

Memorandum



To: Planning Commission Members
CC: City Council Members and applicable City Staff
From: Ann Birch, Community Development Director
Date: 1/13/2010
Re: Post-Construction Storm Water Management Plans

Agenda Item 4A: Public Hearing on amendments to the Subdivision Regulations and amendments to Chapter 154, Municipal Code, to establish new minimum requirements for Post-Construction Storm Water Management Plans

A public hearing has been scheduled and ordinances have been prepared for the Planning Commission to consider amendments to the Subdivision Regulations and Chapter 154 of the Municipal Code regarding storm water management.

City Engineer John Kottmann has prepared the proposed revisions to the Subdivision Regulations and the Municipal Code which include the following:

- 1) The storm water peak discharge rates after development of the property are required to be the same as the pre-development conditions for the 2-year storm event.
- 2) The addition of Papillion Creek Watershed Management fees to be collected for new developments and significant redevelopment requiring a subdivision agreement. The fees will be transferred to the Papio-Missouri River Natural Resources District for the construction of regional detention structures and water quality basins.
- 3) Setbacks for streams designated in the Papillion Creek Watershed Plan are increased to three-to-one plus fifty feet (3:1 + 50').
- 4) The Omaha Regional Storm Water Design Manual has been adopted for storm sewer design standards. For single family subdivisions, storm water management areas are encouraged to be in outlots in lieu of individual private lots.

Staff Recommendation Item 4A: Recommend approval of the amendments to the Subdivision Regulations and Chapter 154 of the Municipal Code to establish new requirements for Post-Construction Storm Water Management Plans.

POST CONSTRUCTION STORM WATER MANAGEMENT PLAN
 APPLICATION MATRIX FOR CITY OF LA VISTA
 PREPARED DEC. 11, 2009, REVISED JAN. 8, 2010

REQUIREMENT	DEVELOPMENT TYPE
<p>PCSWMP that includes low impact development BMPs that provide water quality control of the first one-half inch of runoff from the site and</p> <p>maintain pre-development peak flows for storm water runoff from 2-yr storm events at each and every discharge location from the site.</p>	<p>1) For all developments with a preliminary plat approved by City Council on or after Oct. 6, 2009 OR 2) For any replat on or after Oct. 6, 2009, in a subdivision approved by City Council before Oct. 6, 2009 that significantly increases the amount of impervious area as determined by the City</p>
<p>PCSWMP that includes BMPs and, where reasonably practical, provide water quality control of the first one-half inch of runoff from the site and</p> <p>maintain pre-development peak flows for storm water runoff from 2-yr storm events at each and every discharge location from the site</p>	<p>1) For all developments with a preliminary plat approved by City Council before Oct. 6, 2009 OR 2) For all development or significant redevelopment that disturbs 1 acre or more and does not require preliminary platting</p>
<p>PCSWMP that includes BMPs and</p> <p>maintain pre-development peak flows for storm water runoff from 2-yr storm events at each and every discharge location from the site</p>	<p>Significant redevelopment that adds or replaces less than 1 acre but more than 5,000 square feet of impervious area. This includes:</p> <ol style="list-style-type: none"> 1) The expansion of a building footprint 2) Addition or replacement of a structure 3) Replacement of impervious Surface that is not part of a Routine maintenance activity 4) Land disturbing activities related

To structural or impervious surface

Footnotes:

1. This matrix is based upon a matrix prepared by the City of Omaha by Selma Kessler received by TD2 in an e-mail dated Nov. 18, 2009.
2. Water quality definition is needed and should be prepared by the PCWP for uniformity.
3. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.
4. Development is any construction requiring a building permit or grading permit.
5. The conceptual PCSWMP is required to be prepared as part of any preliminary plat application. The final PCSWMP and Maintenance Agreement is required to be prepared as part of any final plat, grading permit or building permit application.

3.02.07 Approval of a preliminary plat shall not constitute approval of the final plat. Rather, the preliminary plat shall be deemed an expression of approval of the general design concept and serves as an acceptable guide for the preparation of the final plat. Approval of the preliminary plat shall become void after twelve (12) months from the date of such approval by City Council. The City Council can provide for an extension, however such extension shall not exceed one year. If no final plat has been filed or a final plat of previously proposed phases has not been filed within the original twelve (12) months, or by the end of the extension, the preliminary plat will become void.

Section 3.03 Preliminary Plat Specifications.

The preliminary plat shall be drawn to a scale of at least one (1") inch to one hundred (100) feet with a sheet size not to exceed 42"x30" and shall be plainly marked "preliminary plat" and shall include, show, or be accompanied by the following information:

3.03.01 A location map showing the general location of the proposed subdivision in relation to surrounding developments with a north arrow, scale and legend.

3.03.02 Both existing and proposed grades shall be shown.

3.03.03 Phasing lines shall be delineated on the plat and a phasing schedule, if developed in phases.

3.03.04 The proposed name of the subdivision which must not be so similar to that of an existing subdivision as to cause confusion.

3.03.05 The proposed names and addresses of the owner and subdivider; the engineer or surveyor, responsible (all of which are licensed to practice in Nebraska) for the subdivision layout; and the names of all landowners abutting the proposed subdivision.

3.03.06 The legal description of the area being platted, and boundary line (accurate in scale) and dimensions, and the location of monuments found or set, section lines, existing and the approximate acreage of the proposed development.

3.03.07 Width and location of platted streets and alleys within 200 feet of the property; physical features of the property, including location of water courses, ravines, bridges, culverts, present structures and other features affecting the subdivision; contours with intervals of five (5') feet or less; the location of all existing utilities with their sizes indicated, as well as flow lines; elevations of existing sanitary and storm sewer, the outline of wooded areas (the location of important individual trees may be required).

