage areas, and parking lots. "Development" also includes any land disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, excavating, filling and grading, mining, and dredging. Care and maintenance of lawns, gardens, and trees; minimal clearing (10 feet wide) for surveying and testing; and agricultural activities are excluded from this definition.

Erosion: The detachment and movement of soil, sediment, or rock fragments by wind, water, ice, or gravity.

Landowner: Any person holding title to or having an interest in land.

Land user: Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Multi-family development: Any building that contains three (3) or more attached units designed for residential use (e.g. apartments, townhomes, etc.).

Nonpoint source (NPS) pollution: Pollution that is caused by or attributable to diffuse sources. Such pollution results in the human-made or human-induced alteration of the chemical, physical, biological, or radiological integrity of water. Typically, NPS pollution results from land runoff, precipitation, atmospheric disposition, or percolation.

NPS pollution controls: Those BMPs, including but not limited to those described in LCRA's Technical Manual, that prevent or control nonpoint source pollution.

Permit: A permit issued by Bee Cave upon an approval of an applicant's permit application. The permit includes the approved NPS pollution controls (BMPs).

Permittee: A landowner or land user who is undertaking land development activities pursuant to a permit granted according to the provisions of this ordinance.

Person: Any individual, organization, trust, partnership, firm, association, public or private corporation, political subdivision, or any other legal entity.

Pollution: Alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Sedimentation: Deposit of detached soil particles.

Single-family development: One- and two-family dwelling units.

Site: The entire area included in the legal description of the land on which development is proposed in the permit application.

Technical Manual: The manual developed by LCRA that explains various BMPs that, when implemented, should achieve the performance standards and other requirements set forth in Section 5 of this ordinance.

SECTION 4. SCOPE AND APPLICATION.

(a) Permit Required. Except as provided in subsections (b), (c), (d), (e), and (f) of this section, no landowner or land user subject to this ordinance may commence or conduct development in the Lake Travis, Lake Austin, or Barton Creek watersheds which lie within Bee Cave and its ETJ without first obtaining an NPS pollution control permit from Bee Cave. Prior to commencing development, the landowner or land user controlling or using the site and desiring to undertake development subject to this ordinance shall pay an application fee and submit a complete application for a permit. By submitting an application, the applicant is authorizing Bee Cave to enter the site to obtain information required for the review of the permit application. Bee Cave shall

issue a NPS pollution control permit upon the applicant's submission of a complete permit application, payment of the application fee, and upon Bee Cave's approval of the permit application. The provisions of this ordinance regarding permit application and issuance shall be applied consistently, uniformly, and fairly to all applicants and permittees.

(b) Existing Ordinances. This ordinance is intended to be supplementary and complimentary to the Bee Cave Subdivision Ordinance (Ordinance No. 87-2 and all subsequent amendments); the Bee Cave Site Development Ordinance (Ordinance No. 89-11 and all subsequent amendments) and the Bee Cave Flood Damage Prevention Ordinance (Ordinance No. 88-3 and all subsequent amendments). Review of NPS permit applications can and/or will be done in conjunction with plat or site plan submittals as required by the referenced ordinances. Final review and approval of NPS permit applications will be performed in conjunction with the review and approval of final construction documents for the plat or site plan.

(c) Single-family Residences. No permit is required for the construction of a single-family residence on a single-family lot. Landowners or land users undertaking such construction shall, however, utilize the measures for controlling erosion and sedimentation described in the Technical Manual during the construction process. Such landowners or land users shall, at the

time of application for building permits from Bee Cave, demonstrate the erosion and sedimentation control measures that will be used. A single-family residence is a detached structure designed for occupancy by one family as a residence. Construction of a single-family residence does not include construction of infra-structure such as roadways, utilities, and drainage improvements.

(d) Existing Development. No permit is required for existing development. If, however, improvements or additions are made after the effective date of this ordinance which substantially increase the amount of development, then the landowner or land user must obtain a permit and demonstrate that the pollution resulting from the development will meet the performance standards set forth in Section 5 of this ordinance. This subsection does not apply to single-family residences as described in subsection (c) of this section.

(e) Final Plats. Landowners or land users developing sites for which final subdivision plats have been approved by Bee Cave prior to the effective date of this ordinance do not need a permit and are not required to comply with subsections (a) and (b) of Section 5 of this ordinance. Such landowners or land users shall, however, comply with subsection (c) of Section 5 of this ordinance regarding erosion and sedimentation control. Such landowners or land users shall, at the time of application for building permits from Bee Cave, demonstrate the erosion and sedimentation control measures that will be used.

