O-16-35

ORDINANCE NO. _____

AN ORDINANCE ADOPTING CHAPTER 14 ON STORMWATER MANAGEMENT AS PART OF THE NORTH LITTLE ROCK MUNICIPAL CODE; REPEALING ORDINANCE NOS. 7952 AND 7953; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Arkansas law, the City of North Little Rock ("the City") is authorized to adopt regulations by reference (Ark. Code Ann. §47-55-207) and to codify all or part of its ordinances (Ark. Code. Ann § 14-55-701); and

WHEREAS, the Arkansas Department of Environmental Quality ("ADEQ"), under regulations administered by the United States Environmental Protection Agency requires the City to meet certain requirements in the National Pollutant Discharge Elimination System, Phase II, for small Municipal Separate Storm Sewer Systems; and

WHEREAS, on June 25, 2007, the City Council adopted Ordinance No. 7952 (referred to as the "North Little Rock Stormwater Management Ordinance") for stormwater management regulations (a/k/a NLRMC Chapter 51 which was not codified) and Ordinance No. 7953 adopting a fee schedule for stormwater management; and

WHEREAS, it is in the best interests of the citizens and residents of North Little Rock that stormwater management regulations be combined and an updated and formatted North Little Rock Municipal Code Chapter 14 be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That North Little Rock Municipal Code Chapter 14 on **Stormwater Management**, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted in its entirety.

SECTION 2: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict. Specifically, Ordinance Nos. 7952 and 7953 hereby repealed in their entirety.

SECTION 3: That the provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 4: It is hereby found and determined that the adoption of a new code chapter for Stormwater Management is immediately necessary pursuant to requirements

of the National Pollutant Discharge Elimination System, Phase II, for small municipal separate storm sewer systems, thereby insuring the proper and orderly growth of the City of North Little Rock, Arkansas, and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

Mayor Joe A. Smith

ATTEST:

Diane Whitbey, City Clerk

APPROVED AS TO FORM:

C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED 11:32 A.M. _____ P.M.
By C. JASON CARTER
DATE 06-07-16
Diane Whitbey, City Clerk and Collector
North Little Rock, Arkansas
RECEIVED BY L Bragg

NORTH LITTLE ROCK, ARKANSAS
MUNICIPAL CODE

Chapter 14

STORMWATER MANAGEMENT

EXHIBIT
"A"

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ARTICLE ONE
GENERAL PROVISIONS

Section 1
IN GENERAL

1.1.1. Introduction and Findings.
The City finds that uncontrolled stormwater runoff adversely affects the public health, safety and welfare because:

(A) Impervious surfaces increase the quantity and velocity of surface runoff, which increases erosion and flooding;

(B) Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding;

(C) Increased erosion leads to sedimentation in drainage systems, which decreases the system's capacity; and

(D) Many future problems can be avoided if land is developed with sound stormwater runoff management practices.

1.1.2. Purpose.

(A) The purpose of this chapter is to set forth minimum requirements for construction site erosion control and stormwater management for both future land development and existing developed land within the city. These requirements will establish performance standards that:

(1) Protect public and private property from damage resulting from runoff or erosion and increased flooding;

(2) Ensure the annual runoff rates and volumes from post development site conditions mimic the annual runoff rates and volumes from predevelopment site conditions;

(3) Provide a single, consistent set of performance standards that apply to all developments;

(4) Protect water quality from nutrients, pathogens, toxic matter, debris and other contaminants;

(5) Promote infiltration and groundwater recharge;

(6) Protect functional values of natural water courses and wetlands;

(7) Provide plant and animal habitat and support riparian ecosystems;

(8) Require implementation of Best Management Practices to minimize the discharge of chemicals and other illicit discharges and pollutants, either directly or indirectly into the streams, rivers, lakes and other bodies of water; and into the city's drainage infrastructure; and

(9) Assuring the City of North Little Rock is and will remain in compliance with federal and state law.

