

CITY OF DALTON GARDENS
STORMWATER ORDINANCE
ORDINANCE NO. 120

AN ORDINANCE OF THE CITY OF DALTON GARDENS, KOOTENAI COUNTY, IDAHO ADOPTING GUIDELINES FOR STORMWATER MANAGEMENT; IMPOSING FEES FOR PLAN REVIEW AND CONSTRUCTION INSPECTION; REQUIRING PERMITS; PROVIDING FOR OWNERSHIP AND MAINTENANCE OF FACILITIES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalton Gardens is situated over a sole source aquifer as designated by the U.S. Environmental Protection Agency; and

WHEREAS, orderly development of new building sites requires adequate drainage and stormwater control; and

WHEREAS, stormwater may contaminate the sole source aquifer and

WHEREAS, there are currently no uniform standards for drainage; and

WHEREAS, this ordinance is established for the reduction, minimization and/or elimination of stormwater pollution of ground-water and surface waters; and

WHEREAS, the requirements described herein are applicable to all lands under the jurisdiction of the City of Dalton Gardens; and

WHEREAS, the City of Dalton Gardens City Council has authority to establish regulations to control such features for construction sites.

NOW, THEREFORE, BE IT RESOLVED by the City of Dalton Gardens, Idaho that the following regulations be adopted:

1.0 GENERAL REQUIREMENTS

1.1 The City of Dalton Gardens is hereby authorized and directed to administer proper controls for drainage of any site in conformance with these regulations. Stormwater and drainage plans shall be designed in accordance with these stormwater design requirements. The purpose of this ordinance is to protect the public's health, safety and welfare.

1.2 Any person, including municipal corporations and political subdivisions, shall submit to the City of Dalton Gardens, plans for proper drainage with their applications. Actions requiring

drainage plans included, but are not limited to:

- .01 Subdivision approval
- .02 Short plat approvals with slopes in excess of five percent
- .03 Planned unit developments
- .04 Conditional Use Permits
- .05 Stormwater management and/or control systems (Conditional Use Permit may be required)
- .06 Building permits for commercial or other than single family dwellings for new construction, excluding out buildings such as barns, garages or storage buildings, or substantial improvement - "Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either 1) before the improvement or repair is started or 2) if the structure has been damaged and is being restored, before the damage occurred. Any time stormwater or drainage from outside the City limits has the potential to enter or enters the City limits of Dalton Gardens.

1.3 The City is hereby authorized to collect a fee for plan review of proposals listed in item 1.2 herein above and for an inspection fee for review of the work done in the field in conjunction with such proposals. The City may inspect sites after construction as it deems necessary to monitor compliance with this ordinance. The Fee Schedule for plan review and inspection shall be established by resolution of the City Council. Fees scheduled may be changed from time to time by resolution. These fees are in addition to any other fee already established and charged during the review process.

1.4 A surety or bond to guarantee completion of drainage facilities required for actions enumerated in Section 1.2 shall be posted.

In addition, a surety or bond to warranty the quality of design, workmanship, and materials in all drainage facility construction required by this ordinance shall be posted for five (5) years following completion of the drainage facility. Procedures for posting and release of bonds and amount of bond required shall be as directed by the City of Dalton Gardens. Generally,

the amount of the bond shall be equal to one-hundred and 50 percent (150%) of the cost of the drainage construction plus an amount equal to the amount of potential damages as determined by the City which could reasonably occur to adjoining property should the system fail. In the case of stormwater permits, the warranty bond shall be a minimum of one hundred thousand dollars unless the applicant can demonstrate to the City that it should be less.

- 1.5 The responsibility for preparing plans for and constructing drainage facilities in conformance with these regulations and the herein authorized City requirements lies with the project sponsor/owner or developer in the case of land subdivision activity. In the case of short plat or single building construction it shall be the responsibility of the owner and builder. Where applicable by these requirements, the maintenance of such facilities shall be the responsibility of the sponsor/owner or developer. Plans shall be prepared by a civil engineer registered in the State of Idaho. In the case of "construction permits" or "drainage permits", a licensed landscape architect registered in the State of Idaho may be substituted for a civil engineer.
- 1.6 All political subdivisions and governmental entities shall be required to comply with the terms of this ordinance when developing and/or improving land, including, but not limited to, construction of new roads within incorporated areas of the City.
- 1.7 Construction work under any of the applications listed under Section 1.2 shall not begin until such time as final plans have been approved and permits obtained as herein provided. The following permits are required for all actions listed in Section 1.2:
- .01 A Permit to perform work in City road right-of-way, hereinafter called a "Construction Permit", is required for construction of facilities within the existing public right-of-way.