3.03.08 Location and name(s) of adjoining subdivision(s) or undeveloped land and owners and persons having ownership interest within 300 feet of the subject property (not including streets and right-of-ways). This should be prepared by a title company and submitted in list form and as mailing labels.

3.03.09 The proposed lot layout, lot and block numbers and approximate lot dimensions and square footage and grounds proposed to be dedicated for public use, such as schools, parks, pathways, playgrounds and streets.

3.03.10 The location and width of proposed streets, all easements including buffer easements, building setback lines, rights-of-way, corner radii, pavement width, thickness and type, sidewalks, alleys, location of all proposed improvements including: sanitary sewers, water mains, storm water drainage and other features and improvements required by this ordinance.

3.03.11 Easements for public utility and rights-of-way purposes. The book and page number of existing easements shall be labeled on the plan and any private easements should be labeled as such.

3.03.12 Both existing and proposed grades shall be shown.

3.03.13 All established floodway, floodway-fringe, and flood plain overlay lines.

3.03.14 The existing zoning classification and proposed uses of land within the proposed subdivision shall also be designated.

3.03.15 Three (3) draft copies of the subdivision agreement with attached itemized cost estimate for all public improvements and detailed break down of portion of estimated costs to be borne by subdivider and those to be borne by the City, S.I.D. or other proposed issuer of public debt. Six (6) draft copies of a subdivision agreement with itemized cost estimates for infrastructure improvements with proposed allocation of costs between sources of funding, letter size exhibits setting forth size and location of infrastructure improvements, and two (2) copies of full-size exhibits setting forth size and location of infrastructure improvements. The draft subdivision agreement shall include a statement of the estimated Storm Water Management Fees in accordance with Chapter 154 of the La Vista Municipal Code to be generated through ultimate development of the subdivision. Draft subdivision agreements shall be required when the proposed subdivision will include public and/or private,

shared (common area) infrastructure improvements. Draft subdivision agreements may be required in other cases as determined by the City.

(Ord. _____, passed _____)

- 3.03.16 Three (3) copies of an erosion control plan.
- 3.03.17 Requests for waivers of design standards.
- 3.03.18 The subdivider or subdivider's representative shall be in attendance at the City Planning Commission and City Council Meetings when the preliminary plat (displayed in duplicate) is discussed.
- 3.03.19 Traffic impact analysis study may be required by the city engineer.
- 3.03.20 Four copies of the following documents are to be submitted to the City for review at the time of the preliminary plat submittal:

- 1. A sanitary sewer plan.
- 2. A surface storm drainage plan including provisions for control of the first 0.5 inches of runoff from the site. A surface storm drainage plan including provisions to provide water quality improvements to the first one-half inches (0.5") of runoff from the site and to reduce stormwater discharge rates after development of the site to pre-development conditions for the 2-year return frequency storm event measured at every drainage outlet (stormwater discharge).

(Ord. _____, passed _____)

- 3. A street profile plan with a statement of proposed street improvements.
- 4. A Post-Construction Storm Water Management Plan, as provided in Chapter 154 of the La Vista Municipal Code, with a proposed implementation schedule or sequence of phased construction, and proposed maintenance, inspection and operation procedures for the proposed BMP's. A draft Maintenance Agreement and Easement shall be included with this submittal. (Ord. _____, passed _____) (Ordinance 1084, 2-17-09)

Section 3.04 Procedure for Approval of Final Plat.

- 3.04.01 The final plat shall conform to the preliminary plat as approved and may be comprised of only that portion of the approved preliminary plat which the subdivider proposed to record and develop at the time.
- 3.04.02 The final plat shall be submitted in accordance with the review schedule to the city for Planning Commission and City Council review.
- 3.04.03 Thirty-five (35) full sized copies and thirty-five (35) 11 x17 (folded) copies of the final plat and required supplementary material as specified in Section 3.05 of this ordinance shall be submitted to the City of La Vista Community Development Department in accordance to the review schedule.
- 3.04.04 Upon approval of the final plat, a certification of approval by the City shall be endorsed thereon by the mayor and the Planning Commission chair, and the original shall be filed with the Sarpy County Register of Deeds, the reproducible copy with the city clerk, and the two (2) copies of the original with the Community Development Department.
- 3.04.05 Final approval by the City Council shall be by resolution after receiving the recommendation of the Planning Commission.
- 3.04.06 The final plat will be filed with the register of deeds within one year of the City Council's approval. Evidence of such shall be submitted to the City by the subdivider or appointed representative.

and transmission of electric current for light, heat, and power and for the transmission of signals and sounds of all kinds and the reception on, over, through, under and across a five-foot wide strip of land abutting all front and side boundary lot lines, and eight-foot wide strip of land abutting the rear boundary lines of all interior lots, and a 16-foot wide strip of land abutting the rear boundary lines of all exterior lots. The term "exterior lots" is herein defined as those lots forming the outer perimeter of the above-described addition. Said 16-foot wide easement will be reduced to an eight-foot wide strip when the adjacent land is surveyed, platted and recorded. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the afore-said uses or rights herein granted.

Perpetual easements shall be granted to Metropolitan Utilities District of Omaha, Aquila, and their successors and assigns, to erect, install, operate, maintain, repair and renew pipelines, hydrants and other related facilities, and to extend thereon pipes for the transmission of gas and water on, through, under and across a five-foot-wide strip of land abutting all cul-de-sac streets. No permanent buildings or retaining walls shall be placed in the said easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not, then or later, interfere with the afore-said uses or rights herein granted.

