

ORDINANCE NO. 2026

**AN ORDINANCE REPEALING ARTICLE III OF CHAPTER 16, AND
ENACTING ARTICLE VI OF CHAPTER 60, RELATING TO THE
STORMWATER ORDINANCE**

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
DICKINSON, NORTH DAKOTA, AS FOLLOWS:

SECTION 1: Article III. – Stormwater Management, containing Section 16-84 through Section 16-111 of Chapter 16. – Environment, is hereby repealed.

SECTION 2: Article VI. – Stormwater Management, containing Section 60-150 through Section 60-166, of Chapter 62 of the Municipal Code of the City of Dickinson, is hereby enacted as follows:

ARTICLE VI. - STORMWATER MANAGEMENT

Sec. 60-150. – Purpose and policy.

This title sets forth uniform requirements for stormwater management systems within city limits and areas of the City's extraterritorial jurisdiction as outlined in the Stormwater Design Manual (SWDM). It is the intent of the Board of City Commissioners that the requirements and standards contained in this ordinance comply with all applicable state and federal laws. In the event of any conflict between the provisions of this ordinance and the provisions of an erosion control, or floodplain ordinance, or other regulations adopted by the City, County, State or Federal authorities, the more restrictive standard prevails.

The objectives of this title are:

1. To promote, preserve, and enhance the natural resources within the City of Dickinson, its extraterritorial jurisdiction and watersheds;
2. To protect and promote the health, safety, and welfare of the people and property through effective stormwater management practices;
3. To protect the City's natural resources from adverse impacts caused by development or other activities;
4. To allow for land development, land disturbing, or other activities that may adversely and potentially irreversibly impact stormwater quality and environmentally sensitive lands related to property within the City of Dickinson, the extraterritorial jurisdiction and watersheds while controlling runoff and protecting property;
5. To regulate land development, land disturbing, or other activities that may have an adverse impact to stormwater quality and quantity;
6. To minimize conflicts and encourage compatibility between land disturbing and development activities and environmentally sensitive issues (i.e. land, water, habitat, etc.);

7. To require detailed review standards and procedures for land development activities proposed throughout the City, and its extraterritorial jurisdiction, thereby achieving a balance between urban growth and development, and the protection of water quality; and
8. To provide for adequate stormwater system analysis and appropriate stormwater system design as necessary to protect public and private property, water quality, and existing natural resources. This title establishes and provides for the following stormwater management criteria:
 - a. The regulation of development through the issuance of stormwater management permits and through the enforcement of general stormwater drainage requirements throughout the City as they relate to managing stormwater volumes, rates of runoff, flow duration, and their subsequent impacts to downstream property and stormwater management facilities.
 - b. The regulation of, and the establishment of criteria for, existing public underground storm sewers, existing artificial and natural open channel drainage systems, existing stormwater detention and retention ponds, and existing private stormwater drainage systems discharging into the public system.
 - c. Penalties for violating the provisions of this ordinance, and the orders, rules, regulations and permits issued hereunder. (Ord. No. 1282 § 2.)

Sec. 60-151. – Definitions.

For the purpose of this ordinance and title, the following terms, phrases, and words, and their derivatives, shall have the meaning as stated in this section. Words used in the present tense include the future tense. Words in plural number include the singular number, and words in the singular number include the plural number. The word “shall” is mandatory and the word “may” is permissive.

Agricultural land use means the use of land for planting, growing, cultivating and harvesting crops for human or livestock consumption and pasturing or yarding of livestock.

Applicant means any person wishing to obtain a building permit, special use permit, zoning change, or subdivision approval, that requires a mandatory stormwater management permit.

Approval means recognition that the project has addressed the applicable requirements to be issued a mandatory stormwater management permit.

Best management practice means a schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce increases in runoff rates and/or the pollution of downstream waters.

Catchment means the area of a development or redevelopment project that collects stormwater to a discrete Point of Discharge or Point of Analysis.

