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Memorandum

To: Hiawatha City Council

Cc: Kim Downs

From: John Bender, City Engineer

Patrick Parsley, Community Development Director

Date: 4/25/2017

Re: Ordinance changes: 101 STORM WATER DRAINAGE SYSTEM
102 ILLICIT DISCHARGE TO STORM SEWER SYSTEM
162 STORM WATER RUNOFF CONTROL

The City Engineer and Community Development Director are recommending approval of the changes to Ordinances 101, 102 and 162 as noted and attached to this memo. These changes have been reviewed and approved by the proposed Storm Water Advisory Committee.

101 STORM WATER DRAINAGE SYSTEM

The revisions to this section are minor and change no requirements.

- 101.01: The term retainage has been changed to include detention and retention as defined in the standard.
- 101.03: The storm water rates have been removed from this chapter but instead reference a Council resolution process.
- 101.06: The fees for City staff work on the storm sewer have been clarified. Invoices will be based on actual costs and shall only apply when the work is on the privately owned portion of the storm sewer system.

102 ILLICIT DISCHARGE TO STORM SEWER SYSTEM

The revisions to this section are minor and change no requirements. However the administration of this ordinance is modified.

- 102.05: The City of Hiawatha is named as the administrative entity to allow flexibility for efficient administration and enforcement of the requirements. In light of our growth this ordinance will usually require shared responsibilities between Engineering, Streets, Fire and Community Development departments and the new general language allows for the flexibility.
- 102.09: The amendment to the appeals process removes the City Administrator and puts the Council in its place. This section already details the City Council as hearing board so this change is only a clarification.

162 STORM WATER RUNOFF CONTROL

Changes to this ordinance are the most significant. The changes include modified regulations and the establishment of an advisory committee.

- 162.04: Clarifies this ordinance applies to all new development. By definition this is any development on any parcel. Also, one exception to the application of required detention has been eliminated as it is redundant language.

- 162.05: The Affidavit of Disclosure has never been requested as part of a preliminary plat so it is being deleted. The language of the ordinance still requires identification of the responsible party for each private detention basin. The ordinance also specifies the equitable title holder as being responsible for certification and maintenance.

- 162.19: Certification and maintenance requirements for detention basins has been modified to require certification of the basin with occupancy of buildings associated with the basin and extends the re-certification time line from three years to five years.

- 162.21: This is a new section which establishes the storm water advisory committee. The committee membership and scope of responsibility are located in this section.

CHAPTER 101

STORM WATER DRAINAGE SYSTEM

101.01 Purpose

101.02 Storm Water Drainage System

101.03 Rates

101.04 Payment of Rates

101.05 Lien for Nonpayment

101.06 Storm Water Emergencies

101.07 Storm Water Emergencies Fees

101.01 PURPOSE. The purpose of this chapter is to establish a storm water drainage system district and provide a means of funding the operation and maintenance of storm water management facilities including, but not limited to, ~~retainage~~ retention or detention basins, storm sewers, inlets, ditches and drains.

101.02 STORM WATER DRAINAGE SYSTEM. The entire City is hereby declared a storm water drainage system district for the purpose of establishing, imposing, adjusting and providing for the collection of rates for the operation and maintenance of storm water management facilities. As additional areas are annexed to the City they shall immediately be included in the storm water drainage system district.

101.03 RATES. The rates for the operation and maintenance of the storm water management facilities shall be collected by imposing a monthly rate on every City water meter, and on every residence, apartment and dwelling unit in mobile home parks. A monthly rate ~~of three dollars and fifty cents ($3.50) shall be collected on every business, commercial and industrial City water meter. A monthly rate of two dollars and twenty-five cents ($2.25)~~ shall be collected on every residence, apartment and dwelling unit in mobile home parks. The rates shall be established by ordinance and billed and collected in the same manner as water service rates. The Council shall have the authority to establish different monthly rates for different classifications of City water meters.

101.04 PAYMENT OF RATES. The monthly rates are due and payable under the same terms and conditions as sewer service charges.

