

CITY OF DALTON
ORDINANCE
Ordinance No. 20-22

An Ordinance Of The City Of Dalton To Amend Chapter 96 “Stormwater Management” Of The Revised Code Of Ordinances Of 2001 Of The City Of Dalton; To Amend Article I “In General” By Deleting Section 96-1 “Scope Of Responsibility For The City Drainage System” In Its Entirety And To Substitute Section 96-1 “Scope Of Responsibility For The City Drainage System”; To Amend Article I “In General” By Adding The Definition Of “Runoff Reduction Practices” In Section 96-3 “Definitions”; To Amend Article II “Post Construction Stormwater Management” To Provide Clarification Of Section 96-10 “Stormwater Local Design Manual; To Amend Section 96-11 “Exemptions From Requirements” By Deleting Paragraph (5); To Amend Section 96-13 “Permit Procedures And Requirements” By Deleting Paragraph (b) In Its Entirety And To Substitute Paragraph (B) “Stormwater Concept Plan And Consultation Meeting” In Lieu Thereof; To Amend Section 96-14 “Post-Development Stormwater Performance Criteria” By Deleting Paragraphs (a) And (a-1) In Its Entirety And To Substitute Paragraphs (a) and (a-1) In Lieu Thereof; To Provide An Effective Date; To Repeal All Ordinances Conflicting Therewith; To Provide For Severability; And For Other Purposes.

WHEREAS, Article I “In General” and Article II “Post Construction Stormwater Maintenance” of Chapter 96 “Stormwater Management” Of The Revised Code Of Ordinances Of 2001 Of The City Of Dalton has been amended from time to time;

WHEREAS, the City desires to revise and amend Article I “In General” and Article II “Post Construction Stormwater Maintenance” of Chapter 96 “Stormwater Management” to provide for the protection of the health, welfare, and safety of the public and so as to continue compliance with Federal and State stormwater management practices;

BE IT ORDAINED by the Mayor and Council of the City of Dalton in regular meeting assembled and by authority of the same it is hereby ordained as follows:

-1-

The recitals contained herein above are incorporated herein by reference and are adopted as findings and determinations of the Mayor and Council.

-2-

Section 96-1 “Scope Of Responsibility For The City Drainage System” of Article II “Post Construction Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting Section 96-1 in its entirety and inserting in lieu thereof the following:

Sec. 96-1. - Scope of responsibility for the city drainage system.

The city drainage system consists of all streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made, within the political boundaries of the City of Dalton which control and/or convey stormwater through which the city intentionally diverts surface waters from it public streets and properties. The city owns or has legal access for purposes of operation, maintenance, and improvements to those segments of this system which (1) are located within public streets, rights-of-way, and easements; (2) are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operations, maintenance, and/or improvement of systems and facilities; or (3) are located on public lands to which the city has adequate access for operations, maintenance, and/or improvement of systems and facilities. Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City of Dalton and for which there has been no public dedication of such systems and facilities for operations, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of Georgia and the United States of America.

(a) The City of Dalton may accept temporary or permanent easements for public dedication of such drainage systems and facilities for operations, maintenance, and/or improvement if one or more of the following criteria are met:

(1) The drainage system is connected directly to the city’s existing public drainage system and conveys stormwater runoff from a city property or city right-of-way.

- (2) A significant amount of stormwater runoff conveyed by the drainage system is generated by city owned property or city right-of-way.
 - (3) Failure of the drainage system will result in a significant threat to the public and/or adjacent property.
- (b) The City of Dalton may accept drainage systems for operations, maintenance, and/or improvement determined to meet the eligibility criteria listed in (a) if:
- (1) The drainage system has not been damaged due to negligence, neglect or intentional act of the property owner.
 - (2) Easements with adequate access for operations, maintenance, and/or improvement of systems and facilities are provided by the property owner to the city.
- (c) The City of Dalton will not accept drainage systems for the purposes of operations, maintenance, and/or improvement of systems and facilities if one or more of the following criteria are met:
- (1) The drainage system is located on a non-residential property such as but not limited to commercial, industrial, institutional or multi-family properties (such as commercial apartment complexes). However, the city may accept an easement for such drainage systems if the existing condition of the system or facility poses a significant and real threat to human health and safety of the general public (including city infrastructure) and meets the criteria outlined in (a) and (b) above.
 - (2) The drainage system is located under an existing building(s).
- (d) Prior to acceptance of a drainage easement for an existing drainage system or facility, the Public Works Director will prepare and provide to the City Council a corrective action plan to address known deficiencies with the drainage system or facility. Following acceptance of the easement, the corrective action plan will be included in the city's list of known capital improvement and maintenance projects. The acceptance of the drainage system or facility shall not create a special duty on the city to prioritize the corrective action plan above other

known capital improvement and maintenance projects.

