

After previous introduction on September 24, 2018, Council Member Ellis moved passage, seconded by Council Member Farrell, of the following Ordinance



ORDINANCE NO. 181001-075

STORMWATER MANAGEMENT POST-CONSTRUCTION ORDINANCE

SUMMARY: AN ORDINANCE ESTABLISHING POST-CONSTRUCTION BEST MANAGEMENT PRACTICES FOR PERMANENT STORMWATER CONTROL STRUCTURES

THE PUBLIC GOOD REQUIRING IT, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALABASTER, ALABAMA AS FOLLOWS:

WHEREAS, the City of Alabaster operates under the requirements of the Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Permit ALS000011; and

WHEREAS, this permit authorizes stormwater discharges from regulated small municipal separate storm sewer systems (MS4s); and

WHEREAS, the City of Alabaster must be compliant with the ADEM NPDES Permit by developing, implementing, and enforcing a program to address post-construction stormwater management; and

WHEREAS, the City of Alabaster finds it necessary to enact an ordinance to address and enforce post-construction stormwater management standards on Qualifying Sites to prevent or minimize water quality impacts and ensure that the volume and velocity of pre-construction stormwater runoff is not exceeded for the life of the property's use to the maximum extent practical (MEP)

Be it Ordained as follows:

Section 1 DEFINITIONS

For the purposes of this ordinance, the following words and terms shall have the meaning assigned to them in this section.

Best Management Practices (BMPs) –activities, prohibitions of practices, maintenance procedures and management practices designed to prevent or reduce the pollution of waters to the MS4. BMPs also include treatment systems, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

Green Infrastructure – Systems and practices that use or mimic natural processes to infiltrate, promote evapotranspiration (the return of water to the atmosphere either through evaporation or by plants), or reuse stormwater or runoff on the site where it is generated.

Hydrology –the physical characteristics of stormwater discharge, including the magnitude, duration, frequency, and timing of discharge.

Low Impact Development (LID) –An approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness, to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Non-structural BMPs –may include, but not be limited to the following: preservation of open spaces and vegetation, establishment of conservation easements, establishment of buffers along streams and other waters, maintenance of vegetation, BMP inspection and maintenance, and planning for future development or redevelopment.

Qualifying Site –any new development site or re-development site that results in land disturbance and implements Structural and/or Non-structural BMPs.

Structural BMPs –may include, but not be limited to the following: detention/retention devices, check dams, drainage swales, lined ditches, infiltration basins, porous pavement, outlet protection, velocity dissipation devices, slope protection, constructed wetlands, rain gardens, catch basin inserts, vegetated filter strips, and rain barrels.

Section 2 ADMINISTRATION

The provisions of this ordinance shall be administered by the municipal engineer for the City, a municipal official or employee who is a qualified credentialed professional (QCP), such other municipal official or municipal employee who has had sufficient experience with BMP design, or an individual or agency contracted by the City to provide such service.

Section 3 POST-CONSTRUCTION BMP DESIGN

Section 3.1 Design Standards

The post-construction BMPs for Qualifying Sites, which may include a combination of structural BMPs and/or non-structural BMPs, must be designed to ensure that the volume and velocity of preconstruction stormwater runoff, to the maximum extent practicable, is not exceeded.

Landowners and developers must develop and maintain best management practices to ensure, to the maximum extent practicable, that post-construction hydrology mimics pre-construction hydrology of the site. A 25-year, 24-hour rain event shall be the basis for the design and implementation of post-construction BMPs.

The current City of Alabaster Subdivision and Development Regulations details acceptable design criteria meeting the requirement of the current NPDES Permit No. ALS000011 and shall be the basis for the design and implementation of post-construction BMPs.

Section 3.2 Design References

By reference in this Section, the City adopts the following as design references to meet the design standards:

- a) The latest version of the “Alabama Handbook for Erosion Control, Sedimentation Control, and Stormwater Management on Construction Sites and Urban Areas”, Volumes 1 and 2.
- b) The latest version of the “Low Impact Development Handbook for the State of Alabama”.
- c) Any stormwater design manual approved by the City that meets the design requirement of this ordinance.

Section 4 APPLICATION REQUIREMENTS

As part of the Land Disturbance Application, all Qualifying Sites shall include the following components:

Section 4.1 Post-Construction BMP Design Description

Structural BMPs and/or non-structural BMPs that meet the design standards for Qualifying Sites found in Section 3.1 of this ordinance will be submitted to the City for review and approval. Submittal of a post-construction BMP plan, for approval by the City, must be included as an integral part of the site-plan approval process.

