

ORDINANCE NO. 3397
COUNCIL BILL NO. 10-1025

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 13.30.010, 13.30.020, 13.30.040, 13.30.050, 13.30.060 AND ADOPTING A NEW SECTION 13.30.075 TO THE STORMWATER MANAGEMENT ORDINANCE TO PROVIDE ADDITIONAL DEFINITIONS, ADOPTING ADDITIONAL STANDARDS FOR EROSION, SEDIMENT AND CONSTRUCTION WASTE CONTROL AND PROVIDING FOR INSPECTIONS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDE FOR THE PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, after recommendation by the Public Works Committee, it is deemed by the Mayor and City Council to be in the best interests of the City of Coeur d'Alene that said amendments be adopted; NOW, THEREFORE,

BE IT ORDAINED, by the Mayor and City Council of the City of Coeur d'Alene:

SECTION 1. That Coeur d'Alene Municipal Code Section 13.30.010 is amended to read as follows:

13.30.010: TITLE AND PURPOSE:

These regulations shall be known as the *STORMWATER MANAGEMENT ORDINANCE*. The purpose of these regulations is to require implementation of stormwater management techniques, which rely upon natural on site treatment, and recycling of stormwater as opposed to collection and conveyance of untreated stormwater into ground water sources or into surface bodies of water. The underlying purposes to be achieved by implementation of such regulations are the protection of ground water quality through pretreatment of stormwater prior to infiltration, protection of surface and subsurface water resources from the effects of contaminants, erosion, sedimentation, and erosion and construction waste from land disturbing activities, and providing for adequate drainage of stormwater and the protection of properties from increased runoff and flooding.

SECTION 2. That Coeur d'Alene Municipal Code Section 13.30.020 is amended to read as follows:

13.30.020: DEFINITIONS:

Unless a provision states otherwise, the following terms and phrases used in this chapter, have the following meanings:

AS BUILT DRAWINGS: Design plans that have been revised to reflect all changes to the plans that occurred during construction. These plans must be signed and stamped by the responsible qualified, licensed professional.

BEST MANAGEMENT PRACTICES (BMPs): Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater collection systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water and flooding.

CITY: The City of Coeur d'Alene

CLEAN WATER ACT: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CLEARING: The removal of vegetation, trees, structures, pavement, etc., by manual, mechanical, or chemical methods.

CONVEYANCE: A mechanism for transporting water from one point to another, including pipes, ditches, and channels.

CONVEYANCE SYSTEM: The drainage facilities, both natural and manmade, which collect, contain, and provide for the flow of surface water.

DESIGN STORM: A rainfall event of specific return frequency and duration that is used to calculate the runoff volume and peak discharge rate.

DETENTION: A temporary storage of storm runoff in a BMP, which is used to control the peak discharge rates, and which provides for gravity settling of pollutants and sediments.

DISCHARGE: Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the stormwater collection system, waters of the state, or into waters of the United States.

DISCHARGER: Any person who causes, allows, permits, or is otherwise responsible for a discharge, including, without limitation, any operator of a construction site or industrial facility.

EROSION: The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

EROSION/SEDIMENT CONTROL: Any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation.

GROUND WATER: Water in a saturated zone or stratum beneath the land surface or a surface water body.

HAZARDOUS MATERIAL: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLCIT CONNECTION: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLCIT DISCHARGE: Any discharge to a storm drain that is not composed entirely of stormwater except discharges pursuant to a NPDES permit.

IMPERVIOUS SURFACE: Has the same meaning as subsection 17.02.070A of this code.

INDUSTRIAL ACTIVITY: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 14).

INFILTRATION: The downward movement of water through the soil. Infiltration capacity is expressed in terms of inches per hour.

INFILTRATION BASIN: Depressions created by excavation or berms to provide for short term ponding of surface runoff until it percolates into the soil through the basin's floor and sides.

INTERMITTENT STREAM: A stream or portion of a stream that flows only seasonally. Typically it is dry for several months of a year.

LAND DISTURBING ACTIVITY: Any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing topography. Land disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling, and excavation.

NUTRIENTS: Essential chemicals needed by plants or animals for growth. Excessive amounts of nutrients can lead to degradation of water quality and algae blooms. Some nutrients can be toxic at high concentrations.