101.05 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for charges for the operation and maintenance of the storm water management facilities. Any such charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

1. Procedures for delinquent final accounts and write offs shall be adopted by resolution passed by the City Council.

101.06 STORM WATER EMERGENCIES. The City's Public Works Department is available on a 7-day a week, 24-hour a day basis to assist City property owners in the event that a storm water emergency occurs. In the event a property owner contacts the City to report a storm water emergency including, the backup up of ~~retainage~~ retention or detention basins, storm sewers, inlets, ditches, or drains, and a Public Works employee goes out to the property to investigate or perform maintenance work in relation to the storm water emergency; ~~between the hours of 3:30 p.m. to 7:00 a.m. Monday through Friday, anytime on Saturday, Sunday, or holiday where City offices are closed, the property owner will be subject to fees associated with an after-hours service call, including use of equipment cost and labor, if after investigation by the Public Works employee it is determined that the storm water emergency is not caused by the City owned portion of the storm water drainage system. If a Public Works employee goes out to a property to investigate or perform maintenance work in relation to a storm water emergency and all work is performed during their normal work schedule of 7:00 a.m. to 3:30 p.m. Monday through Friday, or if~~ and after investigation by the Public Works employee the storm water emergency is determined to be caused by the ~~City~~ privately owned portion of the storm water drainage system; ~~no~~ labor and equipment fees ~~will~~ can be assessed to the property owner as outlined in 101.07. The City will only maintain and repair City owned infrastructure.

101.07 STORM WATER EMERGENCIES FEES. All fees associated with Section 101.06 of this chapter will be mailed to the property owner as an invoice and said fees shall be paid to the City of Hiawatha by the due date listed on the invoice for payment.

1. Fees associated with activities as provided in Section 101.06 of this chapter shall be adopted by resolution passed by City Council.

2. Fees charged in connection with activities as provided in Section 101.06 of this chapter shall cover only the City's costs, including but not limited to, City employee labor and the use of City equipment.

CHAPTER 102

ILLICIT DISCHARGE TO STORM SEWER SYSTEM

102.01 Findings

102.02 Illicit Discharges Prohibited

102.03 Illicit Connections Prohibited

102.04 Industrial Discharges

102.05 Illicit Discharge Detection and Reporting, Cost Recovery

102.06 Suspension of Access to the City's Storm Sewer System

102.07 Watercourse Protection

102.08 Enforcement

102.09 Appeal

102.01 FINDINGS.

1. The U.S. EPA'S National Pollutant Discharge Elimination System ("NPDES") permit program ("Program") administered by the Iowa Department of Natural Resources ("IDNR") requires that cities meeting certain demographic and environmental impact criteria obtain from the IDNR and NPDES a permit for the discharge of storm sewer from a Municipal Separate Storm Sewer System (MS4 Permit). The City is subject to the Program and is required to obtain, and has obtained, an MS4 Permit; 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.

2. As a condition of the City's MS4 Permit, the City is obliged to adopt and enforce an ILLICIT DISCHARGE TO STORM SEWER SYSTEM ordinance.

3. No State or Federal funds have been made available to assist the City in administering and enforcing the Program. Accordingly, the City may fund its operations under this chapter entirely by charges 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.

4. Terms used in this chapter shall have the meanings specified in the Program.

102.02 ILLICIT DISCHARGES PROHIBITED.

1. For purposes of this chapter, a "responsible party" is one or more persons or entities that control or are in possession of or own property from which the illicit discharge occurs; or commit the "illicit discharge." Responsible parties shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any illicit discharge for purposes of this chapter, "property" includes, but is

not limited to, real estate, fixtures, facilities, premises of any kind located upon, under or above the real estate and vehicles. ~~(Ord. 648 – Feb. 10 Supp.)~~

2. Nothing in this chapter shall be deemed to relieve a responsible party subject to an IDNR-issued industrial discharge permit or any other Federal, State or City permit, statute, ordinance or rule from any obligation imposed by such permit, statute, ordinance or rule if any such obligation is greater than any obligation imposed by this chapter.

3. Any discharge into the City's storm sewer system prohibited by the City's MS4 Permit, the terms of which are hereby incorporated by reference, shall be deemed an "illicit discharge" in violation of this chapter. The term "illicit discharge" also includes the definition contained in EPA'S Phase II storm water regulations as "any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges pursuant to an NPDES permit and discharges resulting from firefighting activities."

4. Sediment pollution originating from excessive erosion rates on a construction site not otherwise subject to the City's Construction Site Erosion and Sediment Control (COSESCO) ordinance or sediment pollution entering a municipal storm sewer that causes a water quality violation as determined by the DNR shall also be deemed an illicit discharge in violation of this chapter.

102.03 ILLICIT CONNECTIONS PROHIBITED.

1. For purposes of this chapter, an "illicit connection" to the City's storm sewer system is any physical connection or other topographical or other condition, natural or artificial, which is not specifically authorized by ordinance or written rule of the City, which causes or facilitates, directly or indirectly, an illicit discharge.