(B) The application hereof and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide protection for property or residents, it is the designer's responsibility to exceed the minimum requirements as needed.

(C) Enforcement and administration of the sections of this chapter shall be the responsibility of such office(s) or officer(s) as designated by the North Little Rock Mayor, and is hereinafter termed **Administrative Authority**. The Administrative Authority may appoint such inspectors and assistants as necessary to assist in the performance of these duties. The Administrative Authority shall also be responsible to address other stormwater issues as they relate to the City's compliance with its Small MS4 Storm Water Permit as issued by ADEQ to the City of North Little Rock.

1.1.3. Definitions.

As used in the Stormwater Management regulations, the following words and phrases shall have the following meanings:

Best Management Practices (BMPs) - Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, engineered systems, programs and other management practices published by state or designated area-wide planning agencies.

City Engineer – The civil engineer in Public Works Department responsible for directing the Stormwater Management Program.

Collector and Arterial Streets and Highways – These are certain streets as depicted on the latest City of North Little Rock Master Street Plan Map for a particular design capacity and purpose.

Commercial Development – Any development that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

Common Plan of Development - A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land-disturbing activities may occur.

Constructed Wetlands – An artificial wetland system designed to mitigate the impacts of urban runoff.

Construction Site Erosion Control - Preventing or reducing soil erosion and sedimentation from land disturbing activity.

Debris – Any material including floating woody materials and other trash, suspended sediment, or bed load, moved by a flowing stream.

Detention - The temporary detaining or storage of floodwater in reservoirs, on parking lots, on rooftops and other areas under predetermined and controlled conditions and accompanied by controlled release of the stored water.

Detention Basin – An open excavation or depression in the ground surface used for temporary storage of stormwater prior to release downstream.

Detention Pond - A stormwater detention facility which maintains a fixed minimum water elevation between runoff events except for the lowering resulting from losses of water due to infiltration or evaporation.

Developer – Any person or entity proposing building or land improvements.

Development – Any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity. Or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

Disturbed Area – An area that is altered as a result of clearing, grading, and/or excavation.

Drainage Area – All land area that contributes runoff to the same discharge point.

Drainage Basin – All land area contributing to a given discharge point in terms of drainage.

Drainage Easement - Authorization by a property owner for use by another party or parties for all or any portion of his/her land for a drainage and adjoining utility purposes. Easements shall be dedicated to the city when required or approved by the Administrative Authority.

Drainage Pipe – Drainage conduit, which carries stormwater flows in either a closed storm water sewer system or culverts. RCP, CMP & HDPE are some common drainage pipes used throughout the state.

Easement - A grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

Elevation or Elevations – All required elevations shall be based on mean sea level datum.

Emergency Flood Insurance Program or emergency program - The program as implemented on an emergency basis in accordance with the National Flood Insurance Program. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial Flood Insurance Rate Map.

Engineer of Record - A registered professional engineer in Arkansas. This engineer shall supervise the design and construction of the development project and shall be acceptable to the City Engineer.

Erosion – The wearing away of land surfaces by the action of wind or water.

Erosion Prevention - Measures employed to prevent erosion including but not limited to: soil stabilization practices, limited grading, mulch, temporary or permanent cover and construction phasing.

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

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

Final Stabilization - means that either:

(1) All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, or geotextiles) have been employed; or

(2) For individual lots in residential construction by either: (1) The homebuilder completing **final stabilization** as specified above, or (2) the homebuilder establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, **final stabilization**. (Homeowners typically have an incentive to put in the landscaping functionally equivalent to **final stabilization** as quick as possible to keep mud out of their homes and off sidewalks and driveways.); or (3) For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land) **final stabilization** may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to **surface waters** and drainage systems, and areas which are not being returned to their preconstruction agricultural use must meet the **final stabilization** criteria.

Good Housekeeping Practice – A common practice related to the storage, use, or cleanup of materials performed in a manner that minimizes the discharge of pollutants. Examples include cleaning up spills and leaks and storing materials in a manner that will contain any leaks and spills.