Certification Report means the required analysis documenting that the facilities identified in an approved Stormwater Management Plan have been constructed and function as intended. A Certification Report is a required submittal prior to project closeout.

City means the Board of City Commissioners, the City Administrator, and any designees.

Common plan of development or sale means a contiguous area where multiple separate and distinct construction activities are planned to occur at different times on different schedules under one plan, e.g., a housing development of five ¼ - acre lots (40 CFR 122.26(b)(15)(i)).

Conditional approval means the issuance of a mandatory stormwater permit on the stipulation that additional materials and/or actions occur in the future to document and confirm the submitted and reviewed application materials.

Control measure means a practice or combination of practices to control erosion and attendant pollution.

Construction means any site under development which lacks vegetative or permanent cover.

Construction activities are as defined in 40 CFR part 122.26(b)(14)(x) and (b)(15). This includes a disturbance to the land that results in a change in topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling and excavating. Construction activity includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility

Construction plans mean engineered drawings detailing the size and character of post-construction stormwater management facilities and site development.

Construction stormwater management means the implementation of appropriate temporary BMPs to minimize soil sediment or pollutants carried in runoff from construction activities. Also included is the management of run-on and runoff of stormwater from the construction activities.

Conveyance structure means a pipe, open channel, or other facility that transports runoff from one location to another.

Detention facility means a natural or manmade structure, including constructed stormwater wetlands, for the temporary storage of runoff which may contain a pool of water, or may be dry during times of no runoff.

Developer means a person, firm, corporation, sole proprietorship, partnership, federal or state agency or political subdivision thereof engaged in a land disturbance and/or land development activity.

Development means any of the following activities:

- a. Structural development, including construction of a new building or other structure;
- b. Expansion or alteration of an existing structure that results in an increase in the ground surface dimensions of the building or structure;
- c. Land disturbing activities that result in land disturbance of one or more acres; or
- d. Creation or expansion of impervious surfaces (such as pouring new concrete parking lots, driveways, or roadways) that alter the natural flow of stormwater runoff.

EPA means the United States Environmental Protection Agency.

Erosion means any process that wears away at the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.

Erosion and Sediment Control Plan means a written description and site map containing best management practices designed to meet the requirements of this ordinance. A plan that conforms to the State of North Dakota Stormwater Pollution and Prevention Plan Permit requirements can also be used.

Extra-Territorial Jurisdiction means the zoning or subdivision jurisdiction of the City, but outside its corporate limits.

Excavation means any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or spread and shall include the resulting conditions.

Fill means any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

Hydric soils mean soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.

Illicit discharge means any discharge to, or seepage into the City's MS4 that is not composed entirely of stormwater or uncontaminated groundwater except discharges pursuant to an NDPDES permit. Examples include, and are not limited to, construction material discharges, discharging of sanitary sewers and runoff of spilled chemicals, fuels or lubricants. Exceptions to illicit discharges are included in the City's MS4 General Permit.

Impervious surface means any land cover that prevents rain, or melting snow, from soaking into the ground, such as roofs (including overhangs), streets, sidewalks, patios, driveways, and parking lots. For the purposes of this SWDSM, all road, driveway or parking surfaces, shall be considered impervious. Any surface with a curve number greater than or equal to 95 are to be considered as impervious surfaces.

Land disturbing activities means any land alterations or disturbances that may result in soil erosion, sedimentation, or change in runoff including, but not limited to, removal of ground cover,

grading, excavating, and filling of land, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, and harvesting trees.

Landowner means any person holding title to or having an ownership interest in land.

Land user means any person operating, leasing, renting, or having made other arrangements with a landowner by which the landowner authorizes use of their land.

