

**Chapter 12.16.**  
**STORM WATER MANAGEMENT**

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### **12.16.010 Findings of fact.**

It is hereby determined that land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. Storm water runoff contributes to increased quantities of water-borne pollutants, and; storm water runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of storm water runoff from development sites.

Therefore, the City of Sioux City, Iowa establishes this set of water quality and quantity ordinances applicable to all surface waters to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting the general public and property and local water resources from degradation. It is determined that the regulation of storm water runoff discharges from land development projects and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with storm water runoff is in the public interest and will prevent threats to public health and safety. (Ord. 2002-1015)

### **12.16.020 Purpose.**

The purpose of this chapter is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the city. This chapter seeks to meet that purpose through the following objectives:

1. Minimize increases in storm water runoff from any development in order to reduce flooding, siltation and stream bank erosion and maintain the integrity of stream channels;
2. Minimize increases in nonpoint source pollution caused by storm water runoff from development which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable;
4. Conserve storm water for beneficial use;
5. Limit development in flood plains;
6. Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety. (Ord. 2002-1015)

### **12.16.030 Applicability.**

This chapter shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the city engineer under the specifications of section 12.16.120 of this chapter. This chapter also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by the environmental services department to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of storm water runoff, the environmental services department has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity creating 5,000 or more square feet of impervious surface. The following activities may be exempt from these storm water performance criteria:

1. Any logging or agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by the Soil and Water Conservation District, as applicable;
2. Additions or modifications to existing single-family structures;
3. Developments that do not create more than 5,000 square feet of impervious surface, provided they are not part of a larger common development plan;
4. Repairs to any storm water treatment practice deemed necessary by the city engineer.

When a site development plan is submitted that qualifies as a redevelopment project as defined in section 12.16.060 of this chapter, decisions on permitting and on-site storm water requirements shall be governed by special storm water sizing criteria found in the storm water design manual. These criteria are dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all

redevelopment projects will be determined after a review by the environmental services department. (Ord. 2002-1015)

#### **12.16.040 Compatibility with other permit and ordinance requirements.**

This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence. (Ord. 2002-1015)

#### **12.16.050 Severability.**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter. (Ord. 2002-1015)

#### **12.16.060 Definitions:**

1. "*Applicant*" means a property owner or agent of a property owner who has filed an application for a storm water management permit.
2. "*Building*" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
3. "*Channel*" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
4. "*City Engineer*" means the city engineer of the City of Sioux City, Iowa.
5. "*Dedication*" means the deliberate appropriation of property by its owner for general public use.
6. "*Developer*" means a person who undertakes land disturbance activities.
7. "*Easement*" means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.
8. "*Environmental Services Department*" means the environmental services department of the City of Sioux City, Iowa.
9. "*Fee in Lieu*" means a payment of money in place of meeting all or part of the storm water performance standards required by this chapter.
10. "*Hotspot*" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.
11. "*Impervious Cover*" means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).
12. "*Jurisdictional Wetland*" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
13. "*Land Disturbance Activity*" means any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
14. "*Maintenance Agreement*" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
15. "*Nonpoint Source Pollution*" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
16. "*Professional Engineer*" means a licensed professional engineer in the State of Iowa who is responsible for any plans submitted to the city engineer.
17. "*Recharge*" means the replenishment of underground water reserves.
18. "*Redevelopment*" means any construction, alteration or improvement exceeding square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.
19. "*Stop Work Order*" means an order issued which requires that all construction activity on a site be stopped.

20. "Storm Water Design Manual" means that manual which is on file in the office of the city engineer regulating storm water management practices.

21. "Storm Water Management" means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

22. "Storm Water Runoff" means flow on the surface of the ground, resulting from precipitation.