Grading - Excavating, filling, or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

Illegal Discharge - Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this Ordinance.

Illegal/Illicit Connections - An illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface of subsurface, which allows illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-storm water discharge including, sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been

previously allowed, permitted, or approved by an authorized enforcement agency or,

(2) Any drain or conveyance connected from and commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Impervious – A hard surface (such as a parking lot), which prevents or retards the entry of water into the soil, thus causing water to run off the surface in greater quantities and at an increased flow rate. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

Infiltration – The downward entry of water into the surface of the soil or the flow of a fluid through pores or small openings, commonly used in hydrology to denote the flow of water into soil material.

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

Natural Waterways - Waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.

New Structure – Structures for which the start of construction commences on or after the effective date of these regulations.

Non-Storm Water Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.

Non-structural BMP – A best management practice that does not require construction of a facility to control urban runoff.

Notice of Intent (NOI) - Application form for obtaining coverage under a General Storm Water Permit for construction activities that disturbs one or more acres or for industrial activities.

Notice of Termination – A notice to terminate coverage under this permit after construction is complete, the site has undergone final stabilization, and maintenance

agreements for all permanent facilities have been established, in accordance with all applicable conditions of this permit.

NPDES – National Pollutant Discharge Elimination System initiated in 1972 by the amendments to the Federal Water Pollution Control Act (the Clean Water Act or CWA) to address the discharge of pollutants to navigable waters from point sources unless the discharge is authorized by an NPDES permit. The Water Quality Act of 1987 added section 402(p) to the CWA establishing phased and tiered requirements for stormwater discharge under the NPDES program.

Owner - The person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease holder, the party or individual identified as the lease holder; or the contracting government agency responsible for the construction activity.

Permittee – *Either*, a person, partnership or corporation to whom a permit is granted *or* a person or persons, firm, or governmental agency or other institution that signs the application submitted to City/AEDQ and is responsible for compliance with the terms and conditions of this permit.

Person Responsible for the Land Disturbing Activity - The person who has or represents having financial or operational control over the land disturbing activity; and/or the landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of this ordinance.

Point Source – Pollution from a well-defined origin, such as, an industrial plant.

Pollutant – Any introduced gas, liquid, or solid that makes a resource unfit for a specific purpose. A substance that pollutes air, water or land. They are defined in Section (502) of the Federal Clean Water Act (33 U.S.C. ' 1362(6)). Specifically, pollutants that are carried by runoff from rainstorms or other watering activities. Examples of pollutants include but are not limited to the following:

(1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);

(2) Metals such as cadmium, lead, zinc, copper, silver, nickel, and chromium; and non-metals such as phosphorus and arsenic;

(3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease);

(4) Excessive eroded soils, sediment, and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora, or fauna;

(5) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);

(6) Substances having characteristics such as pH less than 6 or greater than 9, unusual coloration or turbidity, excessive levels of fecal coliform, fecal streptococcus, or enterococcus.

Post-Development - Refers to the extent and distribution of land cover types anticipated to occur under conditions of full development of the submitted plan. This term is used to match pre- and post-development stormwater peak flows as required by the ordinance.

Pre-Developed Conditions - Those land use conditions that existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, or land use and rate, volume, or direction of stormwater runoff.

Pre-Development - Refers to the extent and distribution of land cover types present before the initiation of land development activity, assuming that all land uses prior to land disturbing activity and in "good" condition as described in the Natural Resources Conservation Service Technical Release 55, Urban Hydrology for Small Watersheds" (commonly known as TR-55). This term is used to match pre- and post-development stormwater peak flows as required by the ordinance. In a situation where cumulative impervious surface created after the adoption of this ordinance exceeds the 20,000 sq. ft. threshold, the pre-development conditions shall be those prior to any land disturbance.

Receiving Water – Rivers, lakes, oceans, or other bodies that receive runoff.