(f) **Utility Lines.** Landowners or land users installing utility lines must obtain a permit, but are not required to comply with subsections (a) and (b) of Section 5 of this ordinance. Such landowners or land users shall, however, comply with subsection (c) of Section 5 of this ordinance regarding erosion and sedimentation control. No permit is required for routine maintenance and installation of utility lines if a landowner or land user complies with the guidelines set forth in the Technical Manual for such activity.

SECTION 5. PERFORMANCE STANDARDS.

Except as otherwise provided in Section 4 of this ordinance, all development subject to this ordinance shall achieve the following performance standards:

(a) **Total Suspended Solids, Total Phosphorous, and Oil and Grease.**

(1) **Total Suspended Solids.** For development on slopes between 0% and 15%, seventy percent (70%) of the annual pollutant load in the stormwater runoff for total suspended solids shall be removed. For development on slopes greater than 15% but less than 25%, eighty percent (80%) of the annual pollutant load in the stormwater runoff of total suspended solids shall be removed. For develop-

ment on slopes greater than 25%, ninety percent (90%) of the annual pollutant load in the stormwater runoff of total suspended solids shall be removed. All development located within 500 feet of the 504.9 msl contour line on Lake Austin (measured perpendicular to the contour line toward the shore) and on slopes between 0% and 15%, must have seventy-five percent (75%) of total suspended solids removed after development is complete. All development located within 500 feet of the 504.9 msl contour line on Lake Austin (measured perpendicular to the contour line toward the shore) and on slopes over 15%, must have ninety percent (90%) of the total suspended solids removed after development is complete;

- (2) **Total Phosphorous.** For development on slopes between 0% and 15%, seventy percent (70%) of the annual pollutant load in the stormwater runoff for total phosphorous shall be removed. For development on slopes greater than 15% but less than 25%, seventy-five percent (75%) of the annual pollutant load in the stormwater runoff for total phosphorous shall be removed. For development on slopes greater than 25%, eight-five percent (85%) of the annual pollutant load in the stormwater runoff of total phosphorous shall be removed. All development located within 500 feet of the 504.9 msl contour line on Lake Austin (measured perpendicular to the contour line toward the shore) and on slopes

between 0% and 15%, must have seventy-five percent (75%) of total phosphorous removed after development is complete. All development located within 500 feet of the 504.9 msl contour line on Lake Austin (measured perpendicular to the contour line toward the shore) and on slopes over 15%, must have eighty-five percent (85%) of total phosphorous removed after development is complete;

- (3) Oil and Grease. For development, other than single-family residences, on slopes between 0% and 15%, seventy percent (70%) of the annual pollutant load for oil and grease shall be removed. For development, other than single-family residences, on slopes greater than 15% but less than 25%, seventy-five percent (75%) of the annual pollutant load for oil and grease shall be removed. For development, other than single-family residences, on slopes over 25%, eighty-five percent (85%) of the annual pollutant load in the stormwater runoff for oil and grease shall be removed. All development, other than single-family residences, located within 500 feet of the 504.9 msl contour line on Lake Austin (measured perpendicular to the contour line toward the shore) and on slopes between 0% and 15%, must have seventy-five percent (75%) of oil and grease removed after development is complete. All development, other than single-family residences, located within 500

feet of the 504.9 msl contour line on Lake Austin (measured perpendicular to the contour line toward the shore) and on slopes over 15%, must have eighty-five percent (85%) of oil and grease removed after development is complete.

TABLE 1 SUMMARY OF BEE CAVE PERFORMANCE STANDARDS FOR POLLUTANT REMOVAL LEVELS -- INCREMENTAL POLLUTANT REMOVAL REQUIREMENT

FLATTER PROPERTY (0 - 15% SLOPE)			
	TOTAL SUSPENDED SOLIDS	TOTAL PHOSPHOROUS	OIL & GREASE
GENERAL	70%	70%	70%
SHORELINE (within 500' of 504.9 MSL on Lake Austin)	75%	75%	75%

MODERATELY SLOPED PROPERTY (15 - 25% SLOPE)			
	TOTAL SUSPENDED SOLIDS	TOTAL PHOSPHOROUS	OIL & GREASE
GENERAL	80%	75%	75%
SHORELINE (within 500' of 504.9 MSL on Lake Austin)	90%	85%	85%

STEEPLY SLOPED PROPERTY (GREATER THAN 25% SLOPE)			
	TOTAL SUSPENDED SOLIDS	TOTAL PHOSPHOROUS	OIL & GREASE
GENERAL	90%	85%	85%
SHORELINE (within 500' of 504.9 MSL on Lake Austin)	90%	85%	85%

(b) **Streambank Erosion.** Streambank erosion shall be controlled by designing the drainage system so that the amount of erosion and siltation occurring in the receiving streams is not increased. Specifically, the magnitude and frequency of the predevelopment one-year design storm shall remain the same. The one-year design storm shall be that storm as defined in the Technical Manual; and

(c) **Erosion and Sedimentation Control.** Erosion and sedimentation shall be controlled throughout the development process in accordance with the Technical Manual.

