

CHAPTER 55: POST-CONSTRUCTION STORMWATER MANAGEMENT

Section

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§ 55.01 FINDINGS.

(A) The United States EPA's national pollutant discharge elimination system ("NPDES") permit program administered by the State Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR an NPDES permit for the discharge of stormwater from a municipal separate storm sewer system (MS4). The city's MS4 permit is on file at the office of the City Clerk and is available for public inspection during regular office hours.

(B) As a condition of the city's MS4 permit, the city is obliged to develop, implement and enforce a program to address stormwater runoff from new construction and reconstruction projects for which the State NPDES general permit #2 stormwater permit coverage is required by adopting a post-construction stormwater management ordinance designed to:

(1) Require water quality and quantity components be considered in the design of new construction and implemented when practical;

(2) Promote the use of stormwater detention and retention, grass swales, buffer strips and proper operation and maintenance of these facilities;

(3) Allow use of bio-retention swales and riparian buffers where practical and the soils and topography are suitable to ensure these measures will be effective in accomplishing the purpose of this chapter;

(4) Prohibit construction activities from commencing until the plans for post-construction runoff controls have been submitted to the city; and

(5) Allow the city to have the ability to access private property for the purpose of enforcement procedures to promote compliance with the state NPDES general permits #2 which require post-construction compliance by applicants.

(C) No state or federal funds have been made available to assist the city with inspections, monitoring and/or enforcing the program. Accordingly, the city shall fund its inspection, monitoring and enforcement responsibilities entirely by fees imposed on the owners of properties which are made subject to the program by virtue of state and federal law and/or other sources of funding established by a separate ordinance.

(D) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Any person, firm or entity applying for a permit to develop, grade or construct within the corporate limits of the city.

BMP. Best Management Practices are physical practices or structures determined to be practices used to reduce pollutant loads, discharge volumes, peak flow discharge rates, and detrimental changes in stream temperature that affect water quality and habitat. BMPs can be structural or non-structural. Non-structural BMPs focus on preserving open space, protecting natural systems, and incorporating existing landscape features such as wetlands and stream corridors into a site plan to manage stormwater at its source. Structural BMPs include constructed ponds, pavement systems, oil/grease separators, planted vegetative areas such as grassed swales, bioretention and other infiltration based practices, outlet structures and other constructed facilities intended to manage stormwater.

BUILDING. Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property. For purposes of this chapter, structures not intended for shelter such as a pergola, trellis, gazebo and any other constructed obstacle shall also be considered to be buildings and shall be reviewed for impact on stormwater management.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations whether as a single site or part of a larger common plan of development

REDEVELOPMENT. Any manmade change to a previously developed site, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations whether as a single site or part of a larger common plan of development.

STORMWATER MANAGEMENT. The use of BMPs to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates, and improve stream quality.

STORMWATER MANAGEMENT PLAN. The plan produced by a Professional Engineer (P.E.) licensed in the State of Iowa demonstrating how stormwater management will be accomplished by a development

§ 55.02 PROCEDURE FOR POST-CONSTRUCTION.

(A) Each applicant who is required to have coverage under general permit #2 for a site or is required to have final plat, a site plan, or a new construction building permit, except as noted below under “Applicability”, shall install post-construction stormwater management facilities as set forth herein and as approved by the city during site plan, platting or construction plans.

(B) Each applicant or its successor person(s) or entity shall be responsible for maintaining all stormwater management facilities as approved by the city.

(C) Each applicant must provide to the city as-built plans detailing dimensions and elevations as well as a certification that stormwater management facilities were built as part of the approved development that includes the site, in addition to as-built plans as required by Chapters 150 and 159 of the City Code.

(D) The City of Urbandale hereby adopts the Iowa Stormwater Management Manual (ISWMM) and City of Urbandale Design Criteria supplemental for management of stormwater. In cases where ISWMM does not speak to a stormwater issue, such as sizing or installation of pipes, the design shall follow SUDAS and City of Urbandale Supplemental Specifications and Design Manual Addendums, or streambank stabilization in the Iowa River Restoration Toolbox as applicable.

(E) For sites with existing stormwater facilities, those facilities shall be brought into compliance with the previously approved stormwater management plan.

(F) Each applicant must include, in their site design, those stormwater management facilities that will convey drainage through the property to one or more detention and/or treatment areas so that no development shall cause downstream property owners, water courses, channels or conduits to receive stormwater runoff from the proposed development site at a peak flow rate greater than that allowed by the policy or standard in effect at the time of approval of the development unless those requirements are waived by the city. Nothing contained herein shall prohibit the city from changing the policies or standards in the future, nor from requiring the site to comply with the new requirements.

(G) Each applicant shall comply with all other applicable city, state or federal permit requirements as they apply to the city or to the property.

