

**ORDINANCE NO. 4698-09**

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF POST CONSTRUCTION BEST MANAGEMENT PRACTICES FOR STORMWATER POLLUTION PREVENTION THROUGH EROSION AND SEDIMENT CONTROLS APPLICABLE TO SITES AFTER UNDERGOING DEVELOPMENT OR REDEVELOPMENT ACTIVITIES; AND PROVIDING FOR THE ENFORCEMENT THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEWTON, KANSAS:

SECTION 1. The authority of the Director of Public Works for the City of Newton, Kansas, as the designated Authorized Public Officer under Chapter XXIV of the Code of the City of Newton, Kansas, as amended by Ordinance No. 4689-09, pertaining to stormwater prevention, is hereby expanded to include the authority set forth in Section 2 below.

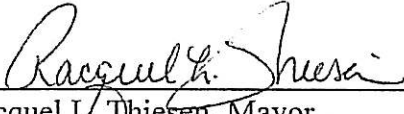
SECTION 2. The Authorized Public Officer is hereby authorized and directed to establish Best Management Practices for post construction site erosion and sediment control ("Post Construction BMPs"), and to amend any of the same from time to time as the Authorized Public Officer may deem appropriate and necessary to implement the provisions of Chapter XXIV of the Code of the City of Newton, Kansas. The Authorized Public Officer shall maintain the same in manual form, not less than three copies of which shall be provided to the City Clerk to be made available for public inspection, and with copies also being kept available for examination by all persons or parties who make application or are considering making application for a building permit in relation to a development or redevelopment project which would be subject to such Post Construction BMPs.

SECTION 3. The established Post Construction BMPs as shall become applicable to a particular development or redevelopment project site shall thereby be and become a part of the platting and building permit requirements as to the project for which the permit is issued, shall be subject to the same variance provisions as other building permit requirements. The established Post Construction BMPs shall also survive the completion of a development or redevelopment project under the applicable plat and building permit, and shall continue to be applicable to the project site after completion of the project for which the permit is issued.

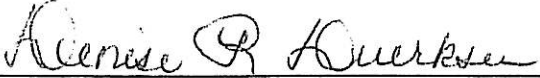
SECTION 4. The established Post Construction BMPs shall be subject to all of the enforcement provisions, remedies and penalties as provided under Article 4 of Chapter XXIV of the Code of the City of Newton, Kansas, as amended by Ordinance No. 4689-09, all of which are hereby made applicable to such Post Construction BMPs.

SECTION 5. This ordinance shall take effect and be in force from and after its publication in the official newspaper of said City.

PASSED AND ADOPTED this 12th day of May, 2009.

  
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Racquel L. Thiesen, Mayor

ATTEST:

  
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Denise R. Duerksen, City Clerk