Section 4.18 Design Standards: Storm Sewer System.

Provisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cubic feet per second) shall not exceed 1.25 times the pre-development runoff rate at any time following post development, based upon a 10-year storm event. Pre-development shall be the condition prior to improvements being completed, including cultivated row crops. In determining the size or type of storm sewer system the design shall be sufficient to handle the computed runoff at the point in question. For large drainage areas, the City may require cross drainage structures such as culverts, bridges, etc. The City may require retention or detention basins in order to control post-development run-off.

The storm sewer system shall be designed in accordance with the Omaha Regional Storm Water Design Manual, Papillion Creek Watershed Plan, and Chapter 154 of the City of La Vista Municipal Code all as amended from time to time. In addition, provisions shall be made to limit the 10-year peak rate of storm water discharge from the subdivision. Post-development peak runoff rate shall not exceed 1.25 times the pre-development runoff rate at any time following post-development based upon a 10-year storm event. Pre-development shall be the condition prior to improvements being completed, including agricultural uses. For single family subdivisions, storm water management facilities should be community-based in outlots rather than on individual private lots.

(Ord. _____, passed _____)

Section 4.19 Design Standards: Sanitary Sewer System.

Design standards for sanitary sewers shall conform to Nebraska Department of Environmental Quality Standards.

Section 4.20 Design Standards: Sidewalks.

All sidewalks within subdivisions shall have a minimum pavement width of four feet and minimum pavement thickness of six inches along major or other arterials and four inches everywhere else, all of which shall be located within the right-of-way not directly abutting any street.

Section 4.21 Design Standards: Flood Hazards.

Land subject to flooding and land deemed to be topographically unsuitable for residential or other development shall not be platted for such purposes. Such land may be set aside on the plat for such uses compatible with the hazards associated with flooding or erosion. All development shall be flood proof in accordance with the flood hazard zoning provisions of the Zoning Ordinance.

Section 4.22 Design Standards: Creek Setback.

No person shall be granted a permit for the construction of any structure, exclusive of bank stabilization structures, adjacent to any creek or stream unless such structure is located so that no portion thereof is any closer to the stream than will allow a maximum three-to-one slope plus 20 feet between the water's edge of the stream and the closest point on the structure at grade. **For those creeks or streams designated in the Papillion Creek Watershed Plan, the setback shall be increased to three-to-one plus 50 feet.** As used herein, the edge of the water of the stream shall be the point constituting the edge of the water during normal flow conditions.

(Ord. _____, passed _____)

A property shall be exempt from the before mentioned provisions upon a showing by a registered professional engineer that adequate bank stabilization structures or slope protection will be installed in the construction of said structure, having an estimated useful life equal to that of the structure, which will provide adequate erosion control conditions coupled with adequate lateral support so that no portion of said structure adjacent to the stream will be endangered by erosion or lack of lateral support. In the event that the structure is adjacent to any stream which has been channelized or otherwise improved by any agency of government, then such certification providing an exception to the before mentioned may take the form of a certification to the adequacy and protection of the improvements installed by such governmental agency.

Prior to work on or near any watercourses all the necessary permits must be obtained from the Army Corps of Engineers or any other governmental agencies.

Section 4.23 Design Standards; Conformance with Other Regulations.

No final plat of land within the City or its jurisdictional area shall be approved unless it conforms with existing zoning regulations unless waived by the Planning Commission and City Council in accordance with this ordinance. Whenever there is a variance between the minimum standards set forth in this ordinance and those contained in other regulations, the most restrictive standard shall govern.

the street and sidewalk at a point approximately six (6) inches from said sidewalk or its intended location. Whenever possible street signs shall be installed on street utility poles.

5.05.02. The developer shall provide and install street lights at each entrance (street or sidewalk) into a subdivision and at each street intersection within the subdivision and at such intermediate points as necessary, as specified by Omaha Public Power District, subsequent providers, and city engineer.

5.05.03. New subdivision lighting and electrical power shall be underground wiring and easements for such wiring shall be indicated on the plat. All underground wiring shall meet proper specifications for installation.

5.05.04. All hydrants will be located at a maximum of 450-foot intervals, unless otherwise authorized by the City. The layout and flow design must meet the minimum requirements as set forth by the City.

5.05.05. Mailboxes owned and serviced by the post office shall be clustered whenever possible and coordinated through the city engineer to be consistent with future parking restrictions.

5.05.06. Gas mains shall be installed at the direction of the city engineer.

Section 5.06 Required Improvements; Landscape Screens.

Landscape screens as required by the City shall be installed at the subdivider's expense as a buffer for the protection of residential properties along major streets, railroad rights-of-way, and land uses which are substantially different from that proposed in the subdivision. Such screen shall be installed prior to the issuance of a certificate of occupancy.

Section 5.07 Required Improvements; Drainage.

A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of surface water of the subdivision and the drainage area of which it is a part. **The storm sewer system shall be designed in accordance with the Omaha Regional Storm Water Design Manual, the Papillion Creek Watershed Plan, and Chapter 154 of the City of La Vista Municipal Code, all as amended from time to time.** In addition **p**rovisions shall be made to limit the peak rate of storm water discharge from the subdivision. Post development runoff (cubic feet per second) shall not exceed 1.25 times the predevelopment runoff rate at any time following post-development, based upon a 10-year storm event. **Pre-development shall be the condition prior to improvements being completed, including agricultural uses. For single family subdivisions, storm water management facilities should be community-based in outlots rather than on individual private lots.** Storm Sewer shall be constructed and installed to provide adequate drainage in accordance with **any supplemental recommendations of the city engineer.** In addition, the developer shall submit, a drainage report prepared by a registered professional engineer as to the existing and proposed drainage conditions. A preliminary report shall be included with the preliminary plat. The final report shall be attached to the final plat and shall include an evaluation of the ability of the proposed water courses, drainage tiles, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the run-off which would be generated by the development of the land within and above the subdivision and the impacts of such drainage on downstream drainage systems.