Registered Landscape Architect - A landscape architect properly registered and licensed to conduct work within the State of Arkansas.

Registered Land Surveyor - A land surveyor properly registered and licensed to conduct work within the State of Arkansas.

Registered Professional Engineer - A professional engineer properly registered and licensed to conduct work within the State of Arkansas.

Regulatory Floodway – The floodplain area that is reserved in an open manner by Federal, State of local requirements, i.e., unconfined or unobstructed either horizontally or vertically, to provide for the discharge of the base flood so that the cumulative increase in water surface elevation is no more than a designated amount (not to exceed 1 foot as established by the Federal Emergency Management Agency (FEMA) for administering the National Flood Insurance Program).

Runoff – The portion of rainfall or other watering activities also known as dry-weather flows that flow across the ground surface and eventually to receiving waters. Runoff can pick up pollutants from the air or the land and carry them to receiving waters.

Sediment - Solid earth material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.

Sediment Control - Methods employed to prevent sediment from leaving the site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

Stormwater – Water which originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, or other surfaces.

Stormwater Management Plan - The set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control stormwater as required by this Ordinance and the Stormwater Management Manual. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater Management Manual - The set of drainage policies, analysis methods, design charts, stormwater runoff methods, and design standards used by the City as the official design guidelines for drainage improvements consistent with this Ordinance. Any modifications will be made by the Administrative Authority consistent with the
stated policies and intent of the Ordinance.

Stormwater Pollution Prevention Plan (SWPPP) – A plan designed to eliminate or reduce at the source the use, generation, or release of silts, toxic pollutants, hazardous substances, and hazardous wastes from entering storm waters.

Stormwater Runoff - Water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation, which flows over the ground surface.

Reference – Ord. 7952 (NLRMC Sec. 51-1 thru 51-3), adopted 06-25-07.

ARTICLE TWO
STORMWATER CONCEPT AND PLAN

Section 1
STANDARD AND DESIGN

2.1.1 Performance Standards and Design Criteria.

(A) The City of North Little Rock Stormwater Management Manual, as adopted by ordinance, shall be the source for design criteria and performance standards with respect to stormwater management.

(B) Professional registration requirements. Stormwater management plans and design reports that are incidental to the overall or ongoing site design shall be prepared, certified, and stamped/sealed by a Professional Engineer licensed in the State of Arkansas. In addition, the engineer must verify that the plans have been designed in accordance with the standards and criteria stated or referred to in this chapter.

(C) Engineer of Record. Should the original Engineer of Record be prevented from completing the project, the Permittee shall employ another qualified engineer and notify the City Engineer immediately.

Section 2
PERMITS AND SUBMITTALS

2.2.1 Stormwater Management Permit.

(A) A Stormwater Management Permit will be required for construction site activities and those activities associated with excavation, filling, grading and removal of trees or surface vegetation for areas greater than 4,000 square feet unless otherwise exempt by this chapter. The permit application and required submittal documents, when applicable, shall include a copy of the Notice of Intent (NOI) that is (or will be) filed with the Arkansas Department of Environmental Quality (ADEQ). Approvals shall be secured per size of development from the City of North Little Rock and ADEQ, as applicable prior to starting any clearing or earth work. It is the developer's responsibility to determine if other permits are required and to secure them.

(B) Permit requirements. The following permit requirements must be met:

(1) No final occupancy permit shall be issued without the following:

a. Recorded easements for stormwater management facilities, if required.
b. Receipt of an as-built plan certified by a registered professional engineer.

(2) No site grading permit shall be issued or modified without an approved stormwater management plan.

(C) The approved stormwater management plan shall contain certification by the applicant that all land clearing, construction, development and drainage will be done according to the stormwater management plan or previously approved revisions. Any and all site grading permits may be revoked at any time if the construction of stormwater management facilities is not in accordance with approved plans. Major field changes shall be coordinated with the permitting authority and marked on plan located on site.