NON-STORMWATER DISCHARGE: Any discharge that is not entirely composed of stormwater.

NPDES: National Pollutant Discharge Elimination System permit, a permit issued by the U.S. EPA, in compliance with the Federal Clean Water Act for the discharge of pollutants from any point source into the waters of the United States.

POLLUTANT: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

QUALIFIED, LICENSED PROFESSIONAL: A registered civil engineer or registered landscape architect, licensed in the state of Idaho.

RETENTION: The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

RUNOFF: Rainfall or snowmelt that does not infiltrate into the soil, but remains on the surface and travels over land to either natural or manmade collection facilities.

SECURITY: A surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to or required by the city to guarantee that work is completed in compliance with the project's drainage plan and in compliance with all local government requirements.

SEDIMENT: Material that originates from weathering and erosion of rocks or unconsolidated deposits, and is transported by, suspended in, or deposited by water.

SEDIMENTATION: The deposition of sediment usually in basins or watercourses.

STORM FREQUENCY: The time interval between storms of predetermined intensity, e.g., a 2-year, 25-year, or 100-year storm.

STORMWATER: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER COLLECTION SYSTEM: A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basin, curb, gutter, ditches, manmade channels, grassed swales, infiltration basins, shallow injection wells, or storm drains) owned or operated by the city.

STORMWATER RUNOFF: Runoff generated by storms.

STORMWATER MANAGEMENT PLAN: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

SWALE: A shallow infiltration basin with relatively gentle side slopes.

TREATMENT AND DETENTION BMP: A BMP that is intended to detain runoff and remove pollutants from stormwater. A few examples of treatment and detention BMPs are detention ponds, oil/water separators, biofiltration swales, and constructed wetlands.

UNDEVELOPED STATE: The natural soils and vegetation in place prior to the start of any construction or clearing activity on the site.

SECTION 3. That Coeur d'Alene Municipal Code Section 13.30.040 is amended to read as follows:

13.30.040: STORMWATER MANAGEMENT PLAN:

- A. Stormwater Management Plan Required: Any activity regulated by this chapter shall require the development of a comprehensive stormwater management plan meeting the requirements of sections 13.30.050 and 13.30.060 of this chapter. Stormwater management plans shall be approved by a qualified, licensed professional and submitted for review by the city engineer.
 - 1. Exceptions:
 - a. Stormwater management plans for new single-family residential structures or additions to single-family residential structures are not required to be designed by a qualified, licensed professional unless required by the city engineer under subsection A1b of this section.
 - b. The city engineer may require that the stormwater management plan be signed by a registered civil engineer if the city engineer determines that off site drainage or adjacent property rights are affected by the plan.
- B. General Plan Requirements: Each stormwater management plan must contain the following general elements:
 - 1. The necessary maintenance system, including an acceptable plan for sustained functioning of the collection and treatment system. Unless the plan identifies another responsible party, the parties identified in section 13.30.090 of this chapter shall be responsible for maintenance of all elements of the stormwater collection and treatment system. Maintenance activities shall include (but not be limited to), watering, mowing and fertilizing of infiltration basins, sod renovation of infiltration basins (unless otherwise provided in this chapter), sediment and debris removal from detention basins, debris removal and cleaning of all inlets, piping, outlet structures, slope protection, etc.
 - 2. The easements necessary to provide continued maintenance of the system.
 - 3. Clearly identified stormwater facilities including, but not limited to, pipes, inlets, catch basins, infiltration basins, basins, and swales.

C. Required Stormwater Plan Elements: In addition to the general plan requirements required by subsection B of this section, stormwater management plans must contain the following parts:

1. Design Calculations: The plan shall present all pertinent calculations necessary to determine the required size of elements of the system. These elements include, but are not limited to, off site drainage onto the property, pre- and post-development runoff, infiltration basins, detention and/or retention facilities, pipes, swales, culverts, ditches, and catch basins.
2. Site Plan: The site plan shall include the following:
 - a. Property boundaries and all existing natural and manmade features and facilities within fifty feet (50') of the site, including streets, utilities, easements, topography, structures, and drainage channels.
 - b. Final contours.
 - c. Location of all proposed improvements, including paving, structures, utilities, landscaped areas, flat work, and stormwater control facilities.
 - d. Proposed drainage patterns including ridgelines and tributary drainage areas.
 - e. Stormwater control facilities, including invert elevations, slopes, length, cross sections, and sizes. Construction details shall be shown for infiltration basins, and/or detention/retention/construction waste facilities.
 - f. Existing and proposed drainage/stormwater easements.
 - g. Location of all BMP's, temporary and permanent.
 - h. Final vegetation, landscape, and permanent stabilization measures.