(d) **Alternative Performance Standards for Single-Family Subdivisions.** Development of single-family subdivisions that meets all of the following criteria need not comply with subsections (a) and (b) of this section:

(i) Minimum lot size of one acre; and

(ii) Street and drainage network is designed without curbs or gutters, or some other suitable design, so that runoff is treated using overland flow methods to a vegetated buffer. The vegetated buffer must meet the slope and vegetative cover criteria in the Technical Manual.

Landowners or land users developing single-family subdivisions shall, at the time of final plat or construction document review and approval or application for flood control permits from Travis County, demonstrate the erosion and sedimentation control measures that will be used in accordance with the Technical Manual.

SECTION 6. PROCESSING OF PERMIT APPLICATIONS.

(a) **Preparation of Permit Applications.** Landowners or land users who must obtain an NPS pollution control permit shall prepare the permit application in accordance with the Technical Manual, which is incorporated herein by reference as if set forth in full and which may be amended from time to time in accordance with Section 13(b) of this ordinance.

(b) **Review and Approval of Permit Applications.**

(1) **General.** Bee Cave shall review applications for NPS pollution control permits in conjunction with the review of applications for development permits and subdivision approval.

(2) **Initial Review.** Once the application is accepted by Bee Cave, Bee Cave will conduct a technical review of the permit application. The technical review period shall commence upon acceptance

of the permit application and will continue for a period of time not to exceed that set forth in the previously referenced ordinances. The applicant shall be promptly notified of any additional information that may be necessary for a complete technical review.

- (3) **Subsequent Reviews.** If more information is needed to complete the technical review, an applicant shall have thirty (30) calendar days to submit additional information or revise the application. If the applicant provides the additional information within the thirty (30) day period, the technical review shall be extended for no more than fifteen (15) calendar days. If the applicant does not provide the additional information within the thirty (30) day period, Bee Cave may withhold approval of any preliminary or final plats or site plans until such time as the additional information is submitted by the applicant.

(c) **Published Notice of Application.** After the initial review period described in subsection (b)(2) of this section has expired, notice of the application shall be published in a newspaper of general circulation in the area where the site is located. The notice shall state the name and address of the applicant; that Bee Cave has determined that the application is administratively complete; the type of permit the applicant is seeking; the location of the site; and that comments on the application may be made by any interested person. Applicant shall bear the cost of publishing the required notice.

(d) **Public Meetings.** Bee Cave shall afford all interested persons reasonable opportunity to submit data, views, or concerns about the application either orally or in writing. This input will be taken and considered in the normal course of public hearings for preliminary and final plat review and approvals and site plan review and approvals.

(e) **Application Fees.** The application fees shall be as described in the fee schedule approved by the Commission. The fee schedule may be amended from time to time by the Commission in accordance with Section 13(b) of this ordinance. The fee is intended to cover the cost of processing applications, inspections, and other costs incurred by Bee Cave in administering this ordinance.

(f) **Letter of Credit.** Approval of a permit application is contingent upon the execution of a Letter of Credit acceptable to Bee Cave in the amount specified in the permit which provides for the construction of NPS pollution controls (BMPs) in accordance with the permit and any other provision of this ordinance. The amount of the Letter of Credit shall not be less than 100% of the cost of the NPS pollution controls (BMPs), as estimated by the Professional Engineer who seals the permit application. The Letter of Credit shall be released after the final inspection/concurrence letter has been accepted by Bee Cave.

(g) **Permit Insurance.** Bee Cave staff shall issue a NPS pollution control permit after the applicant has demonstrated compliance with the requirements of this ordinance. A permittee may commence development upon issuance of the permit.

SECTION 7. PERMITS.