23. "Storm Water Treatment Practices" means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to storm water runoff and water bodies. (Ord. 2002-1015)

#### **12.16.070 Permit required.**

No land owner or land operator shall receive any of the grading or other land development permits required for land disturbance activities without first meeting the requirements of this chapter prior to commencing the proposed activity. (Ord. 2002-1015)

#### **12.16.080 Application requirements.**

Unless specifically excluded by this chapter, any land owner or operator desiring a permit for a land disturbance activity shall submit to the environmental services department a grading permit application on a form provided by the environmental services department for that purpose. Unless otherwise excepted by this chapter, a grading permit application must be accompanied by the following in order that the permit application be considered: a storm water management concept plan; a maintenance agreement; and a non-refundable permit review fee. The storm water management plan shall be prepared to meet the requirements of section 12.16.150 of this chapter, the maintenance agreement shall be prepared to meet the requirements of section 12.16.250 of this chapter, and fees shall be those established by the environmental services department. (Ord. 2002-1015)

#### **12.16.090 Application review fees.**

The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the environmental services department. All of the monetary contributions shall be credited to the regional storm water capital improvements program account, and shall be made prior to the issuance of any building permit for the development. (Ord. 2002-1015)

#### **12.16.100 Application procedure**

1. Applications for grading permits must be filed with the environmental services department on any regular business day.

2. Permit applications shall include the following: two copies of the storm water management concept plan, two copies of the maintenance agreement, and any required review fees.

3. Within two weeks of the receipt of a complete permit application, including all documents as required by this chapter, the environmental services department shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.

4. If the permit application, storm water management plan or maintenance agreement are disapproved, the applicant may revise the storm water management plan or agreement. If additional information is submitted, the environmental services department shall have two weeks from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved. (Ord. 2002-1015)

#### **12.16.110 Permit duration.**

Permits issued under this section shall be valid from the date of issuance through the date the environmental services department notifies the permit holder that all storm water management practices have passed the final inspection required under permit condition. (Ord. 2002-1015)

#### **12.16.120 Waivers for providing storm water management or drainage reports.**

Every applicant shall provide for storm water management, unless they file a written request to waive this requirement. Requests to waive the storm water management plan requirements shall be submitted to the environmental services department for approval. The minimum requirements for storm water management may be

waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter.
2. The drainage report requirement may be waived by the city engineer for developments creating between 5,000-20,000 square feet of impervious surface.
3. All developments creating less than 5,000 square feet of impervious surface will not be required to submit a drainage report.
4. For all developments, the proposed activity is in compliance with the requirements of the City's flood plain ordinance. (Ord. 2002-1015)

#### **12.16.130 Fee in lieu of storm water management practices.**

Where the environmental services department waives all or part of the minimum storm water management requirements, or where the waiver is based on the provision of adequate storm water facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the environmental services department. When an applicant obtains a waiver of the required storm water management, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and the environmental services department agree on a greater alternate contribution) established by the environmental services department, and based on the cubic feet of storage required for storm water management of the development in question. All of the monetary contributions shall be credited to the regional storm water capital improvements program account, and shall be made by the developer prior to the issuance of any grading permit for the development. (Ord. 2002-1015)

#### **12.16.140 Dedication of land.**

In lieu of a monetary contribution, an applicant may obtain a waiver of the required storm water management by entering into an agreement with the environmental services department for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site storm water management facility. The agreement shall be entered into by the applicant and the environmental services department prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit. (Ord. 2002-1015)

#### **12.16.150 General performance criteria.**

Unless judged by the environmental services department to be exempt or granted a waiver, the following performance criteria shall be addressed for storm water management at all sites:

1. All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
2. New development shall minimize discharge of untreated storm water directly into a jurisdictional wetland or local water body. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the environmental services department. In no case shall the impact on functional values be any greater than allowed by the Army Corps of Engineers (USACE) or the appropriate state agency responsible for natural resources.
3. To protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the current storm water manual.
4. Development sites are required to prepare and implement a storm water pollution prevention plan, and shall file a notice of intent under the provisions of the National Pollutant Discharge Elimination System (NPDES) general permit filed with the Iowa Department of Natural Resources. This is a federally enforceable requirement administered by the city beginning March 10, 2003. The storm water pollution prevention plan requirement applies to both existing and new industrial sites and construction sites greater than one acre.
5. Storm water discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural treatments and pollution prevention practices.
6. Prior to design, applicants are required to consult with the environmental services department to determine if

they are subject to additional storm water design requirements.

7. The calculations for determining peak flows as found in the storm water design manual shall be used for sizing all storm water management practices.

