

Stormwater Ordinance Update

Presented by: City Engineer, Joshua Skluzacek



Background

- The City of Dickinson has been looking to update and modernize its Stormwater Ordinance to better reflect state and industry standards
- The proposed changes were drafted through collaboration between the City's Engineering department, Public Works department, and a private consultant
- Additionally, a Stormwater Design Standards Manual (SWDM) is being proposed concurrently

Section 60-160.2: Definitions (Major Changes)

Best Management Practice. 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. ~~A practice or combination of practices to control erosion and water quality degradation.~~

Erosion and Sediment Control Plan. 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.

Standard Specifications. Refers to the current edition of the “Standard Specifications for Dickinson, North Dakota” available from the office of the City Engineer.

Stormwater Design Manual. 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 Management Plan (SWMP). A written document detailing 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.



Section 60-170.1: Stormwater management program scope

Every applicant 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 Standards Manual. No building permit, subdivision approval, or permit to allow construction activities shall be issued until approval of the Stormwater Management Plan or a written waiver of the approval requirement has been obtained.

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. (Ord. No. 1282 § 2.)



Section 60-170.2: Contents of stormwater management plan & Section 60-170.3: Final stormwater management plan

The City of Dickinson Storm Water Design Manual is the governing document for engineering standards that shall be followed.

Upon completion of all required construction activities, the permit applicant shall submit to the City the final Stormwater Management Plan to document any change to the original Stormwater Management Plan concept. The final Stormwater Management Plan shall contain Record Drawings showing the final configuration for all improvements as constructed. For areas of development the final Stormwater Management Plan and Record Drawings shall be certified by a Professional engineer registered in the State of North Dakota. (Ord. No. 1282 § 2)

Section 60-180.1: Construction stormwater management

3. Permit Conditions. Stormwater management permits are issued subject to all provisions of this title and all other applicable regulations, user charges and fees established by the City. Permits may contain any of the following conditions:
- a. The user fee for a stormwater outlet utilizing a regional stormwater management facility.
 - b. Limits on the maximum rate of stormwater discharge;
 - c. Limits on water quality degradation of stormwater discharge;
 - d. Requirements for the installation, operation and maintenance of stormwater detention/retention facilities; outlets, inlets and conveyance system.
 - e. Compliance schedule;
 - f. Requirements for notification to and acceptance by the City of any land disturbing activities which have the potential for increasing the rate of stormwater discharge resulting in degradation of stormwater quality;
 - g. Other conditions as deemed appropriate by the City to ensure compliance with this title; and
 - h. Stormwater management permits shall not be transferred to the homeowner or occupant.

Section 60-190.1: 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.

Whenever the City orders 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)



Findings

- The updates bring the City requirements into compliance with the MS-4 FEMA permit and federal floodplain requirements
- The creation of a Stormwater Design Standards Manual allows for additional enforceable policies that can be updated upon any federal requirement changes. No duplicated text between the manual and the ordinance prevents conflicts between the documents
- The City intends to bring a text amendment forward at the June P&Z Meeting for final approval

Comments? Questions?