Municipal Separate Storm Sewer System (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management Agency under section 208 of the CWA that discharges to waters of the United States;

- Designed or used for collecting or conveying stormwater;
- Which is not a combined sewer; and
- Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

Multiple-purpose facility means an urban stormwater facility that fulfills multiple functions, such as enhancement of runoff quality, erosion control, wildlife habitat, or public recreation, in addition to its primary purpose of conveying or controlling runoff.

North Dakota Pollution Discharge Elimination System (NDPDES) Permit means any permit or requirement enforced by the North Dakota Department of Environmental Quality pursuant to the Clean Water Act as amended for the purposes of regulating stormwater discharge.

Notice of Termination (NOT) means a notification to the City and/or NDDEQ of one of the following criteria has been met: final stabilization has been successfully established; transfer of ownership of the responsibility for the site and its discharges has been legally transferred to another operator; or alternative permitting for the facility has been obtained for an individual National Pollution Discharge Elimination System permit to replace the general permit coverage.

On-site post-construction facility (BMP) means a permanent stormwater facility provided to serve only the project area and no significant areas outside of the project boundaries. On-site facilities shall be sized to include the existing condition runoff flows from areas up gradient of the development boundary that flow onto the development under the existing condition.

Outfall means the point where a municipal separate storm sewer system discharges from a pipe, ditch, or other discrete conveyance to receiving waters, or other municipal separate storm sewer systems. It does not include diffuse runoff or conveyances, which connect segments of the same stream or other water systems

Occupant means any person using a lot, parcel of land, or premises connected to and discharging stormwater into the stormwater system of the City.

Permanent development means any buildings, structures, parking lots, roads, landscaping and related features constructed as part of a development project approved under a stormwater management permit, that will remain after development is constructed.

Permanent facilities mean any natural or constructed features of a stormwater system including, but is not limited to storm sewers, infiltration areas, detention/retention areas, channels, streets, and similar features, that will remain after development is constructed.

Permittee means any person who has received a stormwater management permit from the City.

Person means any developer, individual, firm, corporation, partnership, franchise, association, owner, occupant of property, or agency - public or private.

Pervious surface means any land cover that permits absorption of stormwater or snow melt into the ground. Any surface with a curve number less than 95 are to be considered as pervious surfaces.

Planning Commission means an appointed Commission of the Dickinson City Commission, which is tasked with addressing land use in accordance with Chapter 44.

Point of Analysis means the location where runoff from development or redevelopment will be evaluated for compliance with the requirements of Chapter 60-150 of the City Municipal Code and this SWDSM. In general, this will be the location where post developed flow rates must meet the existing conditions rates and water quality BMPs have been provided. The Point of Analysis may be located downstream of the Point of Discharge(s). The Point of Analysis will be determined by the City Engineer. In practicality, there may be more than one Point of Analysis for a project.

Point of discharge means a location where stormwater discharges from development or redevelopment areas into the Public Storm Sewer System or other receiving waters. In practicality, there may be more than one point of discharge on a site or for a project.

Post-construction facilities or post-construction BMP means permanent structural and non-structural best management practices to mitigate adverse impacts to stormwater quality and water quantity which are part of any natural or constructed stormwater system that require periodic or minimal maintenance to retain their operational capabilities. This includes, and is not limited to, storm sewers, infiltration areas, detention areas, channels, streets, etc.

Post-construction stormwater management means the implementation of appropriate permanent BMPs to address the stormwater quantity, quality, and conveyance for new and redevelopment projects.

Private drainage channel means a drainage channel on privately-owned land or easements which eventually discharges into a public drainage channel, public storm sewer or public right of way.

Private storm sewer means a storm sewer on privately owned land or easements.

Private storm sewer system means a system of conveyances designed or used for collecting or conveying stormwater on privately-owned land or easements which eventually discharges into the Public Storm Sewer System. The private storm sewer system consists of both open and enclosed drainage systems (including roads with drainage systems, parking lots, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned and operated by private entities.

Public drainage channel means a drainage channel located on public property or easements that collects and conveys stormwater.