8. That the proposed development is in compliance with the City flood plain ordinance.

9. If water supply is an issue, the storm water management plan should include provisions for beneficial use of storm water where practical. (Ord. 2002-1015)

#### **12.16.160 Minimum control requirements.**

All storm water management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10-year, 100-year) as identified in the current storm water design manual are met, unless the environmental services department grants the applicant a waiver or the applicant is exempt from such requirements. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the environmental services department reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff and impacts to flood plains. (Ord. 2002-1015)

#### **12.16.170 Site design feasibility.**

Storm water management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

1. Topography.
2. Maximum Drainage Area.
3. Depth to Water Table.
4. Soils.
5. Slopes.
6. Terrain.
7. Head.
8. Upstream and downstream flows.
9. Storm water storage capabilities.
10. Onsite retention.
11. Flood plains.
12. Local water supply needs.
13. Location in relation to environmentally sensitive features or developed areas.

Applicants shall consult the storm water design manual for guidance on the factors that determine site design feasibility when selecting a storm water management practice. (Ord. 2002-1015)

#### **12.16.180 Conveyance issues.**

All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

1. Utilize existing, natural drainage systems.
2. Protection of inlet and outfall structures.
3. Elimination of erosive flow velocities.
4. Providing underdrain systems, where applicable.
5. Providing sediment removal in the system (settling, filtration, inertial systems, etc.).

The storm water design manual provides detailed guidance on the requirements for conveyance for each of the approved storm water management practices. (Ord. 2002-1015)

#### **12.16.190 Landscaping plans required.**

All storm water management practices must have a landscaping plan detailing the vegetation to be planted and how and who will manage and maintain this vegetation. This plan should be prepared for sites larger than 5 acres. The landscaping plan may be included as part of the drainage plan. (Ord. 2002-1015)

#### **12.16.200 Maintenance agreements.**

All storm water treatment practices, not dedicated to the city, shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities. This covenant will include a demonstration of financial capacity to implement the practices specified in the maintenance agreement. (Ord. 2006-0098; 2002-1015)

#### **12.16.210 Non-structural storm water practices.**

The use of non-structural storm water treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of storm water that must be managed can be earned through the use of non-structural practices that reduce the generation of storm water from the site. These non-structural practices include treatment, green roofs, pervious pavement, rainwater gardens, etc., and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners. (Ord. 2002-1015)

#### **12.16.220 Storm water management plan required for all developments.**

No application for development will be approved unless it includes a storm water management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by a professional engineer approved by the environmental services department and must indicate whether storm water will be managed on-site or off-site and, if on-site, the general location and type of practices.

The storm water management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final storm water management plan. This final plan must be signed by a professional engineer, who will verify that the design of all storm water management practices meet the submittal requirements outlined in the storm water design manual. No preliminary plat, building permit, grading permit, or sediment control permit shall be issued until a satisfactory final storm water management plan, or a waiver thereof, shall have undergone a review and been approved by the environmental services department after determining that the plan or waiver is consistent with the requirements of this chapter. (Ord. 2006-0098; 2002-1015)

#### **12.16.230 Performance bond/security.**

The environmental services department may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to insure that the storm water practices are installed by the permit holder as required by the approved storm water management plan. The amount of the installation performance security shall be the total estimated construction cost of the storm water management practices approved under the permit, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water management plan.

The installation performance security shall be released in full only upon submission of the written certification by a registered professional engineer that the storm water practice has been installed in accordance with the approved plan and other applicable provisions of this chapter. The environmental services department will make a final inspection of the storm water practice to ensure that it is in compliance with the approved plan and the provisions of this chapter. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the environmental services department. (Ord. 2006-0098; 2002-1015)

#### **12.16.240 Notice of construction commencement.**

The applicant must notify the environmental services department 48 hours in advance before the commencement of construction. Regular inspections of the storm water management system construction may be conducted by the staff of the environmental services department or engineering division, certified by a professional engineer or their designee who has been approved by the environmental services department. All inspections shall be inspected by a professional engineer and be documented and written reports prepared that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved storm water management plan;

3. Whether the facility is being properly maintained during construction as required by the current storm water design manual;
4. Variations from the approved construction specifications;
5. Any violations that exist;
6. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the environmental services department. (Ord. 2006-0098; 2002-1015)

#### **12.16.250 Facility certification.**

All applicants are required to submit actual facility certification to the city for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer. A final inspection by the environmental services department is required before the release of any performance securities can occur. (Ord. 2006-0098; 2002-1015)