2. The construction, use, maintenance or continued existence of any illicit connection shall constitute a violation of this chapter.

3. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

102.04 INDUSTRIAL DISCHARGES. Any responsible party subject to an industrial NPDES discharge permit issued by the IDNR shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement officer prior to discharges to the storm sewer system authorized by said permit.

102.05 ILLICIT DISCHARGE DETECTION AND REPORTING, COST RECOVERY.

1. All detection activities permitted under this chapter shall be conducted by the ~~City Building Department and/or the Streets Department~~ City of Hiawatha or designated department, hereinbefore and after referred to as the "enforcement ~~officer~~ agency."

2. The City shall not be responsible for the direct or indirect consequences to persons or property of an illicit discharge, or circumstances which may cause an illicit discharge, undetected by the City.

3. Every responsible party has an absolute duty to monitor conditions on property owned or controlled by them, to prevent all illicit discharges, and to report to the enforcement ~~officer~~ agency illicit discharges which the responsible party knows or should have known occurred. Failure to comply with any provision of this chapter is a violation of this chapter.

A. Notwithstanding other requirements of law, as soon as any responsible party has information of any known or suspected illicit discharge, the responsible party shall immediately take all necessary steps to ensure the discovery, containment, and cleanup of such discharge at the responsible party's sole cost.

B. If the illicit discharge consists of hazardous materials, the responsible party shall also immediately notify emergency response agencies of the occurrence via emergency dispatch services.

C. If the illicit discharge emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its reoccurrence. Such records shall be retained for at least three years.

D. A report of an illicit discharge shall be made in person or by phone or facsimile or email to the enforcement ~~officer~~ agency immediately but no later than the end of the first business day after the day of discovery of the illicit discharge; notifications in person or by phone shall be confirmed by written notice addressed and mailed or emailed to the enforcement officer within twenty-four (24) hours of the personal or phone notice.

4. Any person or entity shall also report to the City any illicit discharge or circumstances which such person or entity reasonably believes pose a risk of an illicit discharge.

5. Upon receiving a report pursuant to the previous subsections, or otherwise coming into possession of information indicating an actual or imminent illicit

discharge, the enforcement officer shall conduct an inspection of the site and thereafter shall provide to the responsible party a written report of the conditions which may cause or which have already caused an illicit discharge. The responsible party shall immediately commence corrective action or remediation and shall complete such corrective action or remediation within 21 days after discovery. If it is not possible to eliminate an illicit discharge within 21 days after discovery, the responsible party shall submit to the City the reasons why the discharge cannot be eliminated within 21 days of discovery and a plan which contains a timeline of activities which will result in the elimination of the discharge. This statement and plan shall be submitted within 21 days of discovery of the illicit discharge. If the City and Department of Natural Resources do not approve the plan, the responsible party will then be required to eliminate the discharge no later than a date specified by the City or Department of Natural Resources.

6. The enforcement ~~officer~~ agency shall be permitted to enter and inspect property subject to regulation under this section as often as is necessary to determine compliance with this section. If a responsible party has security measures that require identification and clearance before entry to its property or premises, the responsible party shall make the necessary arrangements to allow access by the enforcement officer. By way of specification but not limitation:

A. A responsible party shall allow the enforcement ~~officer~~ agency ready access to all parts of the property for purposes of inspection, sampling, examination and copying of records related to a suspected, actual or imminent illicit discharge, and for the performance of any additional duties as defined by State and Federal law.

B. The enforcement ~~officer~~ agency shall have the right to set up on any property such devices as are necessary in the opinion of the enforcement officer to conduct monitoring and/or sampling related to a suspected, actual or imminent illicit discharge.

C. The enforcement ~~officer~~ agency shall have the right to require any responsible party at responsible party's sole expense to install monitoring equipment and deliver monitoring data or reports to the enforcement officer as the enforcement ~~officer~~ agency directs. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the responsible party at responsible party's sole expense. All devices shall be calibrated to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to property to be inspected and/or sampled shall be promptly removed by the

responsible party at the written or oral order of the enforcement ~~officer~~ agency and shall not be replaced. The costs of clearing such access shall be borne by the responsible party.

E. An unreasonable delay in allowing the enforcement ~~officer~~ agency access to property is a violation of this chapter.