3. Erosion, Sediment and Construction Site Waste Control Standards: The design, testing, installation, and maintenance of erosion, sediment and construction site waste controls shall be in accordance with the City of Coeur d'Alene approved Best Management Practices (BMP's) as adopted. (13.30.080)

An erosion, sediment and construction waste control plan shall be submitted and approved prior to initiation of any site clearing, excavation, and grading or other development activity. Both temporary and permanent erosion, sediment and construction waste control measures shall be included. The plan shall represent the minimum requirements for the site. Additional measures may be required by the city in the event of unexpected storm occurrences, repair or maintenance of existing systems, or replacement of nonfunctioning systems.

- a. The permit holder and owner of the property are responsible for maintenance and upkeep of ~~both temporary and permanent~~ erosion, sediment and construction waste control measures unless the erosion, sediment and construction waste control plan identifies another person or entity as the responsible party.

SECTION 4. That Coeur d'Alene Municipal Code Section 13.30.050 is amended to read as follows:

13.30.050: PERFORMANCE STANDARDS:

The following performance standards are applicable to all design, construction, implementation, and maintenance of stormwater management systems pursuant to this chapter:

- A. All activities subject to the requirements of this chapter shall be carried out in a manner that ensures that runoff of storm or other natural surface waters shall not be accelerated, concentrated, or otherwise conveyed beyond the exterior property lines or project boundaries of the project in question. Existing and/or proposed off site public street drainage shall be detained separately from the on site drainage. All stormwater facilities and BMPs required for the project must be constructed within the project boundary or property lines.
1. Exceptions: Runoff of storm or other surface waters may be conveyed beyond the exterior property lines or project boundaries if:
 - a. Done in accordance with the provisions of a joint stormwater management agreement approved in writing by the city; or
 - b. The downstream property received drainage prior to development. In this case, flow may not be concentrated onto downstream properties where sheet flow previously existed. In no event will there be a measurable increase in the peak rate of runoff from the site after development when compared with the runoff rate in the undeveloped state for a 25-year storm.
- B. Erosion, sediment, or discharge of pollutants, resulting from construction activities, which enter onto public property or private property not controlled by the permit holder, shall be eliminated to the maximum extent practicable unless otherwise permitted or exempted under this chapter.
- C. All construction activity commenced pursuant to an approved stormwater management plan or site development permit must at all times comply with the conditions of the plan or permit. The permit holder is responsible for ensuring their contractor(s), subcontractor(s), utility trenching subcontractor(s), and all other persons entering the site abide by the conditions of the permit. The permit holder's signature or that of his authorized agent on the permit shall constitute an agreement by the permit holder to accept responsibility for meeting the conditions of the permit.
- D. No construction activity shall take place without a valid stormwater management plan. If a permit has been suspended or revoked, or has expired, all work covered by the plan shall cease until a new plan is issued.
- E. All necessary action shall be taken to minimize the depositing and tracking of mud, dirt, sand, gravel, rock or debris on or onto the public right of way. The owner of the site of the construction activity or the permit holder with respect to the construction site shall be responsible for any cleanup of the public rights of way or private property not under the permit holder's control necessitated from any tracking or depositing of mud, dirt, sand, gravel, rock or debris, or shall reimburse the city for any expenses incurred by the city to effectuate the cleanup. At a minimum, all public rights of way shall be cleaned curb to curb on a weekly basis.
- F. Construction ramps shall be constructed of material that will not erode or deteriorate under adverse conditions, and shall not be placed in a manner as to interfere with or block the passage of stormwater runoff.
- G. No debris, dirt, aggregate or excavated materials, or construction supplies, shall be placed on the public right of way unless specifically permitted by the City of Coeur d Alene in writing. In addition, public sidewalks shall not be removed, blocked, or otherwise rendered unusable by construction activity, equipment or materials, or portable toilets, unless a safe, usable alternate walkway, as approved by the City of Coeur d Alene, is placed on the same side of the right of way by the contractor.