#### **12.16.260 Maintenance easement.**

Prior to the issuance of any permit that has a storm water management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the storm water management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the environmental services department, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The easement agreement shall be recorded by the environmental services department in the Woodbury County auditor's office. (Ord. 2002-1015)

#### **12.16.270 Maintenance covenants.**

Maintenance of all storm water management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the environmental services department and recorded in the Woodbury County auditor's office prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

The environmental services department, in lieu of an maintenance covenant, may accept dedication of any existing or future storm water management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by dedication or otherwise, for inspection and regular maintenance. For single family residential developments that meet all the requirements of this chapter, the environmental services department may accept dedication of any future storm water management facility upon the request of the developer. (Ord. 2006-0098; 2002-1015)

#### **12.16.280 Requirements for maintenance covenants.**

All storm water management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the environmental services department, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water management facility. (Ord. 2002-1015)

#### **12.16.290 Inspection of storm water facilities.**

Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections

of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water treatment practices. (Ord. 2002-1015)

#### **12.16.300 Right-of-entry for inspection.**

When any new storm water improvement or drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the environmental services department the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter. (Ord. 2002-1015)

#### **12.16.310 Records of installation and maintenance activities.**

Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 3 years. These records shall be made available to the environmental services department during inspection of the facility and at other reasonable times upon request. (Ord. 2002-1015)

#### **12.16.320 Failure to maintain practices.**

After proper notice, the environmental services department may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the environmental services department, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the environmental services department may declare the same a nuisance and shall notify the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible person shall have, at the discretion of the city engineer, up to 30 days to effect maintenance and repair of the facility in an approved manner dependent upon the nature of the repair. (Ord. 2002-1015)

#### **12.16.330 Violations.**

Any development activity that is commenced or is conducted contrary to this chapter, may be restrained by injunction or otherwise abated in a manner provided by law. (Ord. 2002-1015)

#### **12.16.340 Notice of violation.**

When the environmental services department determines that an activity is not being carried out in accordance with the requirements of this chapter, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

1. The name and address of the owner or applicant;
2. The address when available or a description of the building, structure or land upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. A statement that the determination of violation may be appealed to the City by filing a written notice of appeal

within fifteen (15) days of service of notice of violation. (Ord. 2002-1015)

#### **12.16.350 Stop work orders.**

Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the environmental services department confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter. (Ord. 2002-1015)

#### **12.16.360 Civil and criminal penalties.**

Any person who violates any of the provisions of this chapter is guilty of a municipal infraction and shall upon conviction, be punished as provided in section 1.04.100 of this municipal code. Alternatively, any person who violates any of the provisions of this chapter is guilty of a misdemeanor and shall upon conviction be punished as provided in section 1.04.100 of this code. A peace officer may issue a criminal citation for such violations. No person shall be charged with both a municipal infraction and a misdemeanor for the same violation. (Ord. 2006-0067; 2002-1015)

#### **12.16.370 Restoration of lands.**

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the environmental services department may take necessary corrective action, the cost of which shall become a lien upon the property until paid. (Ord. 2002-1015)

#### **12.16.380 Holds on occupation permits.**

Occupation permits will not be granted until corrections to all storm water practices have been made and accepted by the environmental services department. (Ord. 2002-1015)

#### **12.16.390 Types of pipe.**

This section applied to all public and private storm sewer pipes within the right-of-way and outside the right-of-way. The city has adopted the Statewide Urban Design Standards and Specifications Manual. All storm pipes must conform to Chapter 2, Section 4 of the Urban Design Standards for Public Improvement Manual as well as any Sioux City supplement to the manual. Before using any type of plastic pipe it shall be the responsibility of the consumer or installer to verify the absence of any contaminated soil which may negate the option of PVC or polyethylene pipe. If specified levels of contamination are discovered, the use of PVC or polyethylene pipe is prohibited. Information on contamination levels at which PVC or polyethylene pipe use is prohibited is available through the city engineering department. (Ord. 2006-0834)

#### **12.16.400 Inspection of pipe.**

A permit shall be obtained from the public works department prior to commencing construction of the storm sewer pipe. No storm sewer pipes laid underground shall be covered and the trenches filled up by any plumber or utility contractor until the storm sewer pipes and all connections have been inspected by the city's utility inspector and found to be water tight. (Ord. 2006-0834)