Changes to design of any structural or non-structural BMPs should be submitted to the City as a Revision. All Revisions must be submitted and stamped by a design professional, reviewed for compliance, and approved prior to construction. All approved plans and Revisions will remain in the project address folder and serve as “as-built” certification once the Certificate of Occupancy/Completion is issued.

Section 4.2 Post-Construction BMP Inspection Plan Description

The City shall perform or require the performance of an inspection by the developer/owner/operator at least once per year to confirm proper function of BMPs, require corrective actions to poorly functioning or inadequately maintained BMPs, and require record keeping of maintenance activities, inspections, and corrective actions. Records of these inspections shall be made available to ADEM upon request and copies shall be provided to the City on an annual basis. The minimum documentation requirements for inspections are as follows:

- a) Facility type;
- b) Inspection date;
- c) Name and signature of qualified inspector;
- d) Site location;
- e) Owner information (name, address, phone number, and email);
- f) Checklist of BMP's that must be inspected and required condition of BMP's to ensure proper functioning. Description of the existing stormwater BMP condition that may include the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; permeable paving; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures;
- g) Photographic documentation of all critical stormwater BMP components;
- h) Specific maintenance items or violations to be addressed by the responsible party of the stormwater control or BMPs; and
- i) Maintenance agreements for long-term BMP operations and maintenance.

Section 4.3 Post-Construction BMP Operation and Maintenance Plan Description

A BMP Operation and Maintenance Plan shall be a part of the plan review process and an executed copy shall be placed in the project address folder and the MS4 Post-Construction folder. The plan shall identify the necessary reoccurring maintenance and operational activities and schedule of those activities necessary to ensure that the BMPs continue to meet the original design intent and standards of this ordinance. The Operation and Maintenance Plan shall also designate the party that is responsible and funding mechanism necessary to implement the Plan.

One or more of the following shall be applicable (as determined by the City) to establish the responsible party for long term operation and maintenance:

- a) The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party.
- b) Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance.
- c) Written conditions in projection conditions, covenants, and restrictions for residential properties assigning maintenance responsibilities to a home owner's association or other appropriate group for maintenance of structural and treatment control management practices.
- d) Any other legally enforceable agreement that assigns permanent responsibility for maintenance.

Section 5 ENFORCEMENT AND ABATEMENT

If the responsible party fails or refuses to meet design, operation, or maintenance standards required by this ordinance, the City, after reasonable notice, may correct a violation of the design standards, operations, or maintenance needs by performing all necessary work to place the measures in proper working condition. In the event the BMPs become a danger to public safety or public health, which includes water quality, the City shall notify in writing the responsible party for changes to design, operation, maintenance, and repairs of the BMP. Upon receipt of that notice, the responsible party shall have 14 calendar days, or such additional time as the City shall determine to be reasonably necessary to complete the actions, to make changes to design, operation, maintenance, and repairs of the measures in an approved manner. In the event corrective action is not undertaken within that time, the City may take necessary corrective action. The cost of any action by the City under this Section shall be billed to the responsible party. If the responsible party refuses to pay the bill, the City is entitled to bring an action against the responsible party to pay, file a lien against the property, or both. Costs shall include interest, collection fees, and reasonable attorney fees.

The City shall also have the authority to issue a Stop Work Order on any other components of the development to ensure that the BMPs are properly installed and maintained.

Section 6
MISCELLANEOUS

Section 6.1 Notices

Whenever the City is required or permitted to:

- a) Give a notice to any party, such notice must be in writing; or
- b) Deliver a document to any party; such notice or document may be delivered by personal delivery, certified mail (return receipt requested), registered mail (return receipt requested) or a generally recognized overnight carrier, to the address of such party which is in the records of the City or is otherwise known to the City.

Section 6.2 References

Whenever a Section is referred to in this ordinance, unless the context clearly indicates the contrary, such reference shall be to a section of this ordinance.

Section 6.3 Severability

The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of law to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this ordinance.

Section 6.4 Captions

The captions of Sections and sections are for the purpose of reference only, and such captions shall not affect the meaning of any provision of this ordinance.

Section 6.5 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

This Ordinance shall become effective upon its passage, execution and publication as provided by law.

ADOPTED AND APPROVED THIS 1st DAY OF OCTOBER 2018.

ATTEST:

CITY OF ALABASTER




Brian Binzer, City Manager/Clerk



Sophie Martin, Council President Pro-Tem

APPROVED:



Marty B. Handlon, Mayor