

# Stormwater Ordinance Update (ZTA-007-2026)

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# Section 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;



## Section 60-150. – Purpose and policy. (Cont.)

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.)

# Section 60-151. – Definitions. (Additions & Major Changes)

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

*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.

*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.

# Section 60-151. – Definitions. (Additions & Major Changes)

*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.

## Section 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.)

## Section 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;

## Section 60-153. – Application. (Cont.)

- 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.

## Section 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)

## **Section 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.)

# Section 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.



# Section 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.

## Section 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.

# Section 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.

# Section 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)

## Section 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)



## Section 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)

## Section 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)

## Section 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)

## Section 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)

## Section 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)

Comments? Questions?