- H. No owner or lessee of real property shall allow the property to be unoccupied, unused, vacant or undeveloped after the topsoil has been disturbed or the natural cover removed, unless control measures are undertaken to prevent mud, sand, dirt and gravel, or other material from migrating off site and entering the public right of way or a stormwater system.
- I. All temporary erosion /sediment and construction waste control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within twenty one (21) days from removal of the temporary measures.
- J. Channels which collect or concentrate stormwater shall be protected against erosion and contain energy dissipation measures to prevent erosion on adjoining lands. Existing unprotected channels shall be protected against further erosion in the course of site development. Any site development or construction shall preserve the existing stormwater management improvements.
- K. Sediment resulting from erosion of disturbed soils shall be detained on site. Sediment shall either be stabilized on site or removed in an approved manner.
- L. ~~Any and all collected stormwater runoff shall be directed to infiltration basins or to an approved BMP~~ Permanent treatment of stormwater runoff shall be accomplished by directing all runoff to an infiltration basin or to an approved BMP.
1. Exceptions: Runoff may be discharged directly into dry wells or other overflow structures under the following circumstances:
 - a. When the increase in impervious surface, resulting from new construction or addition to existing structures, is less than three thousand (3,000) square feet.
 - b. Runoff from roofs.
- M. When existing streets are widened or otherwise improved, runoff from the new impervious surface may be directed into existing storm drain facilities if the existing storm drain facility has sufficient capacity to accommodate the increased runoff.

SECTION 5. That Coeur d'Alene Municipal Code Section 13.30.060 is amended to read as follows:

13.30.060: DESIGN STANDARDS:

- A. General Standards: All stormwater facilities shall incorporate the following design standards:
1. All conveyance facilities shall be designed to accommodate a 25-year storm event.
 2. When on site facilities must accommodate drainage from off site, such conveyance facilities shall be designed to accommodate a 50-year storm event.
 3. Peak flows shall be calculated by the rational method for areas ten (10) acres or less. Peak flows shall be calculated by the soil conservation service (SCS) method TR-55, for areas greater than ten (10) acres. Other methods may be approved by the city engineer.
 4. The intensity-duration curves from the Idaho transportation department shall be used for the rational method.
- B. Erosion, Sediment and Construction Site Waste Control: The design, testing, installation, and maintenance of erosion, sediment and construction site waste controls, as detailed in the stormwater management plan, shall be in accordance with the City of Coeur d Alene Best Management Practices (BMP's).
- C. Infiltration Basins: All infiltration basins shall incorporate the following design standards:

1. Infiltration basins shall be designed either to retain and treat a volume equal to one-half inch ($\frac{1}{2}$ ") of runoff over the tributary impervious area, including roofs or to infiltrate a storm event of 0.1 inches per hour.
2. Infiltration basins designed to detain the treatment volume shall be a maximum of six inches (6") from the lowest point of the swale to the inlet of the overflow structure.
3. Infiltration basins shall have a minimum infiltration rate of 0.5 inches per hour.
4. Infiltration basins shall be planted and maintained with grass and/or other vegetative cover approved by the city. An encroachment permit issued by the city pursuant to chapter 12.44 of this code must be obtained before starting any landscaping work in infiltration basins located in city rights of way.
5. Infiltration basins must be renovated when they do not meet the minimum infiltration rate or when the vegetative cover dies.
6. Infiltration basins shall contain dry wells, or an equivalent approved by the city engineer, to accommodate overflow.
7. Where infiltration basins will be located between curb and sidewalk, both curb and sidewalk shall be considered an integral part of the storm management system and shall be installed with the infiltration basin.

SECTION 6. That a **new** Municipal Code Section 13.30.075, entitled Inspections, is adopted as follows:

13.30.075: INSPECTIONS:

All construction activities which require a permit or have the potential to impact stormwater discharge or create a discharge to the stormwater collection system shall be subject to the inspection provisions of this section.