(D) In addition to the plans and permits required from the city, applicants shall obtain all state and federal permits for the proposed development. The applicant shall also be responsible for determining the existence and limits of any wetlands and/or floodways as may be applicable, and be responsible for securing permits and approvals from the U.S. Army Corps of Engineers and Federal Emergency Management Agency as required.

(E) The stormwater management permit does not authorize:

(1) Discharges mixed with sources of non-stormwater unless the non-stormwater discharges are determined not to be a significant contributor of pollutants as defined in Part VII of the Arkansas General Permit No. ARR040000 to waters of the United States;

(2) Stormwater discharges associated with industrial activity as defined in 40 CFR 122.26(b)(14)(I)-(ix) and (xi), except as allowed under Part I.B.2.b;

(3) Stormwater discharges associated with construction activity as defined in 40 CFR 122.26(b)(14)(x) or 40 CFR 122.26(b)(15), except as allowed under Part I.B.2.a;

(4) Stormwater discharges currently covered under an individual or other general NPDES permit;

(5) Stormwater discharges whose direct, indirect, interrelated, interconnected, or interdependent impacts would jeopardize a listed endangered or threatened species or adversely modify designated critical habitat as defined by the U.S. Fish & Wildlife Services (USF&WS), **http://endangered.fws.gov**;

(6) Stormwater discharges or implementation of the stormwater management plan, which adversely affect properties listed or eligible for listing in the National Register of Historic Places, unless you are in compliance with requirements of the National Historic Preservation Act and have coordinated any necessary activities to avoid or minimize impacts with the appropriate State Historic Preservation Officer;

(7) Stormwater discharges that will cause or contribute to non-attainment of water quality standards, including failure to protect and maintain existing designated uses of receiving waters. ADEQ may require an application for an individual NPDES permit to authorize discharges of stormwater from any activity that ADEQ determines to cause or makes a contribution to exceed a water quality standard or that ADEQ determines to cause or contribute to the loss of a designated use of receiving waters;

(8) Discharges to waters for which there is an approved Total Maximum Daily Load and/or implementation plan (TMDL/IP) addressing discharges of stormwater associated with MS4s, unless the MS4 operator develops and certifies a SWMP that is consistent with the assumptions and allocations in the approved TMDL/IP; and

(9) Stormwater discharges which are prohibited for permitting in 40 CFR 122.4 of the federal regulation.

2.2.2. Stormwater Submittal Requirements.

(A) Large, Medium, and Small Construction Sites as described below are required to submit Stormwater Inventory/Data Maintenance as described in the City of North Little Regulations to Control Development and Subdivision of Land, and required to submit a Stormwater Plan which includes the following documents prior to any earth moving activities: (1) Stormwater Pollution Prevention Plan (SWPPP) (2) Stormwater Detention Plan (3) A copy of the approved ADEQ NPDES permit, if required.

(B) Special Construction Sites as described below are required to submit the following documents prior to any earth moving activities: (1) Develop Stormwater Pollution Prevention Plan (SWPPP) (2) Submit copy of SWPPP to Public Works Department prior to construction for review. (3) Use Best Management Practices (BMPs) to reduce runoff. (4) Maintain SWPPP on-site and inspect stormwater controls biweekly. (5) Remove all unnecessary BMPs after final stabilization.

(C) Construction sites are defined as follows:

(1) Large Construction Sites include any construction sites that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of ten (10) or more acres of total land area or less than ten (10) acres of total land area that is part of a larger common plan of development if the larger common plan will ultimately disturb ten (10) acres or more.

(2) Medium Construction Sites include any construction activity that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of greater than five (5) acres and less than ten (10) acres of total land area or is less than five (5) acres of total land area that is part of a larger common plan of development if the larger common plan will ultimately disturb five (5) acres or more, but less than ten (10) acres.

(3) Small Construction Sites include any construction activity that will result in the disturbance (e.g., clearing, grading, excavating, etc.) of greater than or equal to one (1) acre and less than five (5) acres of total land area or less than one (1) acre of total land area that is part of a larger common plan of development if the larger common plan will ultimately disturb one (1) acre or more, but less than five (5) acres.

(4) Special Construction Sites: Any construction activity that meets the following definition:

a. Any construction activity (e.g., clearing, grading, excavating, etc.) greater than 4,000 square feet and less than 1 acre of land.

b. Road, pipeline, and utility maintenance activities are not regulated under this permit unless one or more acres of underlying and/or surrounding soil are cleared, graded or excavated as part of the operation.

c. Road, pipeline and utility maintenance activities are regulated when bordering lakes or streams under either the small, medium or large construction site category.

2.2.3. Stormwater and Urban Runoff Pollution Control.

(A) Illegal dumping/disposal. No person shall throw, deposit, place, leave, maintain, or keep or permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects,

articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or drainage structure, business place, or upon any public or private plot of land in the city, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.

(B) Disposal in storm sewer. No person shall intentionally dispose of grass, leaves, dirt, or other landscape debris into a water resource buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

(C) Illicit discharges and connections. No person shall cause any illicit discharge to enter the municipal stormwater system unless such discharge: (1) consists of non-stormwater that is authorized by an NPDES point source permit; or (2) is associated with firefighting activities.

(D) Storage of materials, machinery and equipment. Objects, such as motor vehicles including parts, containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff as is prohibited in areas identified by FEMA as designated floodplain areas identified as shown on current FEMA FIRM maps. Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills or discharges.

(E) Removal of debris and residue. Debris and residue shall be removed, as noted below:

(1) All motor vehicle parking lots shall be swept, at a minimum of twice a year to remove debris. Such debris shall be collected and properly disposed.

(2) Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which are located in an area susceptible to runoff, shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through city collection programs or at any other appropriate disposal site and shall not be placed in a trash container.

(F) Non-stormwater discharges. All discharges covered by this permit shall be composed entirely of stormwater except the following non-stormwater discharges that are combined with stormwater may be authorized by this permit:

(1) Discharges from firefighting activities; fire hydrant flushing; water used to wash vehicles (where detergents are not used) or control dust; potable water sources including uncontaminated waterline flushing; irrigation drainage; routine external building wash down which does not use detergents; pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled materials have been removed) and where detergents are not used; uncontaminated air conditioning or compressor condensate; uncontaminated springs; uncontaminated ground water; foundation or footing drains where flows are not contaminated with process materials such as solvents; and uncontaminated excavations dewatering.

(2) Except as described in (f)(1) above, discharges of material other than stormwater must be in compliance with an individual NPDES permit issued for the discharge.

(G) Good housekeeping provisions. Any owner or occupant of property within the city shall comply with the following good housekeeping requirements:

(1) Discharges. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm drain system may occur. This section shall apply to both actual and potential discharges.

(2) All large, medium, small and special construction sites must have solid waste dumpsters located at the site to properly dispose of building materials and solid waste.

(H) Construction site stormwater runoff control. Any owner, developer or occupant of property within the city shall install and maintain erosion and sediment controls during land disturbing activities in order to reduce pollutants from stormwater from entering waterways.

(I) Post-construction stormwater runoff control. Any owner, developer or occupant of property within the city shall install and maintain erosion and sediment controls during land disturbing activities from new development and redevelopment projects in order to reduce pollutants from stormwater from entering waterways.

(J) Runoff. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of paved areas in commercial or industrial property is prohibited unless necessary for health or safety purposes and not in violation of any other provisions in community codes.

2.2.4. Stormwater Management Manual.

(A) Stormwater Management Manual. To assist in the design and evaluation of stormwater management facilities in the City of North Little Rock, a Stormwater Management Manual will be developed by the Public Works Department. This manual contains the submittal requirements and necessary forms for development within the City of North Little Rock. The required submittal documents prior to earthmoving activities within the City of North Little Rock, which are addressed in the manual, are:

(1) Stormwater Management Plan

(2) Stormwater Pollution Prevention Plan

(3) Detention Plan

(B) Design. The City of North Little Rock will allow the use of the following software for the analysis of stormwater detention facilities: Pond 2, HEC-1, HEC-HMS or an acceptable equal approved by the Administrative Authority. The Rational Method may be use for watersheds up to 200 acres.