Public storm sewer means a storm sewer located entirely on publicly owned land or easements.

Public Storm Sewer System means a system of conveyances designed or used for collecting or conveying stormwater, owned or operated by the City and included in the City's Municipal Separate Storm Sewer System (MS4). The public storm sewer system consists of both open and enclosed drainage systems (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that are owned or operated by the City and are designed to collect and convey stormwater; and discharge, either directly to an MS4 owned or operated by another public body, or to other receiving waters.

Redevelopment means any construction, alteration or improvement on a previously developed site that creates new impervious surfaces that does not violate the definition of Construction Activities listed above, does not violate the maximum impervious coverage allowed as per Table 62-162-3a – Summary of Site Development Regulations or the site's existing stormwater management plan, and does not alter the natural flow of stormwater runoff.

Regional detention means an area which temporarily stores stormwater from more than one source.

Regional flood means a flood that is representative of large floods known to have occurred generally in the state and recently characteristic of what can be expected to occur on an average frequency in the magnitude of a one hundred (100) year recurrence interval. It is also referred to as the base flood.

Runoff means rainfall, snowmelt, dewatering or irrigation water flowing over the ground surface and into open channels, underground storm sewers, and detention or retention ponds.

Sediment means solid or organic material that, in suspension, may be transported by air, water, gravity, or ice, and deposited at another location.

Site means the entire area included in the legal description of the parcel or other land division on which land development or land disturbing activity is proposed in a permit application.

Stabilized means the use of practices that prevents exposed soil from eroding. Temporary stabilization (i.e. mulching, erosion control blankets) can be used on exposed soils where construction has ceased and will not resume for the duration specified by the associated NDPDES permit. Final stabilization is when all soil disturbing activities are complete and a uniform,

perennial vegetative cover with a density of native background cover meeting the minimum percentage specified by the associated NDPDES permit has been established, or equivalent permanent erosion measures (like riprap) are in place.

Standard specifications mean the edition of the “Standard Specifications for Dickinson, North Dakota” in place at the time of permit application available from the office of the City Engineer.

State means the State of North Dakota.

Storm sewer means a pipe or conduit for carrying stormwater, surface runoff, street and wash waters, and drainage, excluding sewage and industrial wastes.

Stormwater Design Manual means a design and standards manual, as adopted and amended by the City of Dickinson, that contains the principal standards and design criteria for complying with the City’s stormwater management program. The Manual details criteria for hydrologic evaluations, the design of stormwater management system facility components, water quality protection standards, and requirements for easements and rights-of-way. The Manual also contains a discussion of operation and maintenance requirements, standard forms to be used, and standard construction details adopted by the City.

Stormwater detention means temporary storage of stormwater runoff in ponds, parking lots, depressed grassy areas, roof tops, buried underground tanks, and other similar features, for future or controlled release that is used to delay and attenuate flow.

Stormwater management system means physical facilities that collect, store, convey, and treat stormwater runoff in urban areas. These facilities normally include detention and retention facilities, streets, storm sewers, inlets, open channels, and special structures, such as inlets, manholes, and energy dissipaters that are located within public right-of-way or easements dedicated to the City of Dickinson.

Stormwater management criteria mean specific guidance provided to the designer to carry out stormwater management policies.

Stormwater Management Plan (SWMP) means a written document detailing the stormwater runoff characteristics for a defined area and the management of that runoff to mitigate adverse impact to stormwater quality and quantity. A Stormwater Management Plan is a required submittal for a Post-Construction Stormwater Management Permit.

Stormwater permit means a permit allowing land development and land disturbing activities so as to protect the Public Storm Sewer System such that development or redevelopment activities are in conformance with the MS4 General Permit.

Stormwater Pollution Prevention Plan (SWPPP) means a site-specific plan required for Construction Stormwater Permits that addresses all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity and controlled through the implementation of Best Management Practices (BMPs).

