

CHAPTER 6 STORM WATER MANAGEMENT

5-6-1 PURPOSE AND GENERAL OBJECTIVES

5-6-2 DEFINITIONS

5-6-3 EXEMPTIONS

5-6-4 APPLICATION

5-6-5 STORM WATER MANAGEMENT REQUIREMENTS

5-6-6 FEES ESTABLISHED

5-6-1 PURPOSE AND GENERAL OBJECTIVES.

1. It is the purpose of the Chapter to establish policies to comprehensively manage and control storm water runoff in a safe and economical manner in developing areas for the purpose of promoting the health, safety and general welfare of the population, and for the protection of property.
2. It is also the intent of this Chapter to provide for storm water storage within the city where detention basin facilities have been determined to be beneficial in reducing the peak runoff to subservient lands.
3. Requirements shall be established by this Chapter in an effort to manage storm water runoff from development sites. Except as exempted in this chapter, a storm water management plan, as set forth herein, will be required as part of proposed development activities.
4. It is a further purpose of this Chapter to adopt engineering methods and techniques for estimating storm water runoff which can be updated as technology improves, and to systematically monitor the effectiveness of the storm water management program.

5-6-2 DEFINITIONS. The following words and phrases whenever used in the ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Capacity of a Storm Water Facility" means 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.
2. "City" shall mean the City of Maquoketa, Iowa.
3. "City Manager" shall mean the city manager of Maquoketa, Iowa.
4. "City Council" shall mean the City Council of Maquoketa, Iowa.
5. "City Engineer" means the engineer designated by the City Council to review a Storm Water Management Plan.
6. "Civil Engineer" shall mean a professional engineer licensed in the State of Iowa to practice in the field of civil works.

7. “Control Structure” means that part of a Storm Water Management Facility designated to regulate the Storm Water Runoff Release Rate.
8. “Detention Basin” shall mean 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.
9. “Development” means either:
 - a. The subdivision of real estate as defined in section 5-3-5(40)
 - b. Any improvement, development, or redevelopment of a site one-half acre or larger; or
 - c. The improvement, development, or redevelopment of an area greater than five thousand square feet if it is located in the B-2 Central Business District as defined in section 5-1G-1 of the City of Maquoketa Code of Ordinances.
10. “Drainage Area” means an area of land contributing to Storm Water Runoff.
11. “Site” means a lot, parcel, or tract of land, or portion thereof, where development is occurring or has occurred.
12. “Storm Sewer System” shall mean facilities for the conveyance of Storm Water Runoff, typically a series of conduits and appurtenances, to accommodate frequent storms not generating large peak discharges. These facilities usually include conduits, street gutters and swales.
13. “Storm Water Management Facilities” mean any buildings, structures, Detention Basins, or other facilities for the management of Storm Water Runoff as required by a Storm Water Management Plan.
14. “Storm Water Management Plan” is 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 a Site.
15. “Storm Water Runoff” is the flow of water resulting from precipitation upon a surface area, not absorbed by the soil or plant material.
16. “Storm Water Runoff Release Rate” is the amount of Storm Water Runoff discharged from dominant land to servient land. Elevation shall determine which land is dominant and which is servient.

5-6-3 EXEMPTIONS. The following are exempt from the requirements of this Chapter:

1. Agricultural use of land.
2. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
3. Land within flood plain areas as designated in the Federal Emergency Management Agency maps in effect at the time of development or determined to be in a flood plain by the City Engineer at the time of development.

4. Areas where it is otherwise demonstrated that the proposed development will not produce any significant change to the existing pre-application hydrology; except that this exemption shall not be available for property located in the B-2 Central Business District as defined in section 5-1G-1 of the City of Maquoketa Code of Ordinances.
5. Areas deemed appropriate by the City Engineer.

5-6-4 APPLICATION.

1. The requirements of this Chapter shall apply to all Development within the City.
2. Storm Water Detention Basins intended to serve single family or multi-family residential developments shall be constructed by a developer and shall be privately owned and maintained following their inspection and acceptance by the City, unless otherwise approved by the City.
3. Storm Water Detention Basins intended to serve commercial development shall be constructed by a developer and shall be privately owned and maintained unless otherwise approved by the City.

5-6-5 STORM WATER MANAGEMENT REQUIREMENTS.

1. For purposes of obtaining approval of a Storm Water Management Plan, a plan for the site shall be submitted to the City Manager for review and approval by the City Engineer. All design criteria and plan details shall be in conformance with generally recognized engineering principles and the Maquoketa Storm Water Management Policy.
2. Construction of Storm Water Management Facilities shall be in conformance with the approved Storm Water Management Plan for the site.
3. The Storm Water Management Plan, including on-site water detention facilities, shall be reviewed, and approved by the City Engineer prior to the issuance of building permits for the site. The improvements shall be constructed prior to occupancy. The requirements of this paragraph may be deferred at the discretion of the City.
4. For sites on which privately owned and maintained storm water detention and/or conveyance facilities are located, the property owner shall be responsible for the following:
 - a. All future grading, repairs, and maintenance.
 - b. Maintenance of the minimum storm water detention volume as approved by the City Engineer.
 - c. Maintenance of the Detention Basin control structure(s) and discharge pipe(s) to insure the maximum theoretical Storm Water Runoff Release Rate, as approved by the City Engineer, is not increased.
5. The City Council may require the formation of a property owner's association to assume responsibility for Storm Water Management Facilities.

6. The property owner shall place no fill material, nor erect any buildings, obstructions, or other improvements on the area reserved for storm water detention purposes, unless approved otherwise by the City Engineer.
7. The City Council may, in its discretion, require the property owner to dedicate to the City of Maquoketa, Iowa, by instrument or final platting, any property on which public Storm Water Detention Basins will be located. Ingress-egress easements for maintenance of public facilities shall be provided prior to final plat approval.
8. The City Engineer may inspect any public or private Site at any time to determine compliance with these regulations. If deemed necessary by the City Engineer, the property owner shall provide certification by a Civil Engineer verifying the minimum storm water detention volume and the maximum theoretical Storm Water Runoff Release Rate, as required by section 5-6-5(4), are in conformance with the approved design.
9. Upon determination that a site is not in compliance with these regulations, the City Manager may issue an order to comply. The order shall describe the problem and specify a date by which compliance must be achieved. The City may pursue all legal and equitable remedies available in the event of noncompliance by the deadline contained in such a notice, which remedies may include, but not be limited to, a municipal infraction. The City's remedies may be cumulative.
10. Except as provided in this Chapter, no person shall engage in construction of Storm Water Management Facilities unless a Storm Water Management Plan has been reviewed and approved by the City Engineer.

5-6-6 FEES ESTABLISHED. For any development, a storm water plan fee shall be charged which shall be calculated to reimburse the city for all costs associated with the review and approval of the developer's Storm Water Management Plan, including, but not limited to, expenses for the City Engineer, City Attorney and the reasonable cost of city staff time devoted to review and approval of the Storm Water Management Plan and construction of the required Storm Water Management Facilities.
(Ord. 1008, 10-03-2005)

TITLE V LAND USE REGULATIONS