F. If the enforcement ~~officer~~ agency has been refused access to any part of the property from which an illicit connection and/or illicit discharge to a municipal storm sewer is occurring, suspected or imminent, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the enforcement officer may seek issuance of a search warrant from any court of competent jurisdiction.

7. If it is determined that an illicit discharge is imminent or has occurred, the actual administrative costs incurred by the City in the enforcement of this chapter shall be recovered from the responsible party. The enforcement ~~officer~~ agency shall submit an invoice to the responsible party reflecting the actual costs, wages and expenses incurred by the City for the enforcement activities undertaken. Failure to pay charges invoiced under this chapter within thirty (30) days of billing shall constitute a violation of this chapter.

102.06 SUSPENSION OF ACCESS TO THE CITY'S STORM SEWER SYSTEM.

1. Emergency Suspension. The enforcement ~~officer~~ agency may, without prior notice, suspend storm sewer system access to a property when such emergency suspension is necessary to stop an ongoing or imminent illicit discharge. If the responsible party fails to immediately comply with an emergency suspension order, the enforcement officer shall take such steps as deemed necessary to prevent or minimize the illicit discharge. All costs of such action shall be recovered from the responsible party for the property identified as the source of the illicit discharge.

2. Non-Emergency Suspension. If the enforcement ~~officer~~ agency detects or is informed of circumstances which could cause an illicit discharge but such illicit discharge is not ongoing or imminent, and if the suspension of storm sewer system access would reasonably be expected to prevent or reduce the potential illicit discharge, the enforcement ~~officer~~ agency shall notify the responsible party of the proposed suspension of storm sewer system access and the time and date of such suspension. Notice to one responsible party for the property shall be sufficient

notice to all. Remediation of the circumstances shall avoid a violation of this chapter provided that no illicit discharge occurs. In the alternative, the responsible party may request a meeting with the enforcement officer for the purpose of presenting information which the responsible party believes will show that remediation is unnecessary; and, if the enforcement officer finds such information is satisfactory, the enforcement officer may rescind or modify the notice of suspension. If the enforcement officer finds such information unsatisfactory, the enforcement officer shall issue a final written order of suspension including the date and time of suspension; and such order may be appealed as provided hereinafter. Any physical action to reinstate storm sewer system access to property subject to such order prior to obtaining a court order of relief shall be deemed a violation of this chapter. An order of suspension shall not preclude charging the responsible party with a municipal infraction as provided hereinafter or taking any other enforcement action permitted by statute or ordinance.

102.07 WATERCOURSE PROTECTION. Every responsible party of property through which a watercourse passes shall keep and maintain that part of the watercourse within the property below the elevation of the 100-year flood free of trash, debris, grass clippings or other organic waste stockpiles and other obstacles that would pollute, contaminate or significantly alter the quality of water flowing through the watercourse. In addition, the responsible party shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

102.08 ENFORCEMENT.

1. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

2. Violation of any provision of this chapter may also be enforced as a municipal infraction within the meaning of Section 364.22 of the Iowa Code, and pursuant to the City's municipal infraction ordinance.

3. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City Attorney.

102.09 APPEAL. Administrative decisions by City staff and enforcement actions of the enforcement officer may be appealed by the applicant to the City ~~Administrator~~ Council pursuant to the following rules:

1. The appeal must be filed in writing with the City Clerk within five (5) business days of the decision or enforcement action.

2. The written appeal shall specify in detail the action appealed from, the errors allegedly made by the enforcement offer giving rise to the appeal, a written summary of all oral and written testimony the applicant intends to introduce at the hearing, including the names and addresses of all witnesses the applicant intends to call, copies of all documents the applicant intends to introduce at the hearing and the relief requested.

3. The enforcement officer shall specify in writing the reasons for the enforcement action, a written summary of all oral and written testimony the enforcement officer intends to introduce at the hearing, including the names and addresses of all witnesses the enforcement officer intends to call, and copies of all documents the enforcement officer intends to introduce at the hearing.

4. The City Clerk shall notify the applicant and the enforcement officer by ordinary mail and shall give public notice in accordance with Chapter 21, Iowa Code, of the date, time and place for the regular or special meeting of the City Council at which the hearing on the appeal shall occur. The hearing shall be scheduled for a date not less than four (4) or more than twenty (20) days after the filing of the appeal. The rules of evidence and procedure, and the standard of proof to be applied, shall be the same as provided by Chapter 17A, Code of Iowa. The applicant may be represented by counsel at the applicant's expense. The enforcement officer may be represented by the City Attorney or by an attorney designated by the City Council at City expense.