5.07.01 The preliminary plat report shall include:

1. Preliminary estimates of the quantity of storm water entering the subdivision naturally and upon full development of lots within the subdivision for 10-year and 100-year frequency storm events.
2. Existing conditions of the watershed that may affect the proposed subdivision, such as soil type, drainage channels, obstructions and the like.
3. A preliminary grading plan illustrating proposed drainage management.

5.07.02 The final plat drainage report shall contain:

1. Calculations of the quantity of storm water entering the subdivision naturally and estimates of such storm water upon full development within the subdivision based on the proposed zoning.
2. Quantities of flow at each pick-up point.
3. Estimates and type of temporary erosion control measures necessary to control erosion during construction.
4. A description of an adequate drainage system within the subdivision and its design capacities based on a ten (10) year storm and capacities at critical points for 100-year frequency storm events.

5.07.03 **Drainage Requirements.** The subdivider shall provide adequate drainage facilities within the subdivision including storm sewers upon recommendation of the city engineer. If storm sewers are not necessary all open ditches shall be graded and all pipes, culverts, intersection drains, drop inlets, bridges, headwalls, gutters and similar or related installations necessary to provide adequate surface water drainage shall be constructed and

installed in accordance with plans approved by the City Council upon recommendation by the city engineer.

~~5.07.04 Drainage System Requirements. Drainage systems shall follow the requirements set forth in the Omaha Metropolitan Area Sewer Water Management Design Manual as well as the Omaha Metropolitan Area Sediment and Erosion Control Manual as amended from time to time.~~

Ord. _____, passed _____)

Section 5.08 Required Improvements, Sanitary Sewers.

Where a sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the developer shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a sanitary sewer is not accessible by gravity flow within 500 feet of the final plat, the developer shall make provisions for the disposal of sewage required by law. Where a sanitary sewer is not accessible by gravity flow within 500 feet of the final plat, but where plans for installation of sanitary sewers within such proximity to the plat have been prepared and construction will commence within twelve (12) months from the date of the approval of the plat, the developer shall be required to install sewers in conformity with such plans. All sanitary sewers shall be constructed in accordance with sanitary sewer standards approved by the City Council as well as section 4.19.

Section 5.09 Required Improvements: Seeding.

The areas of the plat, with the exception of the street right-of-ways, on which the existing vegetation has been destroyed as a result of grading operations shall be seeded with a seeding formula approved by the City during the first growing season immediately following the completion of the grading operations and reseeded until a satisfactory turf is established.

Section 5.10 Required Improvements: Water Mains .

The subdivision shall be provided with an adequate water supply system, which shall be connected to an approved water supply source.

Section 5.11 Required Improvements: Roadway Improvements.

The City may require new auxiliary lanes on existing roadways and/or traffic signals when determined to be necessary by the City or a traffic impact study, and the type of curb to be used in new developments.

CHAPTER 154: STORM WATER MANAGEMENT REGULATIONS

CHANGES IN THIS FONT REFLECT FEB. 17, 2009 ORDINANCE CHANGES

CHANGES IN THIS FONT REFLECT PROPOSED CHANGES AS OF JAN. 14, 2010

Section

- 154.01 Purpose and authority
- 154.02 Incorporation by reference
- 154.03 Definitions
- 154.04 Illicit discharges prohibited
- 154.05 Prohibition of illicit connections
- 154.06 Removal of illicit connection
- 154.07 Private storm water conveyance systems
- 154.08 Discharge of sanitary sewage prohibited
- 154.09 Damage to the municipal storm sewer system
- 154.10 Waste disposal prohibitions
- 154.11 Prohibited discharges from industrial/commercial activities
- 154.12 Notification of prohibited discharges required
- 154.13 Grading permit required
- 154.14 Application for grading permit
- 154.15 Grading permit fee
- 154.16 Issuance of grading permit
- 154.17 Erosion and sediment control at construction and development sites
- 154.18 Requirement for all new development and redevelopment projects
- 154.19 Post-construction storm water management plan
- 154.20 Exemptions from the post-construction storm water management plan
- 154.21 Maintenance of post-construction BMPs
- 154.22 Admission to property
- 154.23 Regulatory actions
- 154.24 Notice of violation; correction of violations
- 154.25 Penalty; recovery of damages
- 154.26 Additional rules and regulations
- 154.27 Appeals
- 154.28 Conflicts with other code sections

§ 154.01 PURPOSE AND AUTHORITY.

- (A) The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and

COMMERCIAL ACTIVITY. Any public or private activity not defined as an industrial activity in 40 Code of Federal Regulations (CFR) 122.26(b)(14) as of the date of this chapter, involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non-professional services.

CONSTRUCTION ACTIVITY. Any clearing, grading, or excavation that results in soil disturbance. **CONSTRUCTION ACTIVITY** also includes, but is not limited to, construction, repairs, dewatering, remodeling, building, and emergency construction activities required to immediately protect public health and safety.

DIRECTOR. The Director of the Public Works Department for the *City of La Vista* his/her authorized agent or representative.

DISCHARGE. Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance to the municipal storm sewer system.

HAZARDOUS SUBSTANCE. Any substance designated under 40 CFR Part 116 pursuant to section 311 of the Clean Water Act.