(a) **Permit Conditions.** All permits shall require the permittee to:

- (1) Notify Bee Cave within 48 hours before commencing any development;
- (2) Obtain a permit amendment from Bee Cave prior to modifying the approved NPS pollution controls (BMPs); however, no permit amendment is required for minor field adjustments of temporary erosion controls;
- (3) Install all NPS pollution controls (BMPs) as identified in the approved permit;
- (4) Comply with the requirements of Section 9 of this ordinance regarding maintenance plans;
- (5) Repair any siltation or erosion damage resulting from development;

- (6) Inspect all temporary erosion and sedimentation controls after each rain of one-half (0.5) inch or more, and at least once each week, and make needed repairs;
- (7) Allow Bee Cave to enter the site for the purpose of inspecting compliance with the permit, or for performing any work necessary to bring the site into compliance with the permit;
- (8) Designate a location on the site for the posting of notices;
- (9) Keep a copy of the permit and all development plans on the site or with the permittee's designated representative;
- (10) Upon completion of development, a registered professional engineer shall certify in writing to Bee Cave that the NPS pollution controls (BMPs) were constructed in accordance with the permit conditions and this ordinance; and
- (11) Promptly notify Bee Cave in writing of any change in the name, address, or telephone number of the permittee.

(b) Duration. Except as provided in subsection (c) of this section, NPS pollution control permits shall be valid for the life of a project once development is complete.

(c) Termination for Nonuse. A NPS pollution control permit can be automatically terminated should the approved plat or site plan expire or if the permittee has not commenced development within three (3) years from the date of issuance of the permit. Commencement of development means clearing the site and performing initial or rough grading of the improvements. If Bee Cave terminates a permit for nonuse and the Letter of Credit is still in effect, Bee Cave may call on the permittee's Letter of Credit in order to provide permanent stabilization of the site.

SECTION 8. RIGHT OF ENTRY AND INSPECTION.

(a) Right of Entry. Any person or his successors or assigns who has filed a permit application or received a permit under this ordinance shall allow entry by Bee Cave on the site for the purposes of inspection and monitoring. Employees and agents of Bee Cave are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions related to water quality and administration of this ordinance. They shall notify the owner or his designated agent prior to entering the site for inspection purposes.

(b) Predevelopment Inspection. After permit issuance, but before the installation of permanent erosion and sedimentation controls and before development commences, the applicant shall provide a written request to Bee Cave for an inspection of the temporary erosion controls. This predevelopment inspection must be attended by the applicant, Bee Cave engineer, the design

engineer, contractor, and field engineer. The Bee Cave engineer will determine whether the temporary erosion and sedimentation controls will be in compliance with the permit. If Bee Cave does not conduct the predevelopment inspection within five (5) working days of receipt of the request for inspection, the applicant may proceed with development.

(c) Inspections during Development. During development, Bee Cave shall inspect the site to ensure that temporary and permanent erosion controls are being maintained and that the permanent NPS pollution controls (BMPs) are being constructed in accordance with the requirements of this ordinance.

(d) Final Inspection. Upon completion of development, Bee Cave shall conduct a final inspection of the NPS pollution controls used. This final development inspection must be attended by the permittee, Bee Cave engineer, the design engineer, contractor, and field engineer. The Bee Cave engineer will determine whether the NPS pollution controls are in compliance with the permit. If the NPS pollution controls are approved, Bee Cave shall release the permittee's Letter of Credit.

(e) Annual Inspections. All permanent NPS pollution controls (BMPs) will be inspected at least annually by Bee Cave. The fee for this inspection shall be included as part of the permit application fee collected by Bee Cave.

SECTION 9. MAINTENANCE OF NPS POLLUTION CONTROLS.

(a) **Maintenance Plans.** Prior to permit issuance, all applicants shall prepare a plan describing the measures necessary to maintain each NPS pollution control (BMP) required by this ordinance in accordance with the maintenance guidelines set forth in the Technical Manual. The maintenance plan must be submitted to and approved by Bee Cave. Upon receiving written approval of the maintenance plan from Bee Cave, the landowner or land user must record in the county deed records that the property is subject to an NPS pollution control maintenance plan and must also, upon transferring title to that property, or any subdivided portion thereof, place a restriction in the deed that states that the property is subject to an NPS pollution control maintenance plan.