Stormwater retention means permanent stormwater storage designed to eliminate subsequent surface discharge. Ponds are the most common types of retention storage.

Sub-catchment means a smaller area of the hierarchical pattern of drainage from a catchment. For mandatory stormwater permits, sub-catchments are used to define unique drainage areas inside of the project catchment.

Sub-watershed means a smaller area of the hierarchical pattern of drainage from a watershed. An area of land where all surface water is tributary to a larger drainage system.

Unpolluted water means any water of quality equal to or better than the effluent criteria in effect, or water that would not cause a violation of receiving water quality standards.

Urban area means land associated with, or part of, a defined city or town.

User means any person who benefits from and/or is regulated by City stormwater management policies and facilities.

User fee means a fee levied on users of a public stormwater management system for the user's proportionate share of the cost of operation and maintenance or replacement of such works.

Watershed means the land area that drains water to a particular stream, river, or lake. It is a land feature that can be identified by tracing a line along the highest elevations between two areas on a map, often a ridge.

Waters of the State means any and all surface waters that are contained in or flow in or through the state of North Dakota as defined in NDCC 61-28-02. This definition includes all water courses, even if they are usually dry.

Watershed Stormwater Master Plan means a stormwater management plan that characterizes and address runoff from a defined drainage area and makes recommendations for the implementation of regional facilities, or BMPs, to address peak flow and water quality compliance and/or regional drainage and conveyance systems. Watershed Stormwater Master Plans that are adopted by the City Commission are planning documents that provide drainage area specific refinements to stormwater management performance requirements and design standards.

Waterway means any channel, open ditch, or river which carries natural flows or stormwater.

Wetlands mean areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (Reference: Definition of wetlands as used by the USACE and EPA since the 1970s for regulatory purposes: <https://www.epa.gov/cwa-404/section-404-clean-water-act-how-wetlands-are-defined-and-identified>)

Sec. 60-152. – Illicit discharge into stormwater system.

It shall be unlawful for any person to discharge, deposit, dump or drain, or cause to be discharged, deposited, dumped or drained any liquid, solid or material which may degrade stormwater quality and/or is prohibited by city, state or federal regulations or policies into the stormwater system. For the purposes of this chapter, illicit discharges do not include the following, unless information is available to indicate otherwise: Water line flushing, landscape and lawn irrigation water, agricultural irrigation water, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)), uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, springs, water from crawl space pumps, footing drains, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, street wash water, stormwater runoff, and discharges or flows from firefighting activities. (Ord. No. 1282 § 2.)

Sec. 60-153. – Application.

A proposed Stormwater Management Plan shall be filed with the City Engineer when the definition of construction activities is met. If an existing stormwater management plan exists for the property, a new stormwater management plan will not be required if the engineering requirements are met for the proposed development as defined above. The application shall include a description of the location upon which the approval is requested, verification that the proposed use is permitted in the underlying zoning district, and adequate evidence showing the proposed use will conform to the standards set forth in this article and the City of Dickinson Stormwater Design Manual. Applicable fees as set forth in the city fee schedule shall be paid prior to commencement of any construction activities. Exemptions to the requirements of this section include:

- 1) Any part of a fully developed subdivision with streets, curbs, and gutters for which a plat was approved and recorded with the County Recorder on or before June 10, 2003;
- 2) Construction activities associated with a building permit approved on or before September 1, 2026;
- 3) Installation of a fence, sign, telephone, and electric poles and other kinds of posts or poles;
- 4) Construction of a standalone single-family dwelling is exempt from filing a stormwater management plan, but must provide erosion control measures while under construction;
- 5) Emergency work to protect life, limb, or property;
- 6) The Planning and Zoning Commission may waive any requirement of this article upon making a finding that compliance with the requirement will involve an unnecessary hardship, and the waiver of such requirement will not adversely affect the standards and requirements put forth in Sections 16-104 and 16-105. The City may require as a condition of the waiver such dedication or construction or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements; or

- 7) All Stormwater Management Plans that have been approved by the City of Dickinson prior to (DATE OF ADOPTION BY THE CITY COMMISSION IN 2026) shall be considered approved with no revisions required.