ILICIT CONNECTION. Any human made conveyance that is directly or indirectly connected to the municipal separate storm sewer system and allows for an illicit discharge.

ILICIT DISCHARGE. Any discharge to the municipal separate storm sewer system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. **ILICIT DISCHARGE** includes all non-storm water discharges except discharges pursuant to a NPDES permit or conditionally exempted by ordinance and include those prohibited in §§ 154.04 and 154.11.

ILICIT DISPOSAL. Any disposal, either intentional or unintentional, of material(s), substance(s), or waste(s) that has the potential to pollute runoff unless otherwise allowed by law.

INDUSTRIAL ACTIVITY. Any public or private activity which is associated with any other of the 11 categories of activities defined in 40 CFR 122.26(b)(14).*as of the date of this ordinance.*

LOW IMPACT DEVELOPMENT (LID). *De-centralized management of precipitation that would otherwise be stormwater runoff, utilizing design techniques that infiltrate, filter, store, evaporate, or temporarily detain stormwater.*

INDUSTRIAL/COMMERCIAL FACILITY. Any public or private facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, or any facility involved and/or used in providing professional services. This category of facility includes but is not limited to, any facility defined by a Standard Industrial Code (SIC).

MAXIMUM EXTENT PRACTICABLE. A standard for implementation of storm water management programs to reduce pollutants in storm water. It is the maximum extent possible taking

into account equitable consideration of competing factors, including, but not limited to the seriousness of the problem, public health risk, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement, cost and technical feasibility.

MUNICIPAL STORM SEWER SYSTEM. Any pipe, ditch or gully, or system of pipes, ditches, or gullies, that is owned or operated by the city and used for collecting and conveying storm water.

NEW DEVELOPMENT. Land-disturbing activities; structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.

NON-STORM WATER RUNOFF. Any discharge to the municipal storm sewer system that is not composed entirely of storm water.

NPDES. The National Pollutant Discharge Elimination System and is implemented and enforced by a permit issued by the U.S. Environmental Protection Agency, or the Nebraska Department of Environmental Quality (NDEQ) pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.

NUISANCE. Any nuisance as defined in § 92.15 of this code and also as defined under **PUBLIC NUISANCE**.

POLLUTANT. The same as defined in section 502(6) of the Clean Water Act including, but are not limited to the following, but does not include uncontaminated storm water, potable water, groundwater, or reclaimed water by a lawfully permitted water treatment facility.

- (1) Materials (including but not limited to fuels, solvents, chemical, detergents, plastic, pellets, hazardous substances, radioactive wastes, fertilizers, pesticides, paints, soot, slag, ash, sludge);
- (2) Metals and non-metals both soluble and insoluble (including but not limited to cadmium, lead, zinc, copper, silver, nickel, chromium, chlorine, phosphorous, and arsenic);
- (3) Petroleum hydrocarbons (including but not limited to fuels, oils, lubricants, surfactants, waste oils, solvents, coolants, and grease);
- (4) Eroded soils, sediment, and particulate materials in amounts, which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state;
- (5) Animal wastes (including but not limited to discharge from confinement facilities, kennels, pens, recreational facilities, and stables);
- (6) Substances having acidic or corrosive characteristics, unusual coloration or turbidity;
- (7) Any domestic or industrial wastewater;

(8) Any hazardous substance.

PRIVATE STORM WATER CONVEYANCE SYSTEM. A storm water conveyance system that is not owned or maintained by the city including any instrumentality that drains or conveys water from a building or from/through one or more properties to the environment or the city's storm water system.

PUBLIC NUISANCE. Any discharge in violation of the provisions of this chapter, a wastewater discharge permit, or an order of the City Council.

RECEIVING WATERS. All surface water bodies, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation ditches, gullies or channels, drainage systems, and all other bodies or accumulation of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the extraterritorial jurisdiction of the city.

RUNOFF. Any storm water or non-storm water discharges from a drainage area that enters the municipal storm sewer system. The term **RUNOFF** is interchangeable with the term **URBAN RUNOFF**.

SANITARY SEWAGE. Liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions.

SEPARATE STORM SEWER. Pipe or conduit, which by designation of the Director, carries only storm water runoff, discharges pursuant to a NPDES permit or discharges conditionally exempted by ordinance.

SIGNIFICANT REDEVELOPMENT.

(1) Land-disturbing activity that results in the creation, addition or replacement of at least 5,000 square feet of impervious surface area on an already developed site. Redevelopment includes, but is not limited to the following activities that meet the minimum standards set forth in this definition:

(a) The expansion of a building footprint;

(b) Addition or replacement of a structure;

(c) Replacement of impervious surface that is not part of a routine maintenance activity; and

(d) Land-disturbing activities related to structural or impervious surfaces.

(2) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency

redevelopment activity required to protect public health and safety.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan required by the State of Nebraska under either the general permit for storm water discharges or an individual NPDES permit, which includes requirements for stormwater discharges associated with either industrial or construction activities. The purpose of the plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges.

STORM WATER RUNOFF. That part of natural precipitation (rainfall or snowmelt, including that of any frozen precipitation), which travels via flow across any surface to the municipal storm sewer system.

STREET WASH WATER. The water and the associated debris resulting from the washing of streets and/or sidewalks.

URBAN RUNOFF. Any storm water and non-storm water runoff from developed land in, or adjacent to, any municipality.

U.S. EPA. The United States Environmental Protection Agency.
(Ord. 1002, passed 8-1-06)

§ 154.04 ILLICIT DISCHARGES PROHIBITED.