(b) **Maintenance Required.** All NPS pollution control measures (BMPs) and their appurtenances shall be maintained by Bee Cave, a utility district, or the applicant or subsequent landowner(s) or land user(s) pursuant to the approved plan. Landowners and land users outside the Village limits and not within a utility district may elect to form a Maintenance Association (MA) in accordance with this section prior to permit issuance. The MA may elect to contract with Bee Cave or Travis County for maintenance on an annual basis. All MAs must post financial security or create a maintenance fund for the purpose of maintaining all NPS pollution controls (BMPs) required by this ordinance. The duties and responsibilities of an MA may be performed by a Homeowners' Association,

Property Owners' Association, or like entity if it meets the requirements of subsections (b) and (c) of this section. The maintenance of all BMPs shall be in accordance with the permit and the approved maintenance plan.

(c) Requirements for MAs. The applicant must submit to Bee Cave the approved Articles of Association for the MA, as well as a map showing the boundaries of its jurisdiction. The MA must have the following general powers which are reflected in the Articles of Association:

- (1) Own and convey property;
- (2) Operate and maintain common property, specifically the NPS pollution controls (BMPs);
- (3) Establish rules and regulations;
- (4) Assess members maintenance fees and enforce said assessments;
- (5) Sue and be sued;
- (6) Contract for services to provide operation and maintenance;
- (7) If the MA is a homeowners' association, it must have as members all the homeowners, lot owners, property owners, or unit owners;

- (8) The MA shall exist in perpetuity; however, if the MA is dissolved or annexed into Bee Cave or a utility district, the Articles of Association must provide that the property consisting of the NPS pollution controls (BMPs) shall be conveyed to Bee Cave or a utility district; and
- (9) It shall be clearly stated in the Articles of Association of the MA that:

 - (i) It is the responsibility of the MA to operate and maintain the NPS pollution controls (BMPs);
 - (ii) The NPS pollution controls (BMPs) is/are owned by the MA or described therein as common property;
 - (iii) There is a method of assessing and collecting the assessment for operation and maintenance of the NPA pollution controls (BMPs); and
 - (iv) Any amendment that would affect the NPS pollution controls (BMPs) must be approved by Bee Cave.
- (d) Phased Projects. If an MA is proposed for a project which will be developed in phases and subsequent phases will utilize the NPS pollution controls (BMPs), the MA must have the ability to accept future phases into the MA.

SECTION 10. ENFORCEMENT.

(a) **Violations.** It is unlawful under this ordinance:

- (1) for any landowner or land user to undertake any development subject to this ordinance without first obtaining a valid NPS pollution control permit from Bee Cave;
- (2) for a landowner or land user subject to this ordinance to cause, suffer, or allow another to undertake development on his or her property without a valid NPS pollution control permit; or
- (3) for any person to fail to comply with the terms and conditions of a permit issued under this ordinance or a maintenance plan required by this ordinance.

(b) **Stop-work Order.** If Bee Cave determines that there has been development without a permit or otherwise not in compliance with this ordinance, the landowner or land user shall be ordered to stop work. The stop-work order shall direct that no further development shall take place until the landowner or land user complies with this ordinance. The stop-work order shall be in writing and, in the case of a permitted development, shall be posted at the

site in the location designated for posting such notices. If the development is occurring on an unpermitted site, the notice shall be prominently posted at the site.

(c) **Permit Revocation.** A permittee shall have ten (10) days from the date that the stop-work order is posted to comply with the terms and conditions of the permit. If a permittee fails to comply within this period, Bee Cave may revoke the permit.

(d) **Enforcement of Maintenance Plan.** If Bee Cave determines that an MA, permittee, or utility district is not implementing an approved maintenance plan, the MA, permittee, or utility district shall be ordered to implement the plan. An MA, permittee, or utility district shall have sixty (60) days from the date that the order is issued to comply with the maintenance plan. If the MA, permittee, or utility district fails to comply within this period, Bee Cave may perform the necessary maintenance and assess the MA, permittee, or utility district for the work performed. Bee Cave may also seek penalties.

(e) **Penalty.** Any person violating provisions of this ordinance shall be subject to a penalty of not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00) for each violation. Each calendar day a violation exists shall constitute a separate offense.

(f) **Injunction.** Compliance with the provisions of this ordinance may also be enforced by injunction.

SECTION 11. APPEALS.

(a) **Request for Appeal.** A request for an appeal from a decision regarding a permit application must be filed with Bee Cave within fourteen (14) calendar days after the date of the final decision regarding a permit application. The request for an appeal must be in writing. The appeal request shall contain the following information:

- (1) the name and mailing address of the person filing the request;
- (2) the name of the applicant; and
- (3) a concise statement of the reasons for the appeal citing the specific performance standard(s) that the development did not meet.

(b) **Record on Appeal.** The appeal will be decided from the facts contained in the files, the written request for an appeal, the written response, if necessary, from the applicant, and other relevant and necessary information from appropriate Bee Cave departments.