(H) At the discretion of the city, the applicant may satisfy the post-construction stormwater management requirements by ensuring the conveyance of the stormwater discharge from the property to a regional detention facility. For purposes of this chapter, a regional detention facility shall be wet or dry detention basins, which are designed to accept stormwater runoff from two or more sites and that otherwise complies with all city, state or federal permit requirements as they apply to stormwater management requirements for those sites.

(I) Applicability: The requirements for post-construction stormwater management shall apply as follows:

(1) New Development: Any development of currently undeveloped land adding more than 10,000 square feet of new impervious surface shall provide stormwater management as required in this Chapter. This threshold is a cumulative amount of new square footage and may be reached over time in increments. At such time that a development site exceeds 10,000 cumulative square feet of new impervious surface, the entire site will be required to come into compliance with this ordinance.

(2) Redevelopment:

- (a) Any expansion or redevelopment of an existing developed site adding more than 10,000 square feet of new impervious surface or building area but disturbing less than 50% of the site shall provide stormwater management at the ISWMM Water Quality standard, and shall also meet the ISWMM Channel Protection standard or demonstrate why doing so is infeasible.
- (b) Any expansion or redevelopment of an existing developed site disturbing more than one acre and less than 50% of the site shall also meet, in addition to the above, the ISWMM Overbank protection standard and ISWMM Extreme Flood protection for the disturbed area, or demonstrate why doing so is infeasible.
- (c) Any redevelopment disturbing 50% or more of a site shall require the entire site to meet the same stormwater management standards as new development.
- (d) The thresholds noted above are a cumulative amount of site work after January 1, 2021, and may be reached over time in increments.

(3) City Projects: Stormwater management standards shall apply to all City projects except as noted below.

(4) Exemptions: The following activities shall be exempted from meeting the ISWMM stormwater management standards of this ordinance:

- (a) New Development of less than 10,000 square feet of impervious surface.
- (b) Expansion of previous development adding less than 10,000 cumulative square feet of new impervious surface or new building area from the original design and disturbing less than 50% of the total site. Site shall still be required to show compliance with any previously approved stormwater management plan.
- (c) Pavement repairs involving the removal and replacement of impervious surface exactly matching location and area.
- (d) Logging or agricultural activity that is consistent with an approved soil conservation plan or timber management plan prepared or approved by the appropriate agency, as applicable.
- (e) Additions or modifications to single-family structures.
- (f) Repairs to any stormwater management BMP deemed necessary by the City.
- (g) Linear projects such as road and trail construction.

(J) It is intended that this chapter be construed to be consistent with this Code of Ordinances as well as any other applicable local, state or federal regulation. In particular, the following chapters should be consulted for additional requirements: Chapter 53 Illicit Discharge to Stormwater System, Chapter 54 Construction Site Erosion and Sediment Control, Chapter 150 Building Regulations, Chapter 157 Site Planning, Chapter 159 Subdivisions, and Chapter 160 Zoning.

(K) The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other chapter, rule or regulation, or other provision of law, whichever provisions are more restrictive shall take precedence.

§ 55.03 MAINTENANCE AND REPAIR OF STORMWATER FACILITIES.

(A) Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the city, or its contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement agreement shall be recorded by the city in the land records.

(B) Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the city and recorded into the land record at the time of final plat approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections by the applicant, owner or assigns to ensure proper performance of the facility.

(C) The city shall be permitted to enter and inspect any property subject to regulation under this section as often as is necessary to document maintenance and repair needs and determine compliance with the requirements of this chapter. If a responsible party owning, controlling or possessing a property has security measures that require identification and

clearance before entry to its property, the responsible party shall make the necessary arrangements to allow access by the city. By way of specification but not limitation:

(1) A responsible party shall allow the city ready access to all parts of the property for purposes of inspection, examination and copying of records related to compliance with this chapter;

(2) Any temporary or permanent obstruction that obstructs the safe and easy access to property to be inspected and shall be promptly removed by the responsible party at the written or oral order of the city and shall not be replaced. The costs of clearing the access shall be borne by the responsible party; and

(3) An unreasonable delay in allowing the city access to a property is a violation of this chapter.

(D) Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five years. Copies of the as-built plans and records of all self inspections, maintenance and repairs shall be kept on-site and shall be made available to the city during inspection of the facility and at other reasonable times upon request.

(E) In the event that a stormwater management facility is found by the city to be noncompliant with the plans as submitted and approved or is found to be in need of maintenance, the responsible party will be notified in writing of the deficiencies. Upon receipt of the notice, the responsible party shall have 15 days to correct the deficiencies. After proper notice, and if the responsible party fails to make the repairs or perform the maintenance, the city may have the work performed and assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the city.

§ 55.99 PENALTY.

Unless another penalty is expressly provided by this chapter for any particular provision or section, any person(s) violating any provision of this chapter or any rule or regulation adopted herein by reference shall be subject to a civil penalty as set forth in the municipal infractions in Chapter 11 of this code of ordinances. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.