Application for a "Construction Permit" to do work within City road rights-of-way shall be made on forms furnished by the City.
 - .02 A Permit to install stormwater management and/or control systems hereinafter called a "Stormwater Systems Permit" is required for construction of systems within the City limits.

- .03 A Permit to direct stormwater inside the City limits or from outside the City limits into the City limits shall be called a "Drainage Permit" and be required prior to changing or redirecting stormwater drainages.
- .04 The City shall review prior to issuing or denying any permit applications all applications for "Construction Permits", "Stormwater System Permits" or "Drainage Permits" to;
 - 1) determine that the requirements of this ordinance have been satisfied;
 - 2) impose conditions in conjunction with the approval of the permits necessary to insure compliance with the purposes and provisions of this ordinance, and insure the public health, safety and welfare and/or provide minor deviations to standards where conditions warrant;
 - 3) determine if the proposed development and/or approach is subject to flooding, assure that the provisions of Section 2.0 are met;
 - 4) determine if the construction will interfere with existing or proposed City utilities;
 - 5) determine if the restoration of public right-of-ways is adequate; and
 - 6) determine if the construction will adversely affect the environment or private or public property.

2.0 STORMWATER DESIGN REQUIREMENTS

- 2.1 The City shall require the following criteria for drainage control that as a minimum provide:
 - .01 preservation and protection from blockage of natural or prior existing drainage ways and facilities; and
 - .02 reasonable assurance that the site and buildings thereon will be protected from damage due to drainage waters; and
 - .03 conformance with National Flood Insurance Program or environmentally sensitive area restrictions; and
 - .04 reasonable assurance that properties upstream and downstream from the site being developed are protected from drainage damage resulting from site development; and
 - .05 preservation and protection of surface water pursuant to applicable State and local standards; and
 - .06 temporary and/or permanent erosion and

- siltation control during and after construction; and
- .07 neither an increase in the rate of runoff (velocity) nor the total quantity of runoff; and
 - .08 that runoff discharged from a property prior to development may not be concentrated; and
 - .09 that the pre-construction quality of the runoff water may not be diminished; and
 - .10 that all runoff resulting from the construction must be disposed of on-site; generally by means of percolation through grassed areas; and
 - .11 that the disposal of surface runoff by direct discharge into drywells will not be allowed; and
 - .12 that wintertime conditions (frozen ground) will be separately calculated for quantity, quality, storage and disposal within the proposed plan.

2.2 The City may assume ownership and maintenance responsibility for all drainage facilities constructed within City right-of-way at the time the drainage facility is completed and approved by the City provided the City determines it is in the City's best interest to do so. The first year's repair costs due to defects in material and workmanship shall be the responsibility of the sponsor/owner who was required to construct the facility.

3.0 EXPERTISE

The City is authorized to hire outside expertise in the form of consulting engineers or certified landscape architects for the purpose of reviewing compliance with this ordinance. All costs of this expertise will be paid by the applicant.

4.0 ENFORCEMENT

This Ordinance shall be enforced in the same manner as the City's Zoning Ordinance.

5.0 SEVERABILITY

If any provision of this Ordinance or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.

6.0 EFFECTIVE DATE AND APPLICABILITY

This Ordinance shall become effective upon its passage and approval by the City Council and upon its publication in one issue of the "Coeur d'Alene Press," which is the Official newspaper of the City.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR THIS 1st
DAY OF August, 1991.

Joe Wark
JOE WARK, MAYOR

Gayle Clayeux
ATTEST: GAYLE CLAYEUX
CITY CLERK

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
County of Kootenai,

} ss.

Julia Jacobs

..... being first duly sworn
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Fri issue of said newspaper for 1 consecutive day commencing on the 9th day of August 1991, and ending on the 9th day of August 1991, and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice.

Julia Jacobs

Subscribed and sworn to before me this 9th day of August 1991.

Roberta Manley
Notary Public for the State of Idaho,
residing at Coeur d'Alene, Idaho.

ROBERTA MANLEY
My commission expires 2-3-93