(c) **Procedure on Appeal.** When a request for appeal is filed with Bee Cave in accordance with the requirements of this section, Bee Cave shall notify the applicant/permittee, the protesting party, and any other person who has requested, in writing, that he or she be informed of any requests for appeal. The notice of request for appeal shall state the date, time, and place that the Bee

Cave Commission will meet to consider the appeal. A meeting by the Commission to consider the appeal shall be open to the public.

(d) Decision on Appeal. After considering the appeal, the Commission may reaffirm the decision, reverse the decision, or modify the permit.

SECTION 12. COORDINATION WITH OTHER GOVERNMENTAL ENTITIES AND AGENCIES AND BEE CAVE ORDINANCES

(a) Coordination with Other Ordinances. All existing development and approved final plats within Bee Cave's corporate limits and ETJ are exempt from the requirements of this ordinance except as indicated in Section 4 set forth herein. All other unplatted or undeveloped land within Bee Cave's corporate limits and ETJ subject to Subdivision Ordinance No. 87-2 and Site Development Ordinance No. 89-11 and subsequent amendments to both is subject to the requirements of this ordinance.

Preliminary plat submittal requirements, as set forth in Ordinance No. 87-2 and all subsequent amendments, shall henceforth include submittal of similar drainage, nonpoint source pollution, and BMP data for review and approval as a part of the preliminary plat.

Final plat submittal requirements, as set forth in Ordinance No. 87-2 and all subsequent amendments, shall henceforth include submittal of drainage,

nonpoint source pollution, and BMP data for review and approval as a part of the final plat. Construction documents for BMPs and the BMP maintenance plan shall be submitted for review and approval at the same time as construction documents for street, drainage, and utility improvements are submitted for review and approval.

Site plans for all commercial, retail, multi-family, and other nonsingle-family tracts submitted in accordance with Ordinance No. 89-11 and all subsequent amendments shall include NPS pollution load data, drainage analyses, and BMP plans as set forth in this ordinance.

Approval of preliminary plats, final plats, and site plans shall be granted only upon submittal of all items and data set forth in this ordinance with subsequent review and approval by the Village Engineer, Planning and Zoning Commission, and Board of Commissioners.

(b) Other political subdivisions. Consent agreements for the creation of political subdivisions such as municipal utility districts, water control and improvement districts, or other similar entities shall stipulate that the requirements of this ordinance be met by the created entity. A master plan for NPS pollution abatement and BMP implementation shall be submitted with the required creation documents for review and approval by Bee Cave.

Existing political subdivisions which are within Bee Cave's corporate limits and ETJ within which no preliminary or final plats have been approved are hereby subject to the requirements of this ordinance.

(c) **On-site, Private Sewage Facilities Permitting.** Any private sewage facility that is installed or modified after the effective date of this ordinance, and which requires a private sewage facility permit from Bee Cave, must also comply with Section 5(c) of this ordinance.

SECTION 13. SAVINGS CLAUSE; AMENDMENT; EFFECTIVE DATE.

(a) **Savings Clause.** If any word, clause, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of the ordinance, and the application of such provision to other persons or circumstances, shall not be affected thereby.

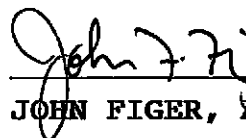
(b) **Amendment of the Ordinance, Technical Manual, or Fee Schedule.** This ordinance may be amended by the Commission from time to time after notice and reasonable opportunity for public review. The Technical Manual may be amended from time to time after notice and reasonable opportunity for public review.

(c) **Effective Date.** This ordinance shall become effective February 1, 1990.

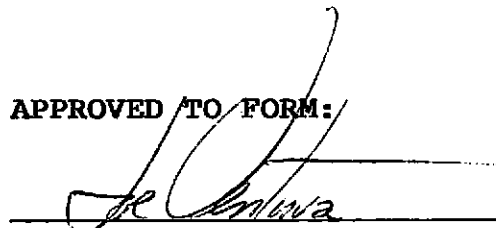
PASSED AND APPROVED THIS THE 13th DAY OF FEBRUARY,
1990 AT THE REGULAR MEETING OF THE VILLAGE OF BEE CAVE,
TX. BOARD OF COMMISSIONERS.


BOYD FREITAG, MAYOR

ATTEST:


JOHN FIGER, ADMINISTRATOR

APPROVED TO FORM:


JOE VENTURA, VILLAGE ATTORNEY