(A) No person shall cause the discharge of non-storm water runoff to enter the municipal separate storm sewer system unless the discharge is one of the following:

(1) Authorized by a NPDES permit issued by EPA, or NDEQ;

(2) Caused by or resulting from one of the following:

(a) Firefighting activities, where such discharges or flows contain no significant sources of pollutants;

(b) Landscape irrigation;

(c) Diverted stream flows;

(d) Rising ground waters;

- (e) Uncontaminated ground water infiltration, as defined at 40 CFR 35.2005(20);
- (f) Uncontaminated pumped ground water;
- (g) Discharges from potable water sources;
- (h) Foundation drains;
- (i) Air conditioning condensation;
- (j) Irrigation water;
- (k) Springs;
- (l) Water from crawl space pumps;
- (m) Footing drains;
- (n) Lawn watering;
- (o) Individual residential car washing;
- (p) Flows from riparian habitats and wetlands;
- (q) Dechlorinated swimming pool discharges;
- (r) Street wash water.

(3) Authorized by the City of La Vista.

(B) All exempt discharges, as listed above, must be in conformance with all other provisions of this code.

(Ord. 1002, passed 8-1-06)

§ 154.05 PROHIBITION OF ILLICIT CONNECTIONS.

No person shall install, maintain, or use any connection to the municipal separate storm sewer system that may result in an illicit discharge to the municipal storm sewer system. All connections to the municipal storm sewer system that provide for an illicit discharge from inside a building are prohibited.

This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. For illicit connections made in the past, a plan to remedy the illicit connection shall be

submitted to the Director or CBO.

(Ord. 1002, passed 8-1-06)

§ 154.06 REMOVAL OF ILLICIT CONNECTION.

If any person fails to disconnect an illicit connection upon 30-day prior notification by the CBO or Director, the CBO or Director may cause the removal of such connection from the municipal storm sewer system. The city may pursue the recovery of costs by appropriate means including a suit at law against the person or persons responsible for such disconnection.

(Ord. 1002, passed 8-1-06)

§ 154.07 PRIVATE STORM WATER CONVEYANCE SYSTEMS.

(A) The owner of a property where a private storm water conveyance system is located shall be responsible for the maintenance and repair, and proper operation of the private storm water conveyance system, regardless of whether the private storm water conveyance system is completely located on the private property or partially within the public right-of-way. The city shall have no responsibility or obligation for the maintenance, repair, or proper operation of a private storm water conveyance system.

(B) If the CBO or Director determines that a private storm water conveyance system is not operating properly and causes the improper discharge of storm water to the street, sidewalk or municipal storm sewer system, the CBO or Director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with § 154.04.

(Ord. 1002, passed 8-1-06)

§ 154.08 DISCHARGE OF SANITARY SEWAGE PROHIBITED.

No person shall cause discharge of sanitary sewage to the municipal separate storm sewer system. In addition, if the Director determines that a building drain or building sewer is not operating properly and causes the discharge of sewage to the street, sidewalk, or municipal separate storm sewer system, the Director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with § 154.04.

(Ord. 1002, passed 8-1-06)

§ 154.09 DAMAGE TO THE MUNICIPAL STORM SEWER SYSTEM.

It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal storm sewer system.

(Ord. 1002, passed 8-1-06)

§ 154.10 WASTE DISPOSAL PROHIBITIONS.

No person shall throw, deposit, place, leave, maintain, litter, keep, or permit to be thrown, deposited, left, maintained or kept any pollutant, refuse, rubbish, food waste, yard waste, garbage, or any other discarded or abandoned objects in or upon any public or private property, driveway, parking area, street, alley, sidewalk, or other location that may result in an illicit discharge to the municipal storm sewer system. Wastes placed in containers protected from urban runoff such as bags, cans, or recycling bins, and city-approved wastes from construction on public right-of-way are exempted from this prohibition.

(Ord. 1002, passed 8-1-06)

§ 154.11 PROHIBITED DISCHARGES FROM INDUSTRIAL/COMMERCIAL ACTIVITIES.

The following list of discharges from industrial/commercial activities shall be considered prohibited unless permitted under a separate NPDES permit or approved by the City Public Works Department. This list is based on § 154.04 regarding illicit discharges prohibited, but is not an exhaustive list of prohibited discharges to the municipal storm sewer system:

- (A) Water from the cleaning of vehicle fueling stations, vehicle service garages, or other types of vehicle service facilities.
- (B) Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other such commercial and industrial operations
- (C) Water from the washing or rinsing of vehicles containing soap, detergents, solvents, or other cleaners.
- (D) Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning.
- (E) Vehicle fluids.
- (F) Mat wash water from food service facilities.
- (G) Food and kitchen cleaning water from food service facilities.
- (H) Leakage from dumpsters or trash containers.
- (I) Water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained.
- (J) Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces.

- (K) Wastewater or cleaning fluids from carpet cleaning.
- (L) Swimming pool and spa water.
- (M) Wash out from concrete trucks.
- (N) Runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored.
- (O) Super-chlorinated, i.e. greater than four mg/l chlorine, water normally associated with the disinfection of potable water systems.

(Ord. 1002, passed 8-1-06)

§ 154.12 NOTIFICATION OF PROHIBITED DISCHARGES REQUIRED.

(A) In the event of discovery of a discharge to the municipal storm sewer system that is prohibited by this code, the discharger or permittee shall immediately notify the CBO or Director of the incident by telephone, facsimile or e-mail. The notification shall include the discharge location, type of materials discharged, estimated concentration and volume of the discharge, and corrective actions taken to contain or minimize the effects of the discharge.