The decision of the City Council shall be rendered in writing and may be appealed to the Iowa District Court.

~~(Chapter 102 added by Ord.594 – Aug. 07 Supp~~.

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 Design Storm Event

162.07 Detention of Excess Storm Water Runoff

162.08 Discharge Rate

162.09 Discharge Velocity

162.10 Emergency Spillway

162.11 Freeboard

162.12 Joint Development of Control Systems

162.13 Early Installation of Control Systems

162.14 Detention Facilities in Floodplains

162.15 Flows from Upland Areas

162.16 Preliminary and Final Plat Requirements

162.17 Drainage and Detention Design Standards

162.18 Rooftop, Parking Lot and Other Detention Storage

162.19 Maintenance

162.20 Safety Features

162.21 Administration

162.22 Variances

162.23 Special Use Permit

162.24 Official Maps and Profiles

162.25 Interpretation

162.01 PURPOSE. The purpose of this chapter is to diminish threats to public health and safety caused by the runoff of excessive storm waters, reduce the possibilities of hydraulic overloading of the storm sewer system, reduce economic losses to individuals and the community at large, enhance broader social orderly development, and prevent victimizations and fraud. The provisions of this chapter further supplement:

1. Subdivision Regulations. The subdivision, layout, and improvement of lands located within the corporate limits of the City.

2. Excavating and Grading Regulations. The excavating, filling, and grading of lots and other parcels or areas.

3. Building Construction Regulations. The construction of buildings and the drainage of the sites on which those structures are located, to include parking and other paved areas.

4. Storm Water Drainage Systems. The design, construction, and maintenance of storm water drainage facilities and systems.

162.02 OTHER PERMITS. Before starting any construction regulated by this chapter, an applicant shall comply with the requirements set forth in other applicable chapters of this Code of Ordinances with respect to the submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, inspections, appeals and similar matters, along with those set forth in this chapter and as may be required by State statutes and the regulations of any Department of the State of Iowa.

162.03 DEFINITIONS. For the purposes of this chapter, the following definitions are adopted:

1. "Base flood elevation" means the elevation of delineating the flood level having a one-percent probability of being equaled or exceeded in any given year (also known as the 100-year flood), as determined from Flood Insurance Rate Maps (FIRMs) or the best available information.

2. "Capacity of a storm drainage facility" means the maximum capability of a storm drainage facility to convey storm water flows without causing damage to public or private property; and, in the case of a pipe, without surcharging.

3. "Channel" means a natural or manmade open watercourse with definite bed and banks which periodically or continuously contains moving water; or which forms a connecting link between two bodies of water.

4. "Compensatory storage" means an artificially excavated volume of storage within a floodplain used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

5. "Conduit" means any channel, pipe, sewer, or culvert used for the conveyance or movement of water, whether open or closed.

6. "Design standards for public improvements" means standards formally adopted by the City to which all designs, and the resulting public improvements, must conform.

7. "Detention basin" means a facility constructed or modified to restrict the flow of storm water to a prescribed maximum rate, and to concurrently detain the excess waters that accumulate behind the outlet.

8. "Detention storage" means the temporary detaining or storage of storm water in storage basin, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

9. "Development" means the change or improvement of any parcel of land for residential, commercial, industrial, institutional, recreational, or public utility purpose, said change or improvement to include but not be limited to erection of a new structure; expansion of an existing structure; construction of a new parking area; expansion of an existing parking area; or construction of a new access drive.

10. "Discharge" means the rate of outflow of water from any source.

11. "Drainage area" means the area from which water is carried off by a drainage system, i.e. a watershed or catchment area.

12. "Dry bottom detention basin" means a basin designed to be completely drained after having provided its planned detention of runoff during a storm event.

13. "Excess storm water runoff" means the volume and rate of flow of storm water discharged from an urbanized drainage area which is or will be in excess of that volume and rate which occurred before urbanization.

14. "Fifty-year, 24-hour storm" means a precipitation event of 24-hours' duration, having a two percent chance of occurring in any one year.

15. "Floodplain" means the special flood hazard lands adjoining a watercourse, the surface elevation of which is lower than the base flood elevation and is subject to periodic inundation.

16. "Hydrograph" means a graph showing, for a stream or conduit, the runoff flowrate time.

17. "One hundred-year, 24-hour storm" means a precipitation event of 24-hours' duration, having a one percent chance of occurring in any one year.

18. "Peak flow" means the maximum rate of flow of storm water at a given point in a channel or conduit resulting from a predetermined storm or flood.