Sec. 60-154. – Operation and maintenance considerations.

All stormwater management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in stormwater runoff. It shall be the responsibility of the applicant to obtain or provide any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes. (Ord. No. 1282 § 2)

Sec. 60-155. – Mandatory compliance with other city codes.

In addition to this article, the applicant is responsible for adhering to the requirements of all city codes, including but not limited to the following:

1. Zoning regulations;
 2. The city's Flood Damage Prevention Ordinance, ordinance number 1404, Chapter 20; and
 3. Regulations governing the subdivision of land.
- (Ord. No. 1282 § 2.)

Sec. 60-156. – Stormwater management program scope.

Every application for a building permit, subdivision approval, or a permit to allow construction and/or land disturbing activities must comply with the provisions of this Article and the Stormwater Design Manual (SWDM) prior to permit issuance or approval.

The City Engineer may waive any requirement of this title upon making a finding that compliance with the requirement will involve an unnecessary hardship, and the waiver of such requirement will not adversely affect the standards and requirements put forth in Chapter 60-160 to 60-190. The City may require as a condition of the waiver, such dedication or construction, or agreement to dedicate or construct, as may be necessary to adequately meet the said standards and requirements.

The City of Dickinson is a designated Municipal Separate Storm Sewer System (MS4) under the Environmental Protection Agency's Stormwater Phase II Final Rule published on December 8, 1999 and is regulated under the North Dakota Pollutant Discharge Elimination System (NDPDES) by the North Dakota Department of Environmental Quality. To demonstrate compliance with the requirements of the MS4 General Permit, all development activities within the City's zoning jurisdiction must comply with the provisions contained herein related to construction stormwater management permits.

Sec. 60-157. – Contents of stormwater design manual (SWDM).

The edition of the SWDM enforced at the time the permit is applied for is the governing document for engineering standards that shall be followed. The City Engineer has the authority to amend the SWDM according to their professional judgment at their discretion.

Sec. 60-158. – Conditions.

A Stormwater Management Plan may be approved subject to compliance with the SWDM and with conditions deemed reasonable and necessary by the City to ensure that the requirements contained in this article are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to insure buffering, require the acquisition of certain lands or easements, and require the conveyance to the City of Dickinson or other public entity of certain lands or interests therein. The City may specify special requirements for specific watersheds within the City. The nature of these requirements will be subject to the unique environmental and natural resource environment of each sub watershed.

Sec. 60-159. – Stormwater management construction permits.

Any person proposing construction activities for development or redevelopment as defined in Section 60-151 shall submit the associated Stormwater Pollution Prevention Plan (SWPPP) for review as part of the building permit application, subdivision application, or permit application to allow construction and/or land disturbing activities. Submittals shall meet NDPDES requirements.

Sec. 60-160. – Emergency suspension of permits.

The City may for cause order the suspension of the stormwater management permit and/or building permit of a person, contractor, developer or parcel owner when it appears to the City that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons downstream, substantial danger to the environment, or a violation of any permit conditions imposed by this article. If any person is notified of the suspension order and/or a person fails to comply voluntarily with the suspension order, the City shall commence whatever steps are necessary to obtain compliance, including judicial proceedings. The City may reinstate the stormwater management permit and/or building permit upon proof of compliance with all permit conditions.

The City may order the emergency suspension of a stormwater management permit and/or building permit pursuant to the emergency provisions of this section, the City shall serve notice on the permittee personally or by registered or certified mail before or after actually suspending activity depending on the individual situation. If any person is notified of the suspension order

and/or a person fails to comply voluntarily with the suspension order, the City shall commence whatever steps are necessary to obtain compliance, including judicial proceedings.