(B) In addition, a written report, facsimile or e-mail, addressed to the CBO or Director detailing the date, time and cause of the discharge, the quantity and characteristics of the discharge, corrective actions taken to contain or minimize the effects of the discharge, and corrective actions taken to prevent future discharges shall be filed by the responsible person within five days of the occurrence of the non-complying discharge.

(Ord. 1002, passed 8-1-06)

§ 154.13 GRADING PERMIT REQUIRED.

It shall be unlawful for any person to engage in or cause any grading, clearing, or excavation activities that result in the disturbance of any land areas sufficiently large to require a general NPDES construction site storm water permit, without the property owner, tenant, or easement holder, or their agent, first obtaining a grading permit from the city's Permits and Inspection Division. This section shall not apply to grading performed solely for agricultural purposes.

(Ord. 1002, passed 8-1-06)

§ 154.14 APPLICATION FOR GRADING PERMIT.

(A) Any property owner, or their **legally authorized** agent, desiring a grading permit shall make an application to the Permits and Inspections Division **and the Papillion Creek Watershed Partnership** on the forms provided by the **CBO**.

(B) Any property owner, or their **legally authorized** agent, desiring a grading permit shall also submit to the city's Permits and Inspection Division a completed NDEQ notice of intent/permit application for coverage under the general NPDES construction site storm water permit. Such permit application shall be made on forms provided by the NDEQ.

(Ord. 1002, passed 8-1-06) (Ord. _____, passed _____)

§ 154.15 GRADING PERMIT FEE.

Before any grading permit application will be accepted by the Permits and Inspection Division, the applicant shall pay to the city a fee in such amount set from time to time by the Mayor and City Council, and a current record of such amount shall be maintained by the City Clerk.

(Ord. 1002, passed 8-1-06)

§ 154.16 ISSUANCE OF GRADING PERMIT.

If, after, examination of the application for a grading permit, the CBO has determined that the proposed plan will meet the requirements of this chapter and if the NDEQ approved the NPDES application for the project, then the Permits and Inspection Division shall issue the grading permit.

(Ord. 1002, passed 8-1-06)

§ 154.17 EROSION AND SEDIMENT CONTROL AT CONSTRUCTION AND DEVELOPMENT SITES.

Provisions for erosion and sediment control at construction and development sites are set forth in the Omaha Regional Stormwater Design Manual. The provisions thereof shall be controlling of all subjects contained therein within the corporate limits and within the jurisdictional area outside the city limits. In the event of any conflict between the provisions of the Omaha Regional Stormwater Design Manual, or any other ordinance, and the provisions of an NPDES permit issued by the State of Nebraska, the provision that imposes the higher or most stringent or most specific practice shall prevail.

(Ord. 1002, passed 8-1-06)

§ 154.18 REQUIREMENT FOR ALL NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS.

Land development and significant redevelopment projects with the potential to add pollutants to storm water or to affect the flow rate or velocity of storm water runoff after construction is completed

must include provisions for the management of the increased post construction runoff in a post-construction storm water management plan.

(Ord. 1002, passed 8-1-06)

§ 154.19 POST-CONSTRUCTION STORM WATER MANAGEMENT PLAN.

(A) *The post-construction storm water management plan shall be submitted to the City on a form or format specified by the Director as part of any preliminary plat application required in the Subdivision Regulations. Any parcel of land that is to be developed which requires a grading permit, or requires a building permit and creates more than 5,000 square feet of impervious surface, or requires a building permit and meets the definition of Significant Redevelopment, and is not already covered by an approved Post-Construction Storm Water Management Plan (PCSWMP), shall have a PCSWMP applicable to the parcel of land prepared and submitted to the City.*

(B) *The PCSWMP shall include at a minimum the design, locations, schedules, and procedures for inspection and maintenance of the selected BMP's. Erosion and sediment control BMP's during the construction process are to be addressed in the grading permit documents. The BMP's for the PCSWMP shall include the reduction of stormwater peak discharge rates after development of the subject parcel to pre-development conditions for the 2-year return frequency storm event measured at every drainage outlet (stormwater discharge) and shall include Low Impact Development (LID) BMP's to provide for water quality improvements in the first one-half inch of runoff from the site. Refer to the Omaha Regional Storm Water Design Manual for information on BMP's and to the Papillion Creek Watershed Partnership web site for information on post construction storm water management plan contents. For Significant Redevelopment sites, the calculation of the area requiring control of the first one-half inch of runoff shall be based only on the impervious area of the project site that is being added or replaced.*

(Ord. 1002, passed 8-1-06) (Ord. No. _____, passed Feb. 17, 2009)(Ord. _____, passed _____)

§ 154.20 EXEMPTIONS FROM THE POST-CONSTRUCTION STORM WATER MANAGEMENT PLAN.

Systems designed to accommodate only one single family dwelling unit, duplex, triplex, or quadraplex, provided the single unit is not part of a larger common plan of development or sale, are exempt from the requirements in this chapter to submit a post-construction storm water management plan.

(Ord. 1002, passed 8-1-06)

§ 154.21 MAINTENANCE OF POST-CONSTRUCTION BMPS.

(A) The owners and occupants of lands on which structural post-construction BMPs have been installed to meet the requirements of this chapter shall ensure the maintenance of these BMPs and shall themselves maintain those BMPs if other persons or entities who are also obligated to maintain those

BMPs (by contract or covenant, or pursuant to this chapter) fail to do so. Structural BMPs shall be inspected at least annually, and a written record of inspection results and any maintenance work shall be maintained and available for review by the city.

