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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HIAWATHA, IOWA, 1996, BY AMENDING CHAPTER 162 STORM WATER RUNOFF CONTROL §162.04 APPLICABILITY, §162.05 AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST, §162.19 CERTIFICATION AND MAINTENANCE, AND §162.21 ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA:

SECTION 1. Chapter 162 Storm Water Runoff Control, Section 162.04 Applicability, Section 162.05 Affidavit of Disclosure of Property Interest, Section 162.19 Certification and Maintenance, and Section 162.21 Administration of the Code of Ordinances of the City of Hiawatha, Iowa, 1996, are hereby amended and adopted as following:

CHAPTER 162

STORM WATER RUNOFF CONTROL

162.01 Purpose
162.02 Other Permits
162.03 Definitions
162.04 Applicability
~~162.05 Affidavit of Disclosure of Property Interest~~
162.~~06~~ 05 Design Storm Event
162.~~07~~ 06 Detention of Excess Storm Water Runoff
162.~~08~~ 07 Discharge Rate
162.~~09~~ 08 Discharge Velocity
162.~~10~~ 09 Emergency Spillway
162.~~11~~ 10 Freeboard
162.1~~2~~1 Joint Development of Control Systems
162.1~~3~~2 Early Installation of Control Systems
162.~~14~~ 13 Detention Facilities in Floodplains
162.~~15~~ 14 Flows from Upland Areas
162.~~16~~ 15 Preliminary and Final Plat Requirements
162.~~17~~ 16 Drainage and Detention Design Standards
162.~~18~~ 17 Rooftop, Parking Lot and Other Detention Storage
162.1~~9~~8 Maintenance
162.~~20~~ 19 Safety Features
162.2~~0~~1 Administration
162.~~22~~ 21 Variances
162.~~23~~ 22 Special Use Permit
162.~~24~~ 23 Official Maps and Profiles
162.~~25~~ 24 Interpretation

162.04 APPLICABILITY. This chapter applies to any new ~~single-family residential~~ development ~~having a gross aggregate area, including roads, utility rights-of-way, and any other dedicated lands of five or more acres; multiple-family residential developments of two or more acres; and commercial/ industrial developments of any size~~, subject to the following conditions:

1. Detention Storage Required. The City retains the right to require detention storage in all cases in which the proposed development will generate sufficient excess runoff from the design storm to adversely affect the carrying capacity of the receiving water body or water course.

~~2. Minimum Increase On Runoff. New developments causing less than a fifteen (15) percent increase in runoff for the design storm shall not be required to provide detention storage, unless condition in subsection 1 of this section is applicable.~~

~~3~~2. 1 CFS/acre Runoff. New development~~s~~ generating less than 1 cubic foot per second (CFS)/acre runoff for the design storm shall not be required to provide detention storage, unless condition in subsection 1 is applicable.

~~**162.05 AFFIDAVIT OF DISCLOSURE OF PROPERTY INTEREST.** At the time the owner of any development files a preliminary plat, he or she shall execute and file an "Affidavit of Disclosure of Property Interest" with the City. In this affidavit, the owner will state either that the provisions of this chapter apply to the subject property or that the chapter does not apply; in the latter case, the owner will cite the specific exemption listed under Section 162.04 and also will state that he or she has no property or contractual interest in any contiguous property. The ownership interest of an owner's spouse or lineal ascendants or descendants shall be attributed to him or her. In addition, if an owner is more than a five percent (5%) partner, stockholder, beneficiary of a trust or estate, or equity owner in any other form of organization, such ownership interest shall likewise be attributed to said owner. The affidavit shall also include an agreement by the owner that if the owner subsequently acquires an interest in any contiguous property within five (5) years such that the total combined property falls under the applicability requirements of Section 162.04 herein, the owner will abide by the stipulations of this chapter. Under these conditions, the provisions of this chapter will apply to the entire, contiguous property.~~

162.~~06~~ 05 DESIGN STORM EVENT. Storage capacity of detention facilities and discharge rates therefrom shall be such that the runoff from the "after fully developed area" shall not exceed the rate of runoff generated by the development area prior to development during the 5-year frequency storm. Storage capacity/volume shall be adequate to store the excess runoff generated by the fully developed area up to and including the 100-year rainfall event.

162.~~07~~ 06 DETENTION OF EXCESS STORM WATER RUNOFF. The increased storm water runoff resulting from the proposed development shall be detained by the provision of appropriate dry-bottom reservoir(s); by temporary storage on flat roofs, parking lots, or streets; or by other acceptable techniques. Capacity will be sufficient to control excess flows from the design storm.