Any applicant dissatisfied with an order the City issued pursuant to this section may request a hearing before the Board of City Commissioners by filing a written request for a hearing with the City, within fifteen (15) days of receipt of the order. The hearing must be held within thirty (30) days of receipt of the request, or as subject to the current meeting schedule, whereupon the Board of City Commissioners may affirm, modify or rescind the order. A request for a hearing filed pursuant to this section does not stay the order while the hearing is pending. (Ord. No. 1282 § 2)

Sec. 60-161. – Revocation of a permit.

A stormwater management permit may be revoked following notice and an opportunity for a hearing in accordance with Sections 38.14.150.3 and 38.14.150.4. In the event a stormwater management permit is revoked, all associated construction activity must cease. The City may revoke a stormwater management permit for cause, including but not limited to if upon permitted site there is:

1. One or more violation of any terms or conditions of the stormwater management permit;
 2. False statements on any required reports;
 3. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
 4. Any other violation of this title or related ordinance.
- (Ord. No. 1282 § 2; Ord No. 1369 §1)

Sec. 60-162. – Notification.

Whenever the City finds that any person has violated or is violating this title, stormwater management permit and/or its conditions, or any prohibition, limitation or requirement contained herein, the City shall serve upon such person a written notice stating the nature of the violation. Within the time period specified, a plan for the satisfactory correction thereof must be submitted to the City. (Ord. No. 1282 § 2)

Sec. 60-163. – Hearing.

If the violation is not corrected by timely compliance, the City may order any permittee who causes or allows a violation to a stormwater management permit to show cause before the Board of City Commissioners why the order of the City should not be upheld. A notice of hearing must be served on the permittee specifying the time and place of a hearing to be held by the Board Commission regarding the order of the City, and directing the permittee to show cause before the Board Commission why the order of the City should not be upheld. The notice must be served personally or by registered or certified mail postmarked at least ten (10) days before the hearing. The evidence submitted at the hearing shall be considered by the city which shall then uphold,

modify or rescind the order of the city. An appeal of the city's decision may be taken according to law.

If any person commences any land disturbing activities which result in increased stormwater quantity or stormwater quality degradation into the City stormwater management system contrary to the provisions of this title, federal or state requirements or any order of the City, the City Attorney may, following the authorization of such action by the Board of City Commissioners, commence legal action for appropriate legal and/or equitable relief. (Ord. No. 1282 § 2; Ord No. 1369 §1)

Sec. 60-164. – Penalty.

Any person who is found to have violated an order of the Board of City Commissioners made in accordance with this title, or who has failed to comply with any provision of this title and the orders, rules, regulations and permits issued hereunder, is guilty of a misdemeanor. Any violation of this section shall be a class B misdemeanor. Each day such violation continues shall be considered a separate offense. (Ord. No. 1282 § 2)

Sec. 60-165. – Costs of damage.

Any person violating any of the provisions of this title or who initiates an activity which causes a deposit, obstruction, or damage or other impairment to the City's stormwater management system is liable to the City for any expense, loss, or damage caused by the violation or the discharge. The City may bill the person violating this title for the costs for any cleaning, repair or replacement work caused by the violation of stormwater discharge. (Ord. No. 1282 § 2)

Sec. 60-166. – Falsifying information.

Any person who knowingly makes any false statements, representations, or certification in any applicable record, report, plan, or other document filed or required to be maintained pursuant to this title, or stormwater management permit, or who knowingly falsifies, tampers with, or knowingly renders inaccurate any monitoring devices or method required under this chapter, shall be guilty of a misdemeanor. Any violation of this section shall be a class B misdemeanor. Each day such violation continues shall be considered a separate offense. (Ord. No. 1282 § 2)

SECTION 3: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

SECTION 5: Effective Date: This Ordinance shall be in full force and effect from and after final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2026

Second Reading: _____, 2026

Final Passage: _____, 2026

DRAFT