- A. The city maintains the right to inspect any site of construction activity that has been issued a permit or is required to have a permit issued.
- B. Sites shall be required to undergo and pass a city inspection upon completion of the installation of temporary erosion /sediment and construction waste controls, and upon completion of the final grading and/or the permanent drainage and erosion control facilities. The permit holder shall be responsible for scheduling these inspections through the City of Coeur d' Alene Building Department. Inspections must be requested at least forty eight (48) hours prior to the desired time of inspection. Additional inspections may also occur as deemed necessary by the city.
- C. When an inspection is required under this chapter, no work shall proceed until completion of the inspection and approval from the authorized city agent conducting the inspection.

SECTION 7. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

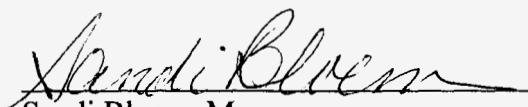
SECTION 8. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Coeur d'Alene City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 9. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

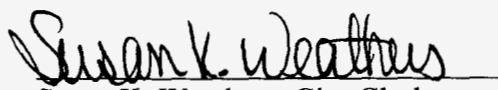
SECTION 10. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an ordinance of the City of Coeur d'Alene at a regular session of the City Council on December 7, 2010.

APPROVED, ADOPTED and SIGNED this 7th day of December, 2010.

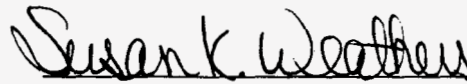

Sandi Bloem, Mayor

ATTEST:


Susan K. Weathers, City Clerk

SUMMARY OF COEUR D'ALENE ORDINANCE NO. 3397
Amending Chapter 13.30 – Stormwater Regulations

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE, KOOTENAI COUNTY, IDAHO, AMENDING SECTIONS 13.30.010, 13.30.020, 13.30.040, 13.30.050, 13.30.060 AND ADOPTING A NEW SECTION 13.30.075 TO the STORMWATER MANAGEMENT ORDINANCE TO PROVIDE ADDITIONAL DEFINITIONS, ADOPTING ADDITIONAL STANDARDS FOR EROSION, SEDIMENT AND CONSTRUCTION WASTE CONTROL AND PROVIDING FOR INSPECTIONS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING A SEVERABILITY CLAUSE. THE ORDINANCE SHALL BE EFFECTIVE UPON PUBLICATION OF THIS SUMMARY. THE FULL TEXT OF THE SUMMARIZED ORDINANCE NO. 3397 IS AVAILABLE AT COEUR D'ALENE CITY HALL, 710 E. MULLAN AVENUE, COEUR D'ALENE, IDAHO 83814 IN THE OFFICE OF THE CITY CLERK.

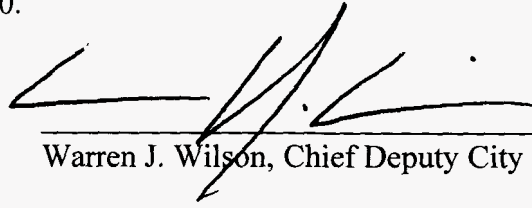


Susan K. Weathers, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. 3397, Amending Chapter 13.30 – Stormwater Regulations, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 7th day of December, 2010.

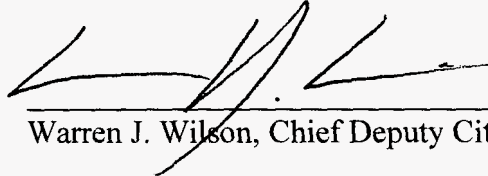
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Warren J. Wilson, Chief Deputy City Attorney

STATEMENT OF LEGAL ADVISOR

I, Warren J. Wilson, am a Deputy City Attorney for the City of Coeur d'Alene, Idaho. I have examined the attached summary of Coeur d'Alene Ordinance No. 3398, 2009 Building and Fire Code Adoption, and find it to be a true and complete summary of said ordinance which provides adequate notice to the public of the context thereof.

DATED this 21st day of December, 2010.

A handwritten signature in black ink, appearing to read 'W. J. Wilson', is written over a horizontal line. The signature is stylized and somewhat cursive.

Warren J. Wilson, Chief Deputy City Attorney