162.~~08~~ 07 DISCHARGE RATE. Peak discharge rates from detention storage facilities shall not exceed the maximum pre-development peak discharge rate as calculated under Section 162.06.

162.~~09~~ 08 DISCHARGE VELOCITY. Detention facilities shall discharge storm water at a non-erosive velocity as measured in the unprotected channel. The non-erosive velocity shall be determined through consultation of appropriate handbooks and manuals; as approved by the City. Protected channels receiving detention discharge shall

incorporate features to reduce velocity to non-erosive levels at the point such discharge enters the unprotected channel.

162.~~10~~ 09 EMERGENCY SPILLWAY. Emergency spillways shall be provided to permit the safe passage of runoff generated from rainfall events in excess of the 100-year rainfall event. Emergency spillways shall be designed on the assumption that the pipe outlet is discharging at full capacity for the spillway elevation.

162.~~11~~ 10 FREEBOARD. Detention storage areas shall have adequate capacity to contain the storage volume of tributary storm water runoff with at least one foot of freeboard above the water surface during the 100-year rainfall event. Top of spillway elevations shall be one foot below the freeboard elevation.

162.~~12~~ 11 JOINT DEVELOPMENT OF CONTROL SYSTEMS. Storm water control systems may be planned in coordination by two or more property owners as long as the potential for damage from storm water is not increased at intervening locations.

162.~~13~~ 12 EARLY INSTALLATION OF CONTROL SYSTEMS. Storm water control measures shall be installed as soon as possible during the course of site development. A schedule of construction shall be submitted by the owner(s)/developer(s) prior to initiation of construction to the City.

162.~~14~~ 13 DETENTION FACILITIES IN FLOODPLAINS. If detention storage is provided within a floodplain, only the net increase in storage volume above that which naturally existed on the floodplain shall be credited to the development. No credit will be granted for volumes below the base flood elevation at that location unless compensatory storage is also provided.

162.~~15~~ 14 FLOWS FROM UPLAND AREAS. The total drainage area must be used in calculating the allowable release rate. The required storage volume will be based on the project area only, with extraneous flows from upland areas being by-passed or discharged via overflow spillways or other devices.

162.~~16~~ 15 PRELIMINARY AND FINAL PLAT REQUIREMENTS. Accompanying the preliminary and final plats of each proposed subdivision or any applicable construction there shall be furnished information consistent with the requirements of the City's *Design Standards for Public Improvements*. All computations, plans, and specifications related to the implementation of this chapter must be prepared and sealed by a Professional Engineer registered in the State of Iowa.

162.~~17~~ 16 DRAINAGE AND DETENTION DESIGN STANDARDS. All subdivisions and other proposed improvements which fall under the applicability of requirements of Section 162.04 shall be required to incorporate design features in accordance with City Standards as defined in the Unified Development Code adopted by the City. Variation from these standards will be permitted only upon submittal of a

petition describing in detail the rationale for the proposed design with subsequent review by the City Engineer and approval from the Council.

162.~~18~~ 17 ROOFTOP, PARKING LOT, AND OTHER DETENTION STORAGE. Designs for rooftop detention storage, parking lot storage, and detention storage in underground tanks, surface swales, oversized storm sewers, or other facilities shall be submitted to the City Engineer for approval.

162.~~19~~ 18 CERTIFICATION AND MAINTENANCE. Detention facilities must be designed in accordance with City Standards as defined in the Unified Development Code adopted by the City. The growth of obnoxious weeds, the creation of conditions which support the growth of mosquitoes and other insects, and the decrease in available storage by accumulated sediments shall all be controlled. The cleanup of accumulated debris, flotsam, and other materials after runoff events have subsided shall be assured. Assignment of responsibility for certifying and maintaining facilities serving more than one lot or property holding will be documented and recorded by appropriate covenants to property deeds unless responsibility is formally assigned to and accepted by a public body.

1. Certifications. ~~To monitor and control weeds, insects and the decrease in storage by accumulated sediments, the~~ The development owner (equitable titleholder) of a privately owned detention storage facility ("Facility") must file with the City Clerk a certification signed by a licensed Iowa professional engineer ("Certification"). ~~A Facility that is exclusively constructed, located and maintained on a paved surface is exempt from the Certification requirements of this chapter.~~ The Certification must certify the Facility's current storage volume and release rate, as well as the storage volume and release rate for which the Facility was initially designed. ~~The Certification shall be filed every three years. The first Certification is required to be filed during the month of July, 2003. Subsequent Certifications are required to be filed during the month of May every three years after the year 2003.~~ A newly constructed Facility shall be certified ~~is not required to file a Certification on the first filing date that follows~~ at the completion of the construction of that Facility. For those Facilities located on a lot for which a certificate of occupancy is issued, the construction of that Facility shall be deemed completed when the first certificate of occupancy is issued for that lot.

2. Maintenance Responsibility. The development owner (equitable titleholder) ~~hereby agrees~~shall ~~to~~ be responsible for all future grading, repairs, and maintenance to the said storm drainage and storm water facilities subject to the following conditions:

   A. That said development owner (equitable titleholder) ~~agrees~~ shall ~~to~~ protect, defend and hold the City, harmless from any and all damages or claims for damages that might arise or accrue as a result of flooding, erosion from flooding, deposits of sediment in said areas.

   B. The development owner (equitable titleholder) ~~agrees~~ shall to not place fill material, to erect no buildings, obstructions, or other improvements on the area reserved for private storm water purposes.

C. The development owner (equitable titleholder) shall provide a re-certification by a Licensed Iowa Professional Engineer, b~~efore the end of calendar year 2003 and~~ every subsequent ~~three~~ five years. A facility that is exclusively constructed, located and maintained on a paved surface is exempt from the re-certification requirements of this chapter. The certification shall include the following:

(1) The storm water facility's storage volume, as approved by the City, has not decreased.

(2) The storm water facility's release rate, as approved by the City, has not increased.

3. Corrective Measures. If deficiencies are found by the inspector, the development owner (equitable titleholder) shall be required to take the necessary measures to eliminate nuisances and correct structural deficiencies within a reasonable amount of time. If the development owner (equitable titleholder) fails to do so, the City ~~will undertake~~may cause the work to be completed and shall collect the cost therefore from the development owner (equitable titleholder) taking appropriate action as necessary.

162.~~20~~ 19 SAFETY FEATURES. Designs of detention facilities shall incorporate safety features; particularly at inlets, outlets, on steep slopes, and at any attractive nuisances. These features shall include, but not limited to, fencing, hand rails, lighting, steps, grills, signs, and other protective or warning devices.

162.~~21~~ 20 ADMINISTRATION. The administration of this chapter shall be the responsibility of the Building Official and the City Engineer.

1. Creation:

a. The City of Hiawatha Storm Water Advisory Committee is hereby created.

2. Members:

a. The Storm Water Advisory Committee will consist of three (3) members. Members shall be residents of the City of Hiawatha and shall serve without compensation. Members will be qualified by knowledge or experience to act in matters pertaining to the development of storm water policies. Members shall not hold any elected office in City government.

3. Removal of Members:

a. Members of the Storm Water Advisory Committee may be removed by the City Council for such cause as the City Council may determine necessary.

4. Duties:

a. The Storm Water Advisory Committee will have such duties as set forth in this chapter or as prescribed by the City Council. Specifically the duties will include:

i. Develop and recommend storm water policies.

ii. Advise City Council in regards to needed storm water capital improvement projects.

iii. Review any public input regarding storm water drainage or erosion control.

iv. Make such reports to the City Council as may be requested from time to time.

v. Recommend best management practices for development of storm water management and water quality.

5. Meetings:

a. Meetings will be scheduled quarterly. All meetings are open to the public. Meetings may be cancelled if there are no agenda items.

162.~~22~~ 21 VARIANCES. No variance shall be issued without the review and recommendation of the Planning and Zoning Commission and approval of the Council.

162.~~23~~ 22 SPECIAL USE PERMIT. No special use permit shall be issued without the prior concurrence of the City Engineer and approval by the Council.

162.~~24~~ 23 OFFICIAL MAPS AND PROFILES. Responsibility for all changes to official maps and profiles is conferred to the City Engineer.

162.~~25~~ 24 INTERPRETATION. In the interpretation and application of this chapter, the provisions expressed herein shall be held to be the minimum requirements and shall be liberally construed in favor of the City; and shall not be deemed a limitation or repeal of any other powers granted by the Code of Iowa.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

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PASSED AND APPROVED this 17th day of May, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kari Graber, Deputy Clerk

I, Kari Graber, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 17th day of May, 2017, and was posted as Ordinance No. ____ on the _____ day of May, 2017.

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Kari Graber, Deputy Clerk