19. "Retention basin" means a structure or feature designed to retain storm water over a period of time, with its release being positively controlled over a longer period of time than in a detention basin.

20. "SCS method" means a technique for calculating storm water runoff volume and peak flow described in Soil Conservation Service (SCS) Technical Release 55.

21. "Special use" means all conditional uses or accessory uses and any use not previously defined or contemplated in this chapter or in the Zoning Ordinance.

22. "Storm water drainage facility" means any element in a storm water drainage system which is made or improved by man.

23. "Storm water drainage system" means all means, natural or manmade, used for conducting storm water to, through, or from a

23. drainage area to the point of final outlet, including but not limited to any of the following: open and closed conduits and appurtenant features, canals, channels, ditches, streams, swales, culverts, streets, and pumping stations.

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24. "Storm water runoff" means the waters derived from precipitation within a tributary drainage area, flowing over the surface of the ground or collected in channels or conduits.

25. "Ten-year storm" means a precipitation event having a ten percent chance of occurring in any one year.

26. "Ten-year storm runoff" means the storm water runoff having a ten percent probability of occurring on any one year.

27. "Time of concentration" means the elapsed time for storm water to flow from the most distant point in a drainage area to the outlet or other predetermined point.

28. "Unprotected channel" means a channel which receives storm water discharge and which is not paved, rip-rapped, or otherwise improved by addition of manmade materials so as to reduce the potential for erosion.

29. "Urbanization" mean the development, change, or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

30. "Water body" means any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

31. "Watercourse" means any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed. or banks.

32. "Wet bottom detention basin" means a basin designed to retain a permanent pool of storm water after having provided its planned detention of runoff during a storm event.

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.~~

2~~3~~. 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 DESIGN STORM EVENT. Storage capacity of detention facilities and discharge rates there from 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.

(Ord. 532 – Sep. 03 Supp.)

162.07 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 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 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 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 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 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 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 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 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 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 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. ***(Ord. 532 – Sep. 03 Supp.)***

162.18 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 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~~ a~~ton the first filing date that follows~~ 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 to~~ shall be responsible for all future grading, repairs, and maintenance to the said storm drainage and storm water facilities subject to the following conditions:

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A. That said development owner (equitable titleholder) shall~~agrees 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.

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B. The development owner (equitable titleholder) shall~~agrees 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~~, before the end of calendar year 2003 and~~ every subsequent five~~three~~ 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~~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 may cause ~~will undertake~~ the work to be completed and shall collect the cost ~~therefor~~therefore from the development owner (equitable titleholder) taking appropriate action as necessary.

(Ord. 532 – Sep. 03 Supp.)

162.20 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 ADMINISTRATION. The administration of this chapter shall be the responsibility of the Building Official and the City Engineer.

1. Creation:

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

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2. Members:

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a. The Storm Water Advisory Committee will consist of three (3) members and shall be appointed by the Mayor with advice from the City Council. 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 the City government

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and shall serve for a term of five (5) years or until a successor can be appointed. Appointment to vacancies will be for an unexpired term.

3. Removal of Members:

a. Members of the Storm water Advisory committee may be removed by the City Council before the expiration of a respective term 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.

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162.22 VARIANCES. No variance shall be issued without the review and recommendation of the Planning and Zoning Commission and approval of the Council.

162.23 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 OFFICIAL MAPS AND PROFILES. Responsibility for all changes to official maps and profiles is conferred to the City Engineer.

162.25 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.

DRAFT

RESOLUTION NO. 17-
City Council

RESOLUTION SETTING A PUBLIC HEARING DATE TO CONSIDER AMENDING HIAWATHA CODE OF ORDINANCES CHAPTER 101 STORM WATER DRAINAGE SYSTEM §101.01 PURPOSE, §101.03 RATES, AND §101.06 STORM WATER EMERGENCIES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA to direct staff to proceed with notification of a public hearing that will be held in the Hiawatha Council Chambers, 101 Emmons Street, before the Hiawatha City Council on Wednesday, May 17, 2017 at 5:30 P.M. regarding amending Hiawatha Code of Ordinances Chapter 101 Storm Water Drainage System §101.01 Purpose, §101.03 Rates, and §101.06 Storm Water Emergencies by adding retention or detention basin to definitions, establishing rates by ordinance and providing clarification on fees for City staff work on privately owned storm sewer.

AYES:
NAYS:
ABSENT:

PASSED AND APPROVED this 3rd day of May, 2017.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk