

ORDINANCE # 781

AN ORDINANCE PROVIDING FOR STORM WATER MANAGEMENT.

SECTION 1: PURPOSE. It is the purpose of this ordinance to establish policies to manage and control storm water runoff that occurs as a result of property development.

SECTION 2: DEFINITIONS. The following words, terms, or phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance:

- (a) CAPACITY (OF A STORM WATER FACILITY): The maximum volume or rate of conveyance available in a storm water management facility, including freeboard, to store or convey storm water without damage to public or private property.
- (b) CITY: The City of New Hampton, Iowa.
- (c) CITY COUNCIL: The City Council of the City of New Hampton, Iowa.
- (d) CIVIL ENGINEER: A professional engineer licensed in the State of Iowa to practice in the field of civil works.
- (e) CONTROL STRUCTURE: Part of a Storm Water Management Facility designed to regulate the Storm Water Runoff Release Rate.
- (f) DESIGN STORM: A storm with characteristics of the average storm for the desired Return Frequency.
- (g) DETENTION BASIN: A Storm Water Management Facility designed, constructed or modified to provide short term storage of storm water runoff, which reduces the peak outflow to a rate less than the peak inflow.
- (h) DEVELOPMENT: The improvement of land from its existing state or an area of land improvement.
- (i) DEVELOPED CONDITION: Hydraulic and hydrologic site characteristics that occur upon completion of a Development.
- (j) DRAINAGE AREA: An area of land contributing to Storm Water Runoff.
- (k) ORDINANCE: The portion of the City Municipal Code entitled "Storm Water Management Ordinance."

- (l) **OVERFLOW PATH:** The path taken by storm water runoff as a result of flows exceeding the capacity of the underground drainage system or Detention Basin. The path may include streets, channels, drainage ways, or areas of sheet flows, and be located on public property or private property within an easement.
- (m) **PRE-DEVELOPED CONDITION:** Hydraulic and hydrologic site characteristics that occur prior to a proposed Development, including natural storage areas, drainage ways, drainage tiles, and highway drainage structures.
- (n) **REGIONAL STORM WATER MANAGEMENT FACILITIES:** Those facilities designed to handle Storm Water Runoff from several lots which may include the entire subdivision, or multiple subdivisions, and may include existing developed areas.
- (o) **RETURN FREQUENCY:** Statistical parameter that defines the average occurrence time for a storm of a given magnitude.
- (p) **SITE:** A lot, parcel, or tract of land, or portion thereof, where Development is occurring, or has occurred, and may, or may not, require additional permits.
- (q) **SITE PLAN:** An overall plan of the area to be developed including, but not limited to: proposed building location(s), proposed parking and drive locations, proposed utilities including storm sewer components and subsurface drain tile, proposed ground elevations with drainage patterns highlighted, roof drainage outlet locations, other underground utilities, and property boundaries.
- (r) **STORM SEWER SYSTEM:** Facilities for the conveyance of Storm Water Runoff, a series of conduits and appurtenances, to accommodate frequent storms not generating large peak discharges. These facilities usually include conduits, street gutters, and swales.
- (s) **STORM WATER MANAGEMENT FACILITIES:** A Detention Basin and the associated appurtenances to make the system functional.
- (t) **STORM WATER MANAGEMENT PLAN:** A Site Plan, certified by a Civil Engineer, including materials, construction phasing, grading activities, and methods used for mitigation of increased Storm Water Runoff from the Site.
- (u) **STORM WATER RUNOFF:** The flow of water resulting from precipitation upon a surface area, not absorbed by the soil or plant material.

SECTION 3: **AREAS REQUIRING STORM WATER MANAGEMENT PLAN:** A Storm Water Management Plan shall be required for all new residential subdivisions and

resubdivisions larger than five acres in size and for all new commercial and industrial subdivisions larger than one acre in size. Commercial and industrial development occurring on existing platted lots larger than one acre in size shall also require a Storm Water Management Plan. Phased residential developments less than five acres or commercial or industrial developments of less than one acre that are part of a larger planned development or larger tract of land owned by the Developer shall also have a Storm Water Management Plan. The City may require other developments to submit a Storm Water Management Plan if topography of the site or planned improvements may have an adverse effect on downstream runoff. The City may refuse to approve a subdivision or development plan unless it provides for adequate drainage to an appropriate storm sewer, drainage water course, or storm water management facility.

SECTION 4: STORM WATER MANAGEMENT PLAN INFORMATION: The Storm Water Management Plan shall include, but not be limited to, the following information:

1. Peak discharges for Pre-Developed and Developed conditions based upon the design storms.
2. Individual parameters used for determining discharges shall be listed.
3. Hydraulic capacity of storm sewer inlets, pipes, open channels, or other means of conveying water.
4. Detention Basin design with Capacity listed.
5. Control Structure/outlet design.
6. Review of existing or proposed downstream conveyance capacities.
7. The SCS TR-55 computerized runoff volume program or other technically proven method shall be utilized for runoff calculations.

SECTION 5: STORM WATER MANAGEMENT PLAN DESIGN REQUIREMENTS: The design requirements of the Storm Water Management Plan shall include:

1. Developments requiring storm water management shall be required to detain the difference between the five year Pre-Developed storm and the 50 year Developed storm.
2. The maximum release rate for storms up to an expected Return Frequency of 50 years shall be the five year Pre-Developed storm. A safe overflow path shall be designed for storms exceeding the capacity of the Detention Basin.
3. Regional Storm Water Management Facilities are encouraged.

4. For residential Developments, storm water detention shall be sited in an area specifically platted for such and shall not be included in lots intended to be developed for residential purposes.
5. Dry-bottomed Detention Basins shall be oversized by 10% to help offset anticipated sedimentation.
6. Provisions shall be made to keep the bottom of the Detention Basin dry unless a permanent pond or lake is being utilized for detention.
7. The maximum side slopes of Detention Basins shall not exceed 3.5:1.

SECTION 6: SUBMISSION AND APPROVAL OF PLAN. A Site Plan shall accompany any proposed storm water management plan, which shall be submitted to the City for review. The zoning administrator shall not issue any building permit or use permit for the proposed development until the City Council approves the same if part of a subdivision plat or until the Planning and Zoning Commission approves the same in other circumstances. The City may inspect the site at any time to determine compliance with this ordinance. Upon determination that a site is not in compliance, the City may issue an order to comply that describes the problems and specifies a completion date.

SECTION 7: MAINTENANCE/OWNERSHIP: Regional Storm Water Management Facilities which are of sufficient size may be deeded to and maintained by the City. The City will maintain dry-bottom detention basins in residential developments unless unusual circumstances exist, but will not maintain ponds or wet detention basins. The developer or succeeding property owner will maintain the facilities and detention basin in commercial and industrial developments unless unusual circumstances exist. Whenever the City elects to accept ownership of a storm water management facility, the property owner shall dedicate to the City any property on which the facility will be located and shall provide access easements to the City for maintenance purposes whenever necessary.

SECTION 8: PRIVATELY MAINTAINED STORM WATER MANAGEMENT FACILITIES: For sites on which privately owned storm water detention facilities are located, the property owner will be responsible for the following:

- A. All future grading, repairs, and maintenance.
- B. Maintenance of the minimum storm water detention Capacity, as originally designed.
- C. Maintenance of the Detention Basin Control Structure(s) and discharge pipe(s) to insure the maximum theoretical design release rate is not increased.

D. The property owner shall not place fill material, or erect any buildings, obstructions, or other improvements on the area reserved for storm water detention purposes, unless approved in writing by the City.

SECTION 9: FEE ALTERNATIVE: Where storm water detention within the developed property is unusually burdensome or where the City is constructing or anticipates a larger, regional storm water maintenance facility that would receive the developed property's storm water, the Council may charge the developer a fee instead of requiring the developer to provide storm water management facilities. The Council shall establish the fee after evaluating the circumstances on a case by case basis.

SECTION 10: ADDITIONAL REQUIREMENTS. Compliance with this ordinance does not fully satisfy the developer's obligation with regard to storm water discharge. The developer shall also comply with all other applicable Federal or State regulations or requirements.

SECTION 11: INTEGRATION WITH CODE. Each section, provision or part of this ordinance which is followed by a section number set off by parentheses shall be inserted in the 1990 New Hampton Municipal Code as indicated by said section number and hereafter shall be cited by reference to said section number.

SECTION 12: REPEALER. All ordinances and resolutions, parts thereof or amendments thereto in conflict with this ordinance are hereby repealed.

SECTION 13: SEVERABILITY OF REPEALER. All ordinances and resolutions, parts thereof or amendments thereto not directly affected by this ordinance, shall remain in full force and effect.

SECTION 14: SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such section, provision or part shall be severable from the rest of the ordinance, and such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part not adjudged invalid or unconstitutional.

SECTION 15: EFFECTIVE DATE. This ordinance shall be in full force and effect after its final passage and publication as provided by law.

PASSED AND ADOPTED this 20th day of February, 2006.

BY: *Darwin Sittig*
DARWIN SITTIG, MAYOR

ATTEST: *Suellen Kolbet*
SUELLEN KOLBET, CITY CLERK