(C) Hydraulic design data. Stormwater detention pond outlets shall be designed to limit the peak stormwater discharge rates of the 25-year storm frequencies after development to pre-development rates. The principal outlet and all drainage structures will be designed to safely convey the runoff resulting from a 25-year event chance storm except in the Central Business District, where a one in fifty (50) year rainfall design will be used.

(D) All private systems must be designed to discharge at pre-developed rates unless approved by the Administrative Authority. New stormwater drainage systems cannot tie into existing systems of lesser capacity. In other words, a larger pipe cannot discharge into a smaller pipe of lesser capacity.

2.2.5. Permit Fees Required.

Permit fees will be required. The permit and rates associated with the implementation of this ordinance will be based on the disturbance for more than 4,000 square feet of land as stated in this chapter. Such fees shall be established by the City Council.

Exemptions:

(A) Any land disturbing activity greater than 4,000 square feet is not exempt from this chapter unless stated below.

(B) The following activities are exempt from requirements of this chapter:

(1) Land use for agricultural purpose.

(2) Land where timber extraction takes place, provided that it is to be reseeded as timber land or other proper vegetation.

(3) Earthwork on an area less than 4,000 square feet.

(4) One single family residence or duplex covered by subdivision permit unless bordered by lake or stream.

(5) One commercial or industrial project built on an individual lot that is part of a larger subdivision that has been issued an approved drainage control permit when the proposed project is demonstrated to be in compliance with the overall subdivision drainage permit.

(6) Existing commercial and industrial structures where additional structural improvements are less than 3500 square feet.

(7) Maintenance or clearing activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.

(8) Any activity directly related to the planting, growing and harvesting of agricultural crops to include gardening.

(9) Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms or other hazards.

2.2.6. Permit Conditions, Application and Processing.

(A) Permit conditions - Each permit issued shall be subject to the following conditions:

(1) Area. The development, including associated construction, shall be conducted only within the area specified in the approved permit.

(2) Execution. Activities requiring a stormwater management permit shall not commence until the permit is in the possession of the permittee. The approved permit shall be on file with the Administrative Authority and a copy on file with the contractor at the project site, and available for review and inspection upon request.

a. The plan shall be implemented prior to the start of any land disturbing activity and shall be maintained over the duration

of the project. Proper stormwater management shall continue after construction is complete.

b. The permittee is responsible for successful completion of the erosion control plan and the stormwater management plan. The permittee shall be liable for all costs incurred, including environmental restoration costs, resulting from noncompliance with an approved plan.

c. Application for a permit shall constitute express permission by the permittee and landowner for the local approval authority to enter the property in their presence for purposes of inspection. The application form shall contain a prominent provision advising the applicant and landowner of this requirement.

d. All incidental mud-tracking off-site onto adjacent thoroughfares shall be cleaned up and removed by the end of each working day or sooner if requested using proper disposal methods.

(3) Inspections. A schedule of self-inspections will be carried out during the construction phase of permitting as established by the Administrative Authority as a condition to the permit.

a. Application for a permit hereunder shall constitute permission by the applicant and landowner for the local approval authority to enter upon the property and inspect as necessary to confirm compliance with the requirements hereof.

b. The Administrative Authority shall determine the minimum number of inspections required to assure compliance.

c. Within 10 days after installation of all controls in an approved erosion control plan and achievement of soil stabilization, the permittee shall notify the Administrative Authority.

(4) Duration. Unless revoked or otherwise modified, the duration of a permit issued pursuant to this chapter shall be for one (1) year.