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Section 96-3 “Definitions” of Article I “In General” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by adding, in alphabetical order therein, the definition of “Runoff Reduction Practices” such that the new definition shall read as follows:

Runoff Reduction Practices are stormwater management practices that are used to disconnect impervious and disturbed pervious surfaces from the storm drain system, thereby reducing post-construction stormwater runoff rates, volumes, and pollutant loads.

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Section 96-10 “Stormwater Local Design Manual” of Article II “Post Construction Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting Section 96-10 in its entirety and inserting in lieu thereof the following:

Sec. 96-10. - Stormwater local design manual.

The engineer will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the GSMM and the Whitfield - Dalton Stormwater LDM, for the proper implementation of the requirements of this article. The LDM may be updated and expanded periodically by the Public Works Director, based on improvements in science, engineering, monitoring and local maintenance experience. The Public Works Director shall maintain the current version of the LDM at the Public Works Department and make the same available for inspection by and distribution to the public.

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Section 96-11 “Exemptions From Requirements” of Article II “Post Construction

Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting paragraph (5) of Section 96-11 in its entirety.

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Section 96-13 “Permit Procedures And Requirements” of Article II “Post Construction Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting paragraph (b) of Section 96-13 in its entirety and inserting in lieu thereof the following:

- b. *Stormwater concept plan and consultation meeting.* Projects that are complex in nature may require a stormwater concept plan and consultation prior to submittal of design plans for review by the engineer. The stormwater concept plan shall meet the requirements outlined in the LDM. Stormwater concept plans and consultation meetings are encouraged for all projects prior to submittal of engineering plans for review. For the purposes of this section, any proposed development activity that meets any of the following criteria shall be required to perform a stormwater concept plan and consultation meeting prior to submittal of engineering plans for review.
 1. Any residential subdivision with greater than 50 lots, unless such development contains two-acre or greater lots.
 2. Any non-residential development with a disturbed area of ten acres or greater.
 3. Any non-residential development regardless of size which has an impervious surface coverage that covers 50 percent or more of the property excluding those lands contained within undisturbed buffers including but not limited to floodplains, stream buffers and undisturbed buffers between dissimilar zonings.
 4. Any no-residential development regardless of size which is defined as a hot spot land use.

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Section 96-14 “Post-Development Stormwater Performance Criteria” of Article II “Post Construction Stormwater” of Chapter 96 “Stormwater Management” of the Revised Code Of Ordinances Of 2001 of the City of Dalton, as amended, is hereby amended by deleting paragraphs (a) and (a-1) of Section 96-14 in its entirety and inserting in lieu thereof the following:

(a) *Stormwater Runoff Quality / Reduction.* Stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

(1) The system is designed to retain the first 1.0 inch of rainfall on site to the maximum extent practicable. The determination by the engineer that it is infeasible to apply the stormwater runoff quality/reduction standard, on part or all of a project, must be documented with the site plan review documents. If the first 1.0 inch of rainfall can be retained onsite using runoff reduction methods, then no additional water quality treatment is required. If the 1.0 inch cannot be retained onsite, the remaining runoff from a 1.2 inch rainfall event must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the LDM and GSMM;

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Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, invalid or unlawful, such declaration shall not affect the validity of the remaining portions of the ordinance not so declared to be unconstitutional, invalid, or unlawful.

-9-

All resolutions and ordinances of the City of Dalton or parts thereof in conflict herewith are hereby repealed.

-10-

This Ordinance shall take effect and be in force following its adoption and publication in two public places within the City of Dalton for five (5) consecutive days, the public welfare of the City of

Dalton requiring it.

ADOPTED AND APPROVED on the ___ day of _____, 20___, at the regular meeting of the Mayor and Council of the City of Dalton.

The foregoing Ordinance received its first reading on _____ and a second reading on _____. Upon second reading a motion for passage of the ordinance was made by Council member _____, second by Council member _____ and upon the question the vote is _____ ayes, _____ nays and the Ordinance is adopted.

CITY OF DALTON, GEORGIA

Attest:

MAYOR

CITY CLERK

A true copy of the foregoing Ordinance has been published in two public places within the City of Dalton for five (5) consecutive days following passage of the above-referenced Ordinance as of the _____ day of _____, 20___.

CITY CLERK
CITY OF DALTON