(B) The responsibility to maintain a BMP may be transferred through a contract or other agreement. The person or entity accepting a maintenance obligation in such a contract or agreement will also be legally obliged to maintain that BMP pursuant to this chapter. However, no contract or other agreement imposing an obligation to maintain a BMP can relieve a person or entity of any obligation to maintain a BMP imposed by this chapter.

(C) The maintenance agreement shall require the applicant or owner to execute an inspection and maintenance agreement, to be filled of record, binding on all subsequent owners of land served by a private storm water management facility. Such agreement shall provide for access to the facility, at reasonable times, for inspections by the city or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

(D) The applicant and/or owner shall record the maintenance agreement with the Register of Deeds.

(E) The maintenance agreement shall also provide that if after notice by the city to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) or occupant within a reasonable period of time (30 days maximum), the city may perform all necessary work to place the facility in proper working condition. The owner(s) or occupant of the facility shall be assessed the cost of the work and any lawful penalties.

(Ord. 1002, passed 8-1-06)

§ 154.22 ADMISSION TO PROPERTY.

(A) Whenever it shall be necessary for the purposes of these rules and regulations, the CBO or Director, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

- (1) Copying any records required to be kept under the provisions of this chapter;
- (2) Inspecting any BMPs; and
- (3) Sampling any discharge to the municipal storm sewer system.

(B) The CBO or Director may enter upon the property at any hour under emergency circumstances. The authority to so inspect, sample and copy records shall be limited to only those things, and only the extent, that it has a direct bearing on the kind and source of discharges into the municipal storm sewer system.

(Ord. 1002, passed 8-1-06)

§ 154.23 REGULATORY ACTIONS.

If substances in violation of § 154.04 are discharged or proposed to be discharged into the municipal storm sewer system of the city or any tributary thereto, the city may take action necessary to:

(A) Prohibit the discharge of such effluent;

(B) Require a discharger to demonstrate that modifications to such discharger's facilities will reduce or eliminate the discharge of such substances in conformity with this chapter;

(C) Require pretreatment, including storage, detention or retention facilities necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these prohibitions and limitations;

(D) Require the person making, causing, or allowing the discharge to pay an additional cost or expense incurred by the city for taking remedial actions as may be deemed to be desirable or necessary to achieve the purpose of this chapter;

(E) Require any combination or all of the above.

(Ord. 1002, passed 8-1-06)

§ 154.24 NOTICE OF VIOLATION; CORRECTION OF VIOLATIONS.

Whenever the Chief Building Official or Public Works Director finds that any person has violated or is violating this chapter or any prohibition, limitation or requirement contained herein, such person shall be notified in writing.

(Ord. 1002, passed 8-1-06)

§ 154.25 PENALTY; RECOVERY OF DAMAGES.

Any person who is found to have violated an order provided for in this chapter, or who willfully or negligently failed to comply with any provisions of this chapter and the rules and regulations issued hereunder, shall be deemed guilty of a misdemeanor and shall be fined an amount that does not exceed \$500 under this chapter. Each day any such violation or failure to perform such act shall continue, shall constitute a separate offense, unless otherwise specifically provided. Except as prohibited by the state of federal constitutions, a prosecution under this chapter, shall not be the exclusive penalty for such acts or omissions.

(Ord. 1002, passed 8-1-06)

§ 154.26 ADDITIONAL RULES AND REGULATIONS.

The Director may make rules and regulations, which expand upon or add to the provisions of this chapter but are not inconsistent with them. Prior to taking effect, such rules and regulations, or any amendments thereto, shall be approved by resolution of the City Council. A copy of such rules and regulations, with any current amendments, shall be on file with the City Clerk.

(Ord. 1002, passed 8-1-06)

§ 154.27 APPEALS.

Any person aggrieved by the issuance, denial, suspension, cancellation, modification, or revocation of any permit provided for in this chapter or by any other order of the CBO or Director, may within ten days of the receipt of written notice of the entry of such order, submit a written appeal to the City Council at their next regularly scheduled meeting.

(Ord. 1002, passed 8-1-06)

§ 154.28 CONFLICTS WITH OTHER CODE SECTIONS.

The provisions of this chapter shall control over any inconsistent or conflicting provision of this code of ordinances.

(Ord. 1002, passed 8-1-06)

154.29 PAPILLION CREEK WATERSHED MANAGEMENT FEES

- (A) Through and Interlocal Cooperation Act Agreement, the City has participated in the Papillion Creek Watershed Partnership to draft six policies and a map-based Papillion Creek Watershed Plan and a shorter term Papillion Creek Watershed Implementation Plan.**
- (B) It is expected the policies and plans in the Papillion Creek Watershed Plan will continue to be refined and amended. Specifically, the Papillion Creek Watershed Partnership intends to review the needs for regional detention structures and water quality basins on approximately a three year interval to provide updates to the Papillion Creek Watershed Implementation Plan.**
- (C) In accordance with the adopted Interlocal Cooperation Act Agreement for the Papillion Creek Watershed Partnership, Watershed Management Fees shall be collected from new developments and significant redevelopment requiring a subdivision agreement and located wholly or in part in the Papillion Creek Watershed to provide funding for construction of regional detention structures and water quality basins contained in the Papillion Creek Watershed Plan. However, any parcel of property for which similar Watershed Management Fees have been collected previously will not be required to again contribute the fees as the result of a subsequent redevelopment. Through the terms of an Interlocal Cooperation Act Agreement, as may be amended from time to time, the City shall transfer such fees to the Papio-Missouri River Natural Resource District, which will be responsible for the construction of regional detention structures and water quality basins in accordance with the Papillion Creek Watershed Implementation Plan, as may be amended from time to time.**