(5) Maintenance. Maintenance activities, as specified, in the approved maintenance plan, shall be executed routinely, with specified scheduled reporting documents kept current, stored on the project site, and available for review and inspection upon request.

(6) Modifications. If the activity authorized by the permit is not completed according to the approved schedule and permit conditions, the Administrative Authority shall be notified. All changes must be posted to the SWPPP at the site.

(7) Transfer. No transfer, assignment or sale of the rights granted by virtue of an approved permit shall be made without prior written approval from the Administrative Authority.

(8) Special. Any additional special conditions, as deemed appropriate by the Administrative Authority, shall be established to address specific project needs or circumstances.

(B) Permit application. A storm water permit application shall be submitted to the Administrative Authority using appropriate forms as provided. A permit application shall contain sufficient information and plans to allow the Administrative Authority to determine whether the project complies with the requirements hereof. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the Stormwater Management Manual and this chapter.

(C) Approval process.

(1) The Administrative Authority shall verify that the permit application is complete and in accordance herewith.

(2) Within the time frame set by the Administrative Authority, plan review staff shall either approve the submitted plan or notify the applicant of any deficiencies.

(3) The Administrative Authority shall notify the applicant in writing of any deficiency in the proposed plan and the applicant shall be given an opportunity to correct any deficiency.

(4) Upon approval of the Administrative Authority, the stormwater management permit shall be issued by the Administrative Authority after the applicant has met all other requirements hereof.

Reference – Ord. 7952 (NLRMC Sec. 51-4 thru 51-10), adopted 06-25-07.

ARTICLE THREE
MAINTENANCE, CONSTRUCTION AND INSPECTION

Section 1
PUBLIC AND PRIVATE MAINTENANCE RESPONSIBILITIES

3.1.1. Public and Private Maintenance Responsibilities Under the Stormwater Management System.

(A) Owner/Developer inspections and maintenance. The owner/developer or his designee shall be responsible for inspections and maintenance on the site.

(1) Inspections and maintenance must be documented and readily available for review. Inspections are required as follows:

a. Once every 14 days on exposed soil areas.

b. Within 24 hours after a one-half inch rain event over 24 hours.

c. Once every 30 days on stabilized areas.

d. As soon as runoff occurs or prior to resuming construction on frozen ground.

(2) Maintenance is required as follows:

a. When sediment reaches 1/3 the height of the BMP on perimeter control devices, sediment must be removed within 24 hours.

b. If the perimeter control device is not functional it must be repaired or replaced within 24 hours.

c. Temporary sediment basins shall be maintained when sediment reaches ½ the basin storage volume. Basin must be drained or sediment removed within 72 hours.

d. Construction site vehicle entrance and exit locations sediment must be removed from paved surfaces within 24 hours of discovery.

(B) Public responsibilities:

(1) Administration - Administration of these regulations shall be by the Administrative Authority, who shall review to determine approval, disapproval or modification of stormwater management plans as provided herein.

(2) All areas and/or structures to be dedicated to the city must be dedicated by plat or separate instrument and accepted by the Administrative Authority.

(3) Operation and maintenance of publicly-owned facilities – The Administrative Authority shall be responsible after written approval and acceptance for the operation and maintenance of all drainage structures and improved courses which are part of the drainage structures and improved courses which are part of the stormwater runoff management system under public ownership and which are not constructed and maintained by or under the jurisdiction of any state or federal agency.

(C) Private responsibilities:

(1) Each developer of land within the corporate limits of the city has a responsibility to provide on the developer's property all approved stormwater runoff management facilities to ensure the adequate drainage and control of stormwater on the developer's property both during and after construction of such facilities.

(2) Each developer, owner or property owners association has a responsibility and duty before and after construction to properly operate and maintain any on-site stormwater runoff control facility which has not been accepted for maintenance by the public. Such responsibility is to be transmitted to subsequent owners through appropriate covenants.

(3) All private systems not dedicated to the city shall have adequate easement to permit the Administrative Authority to inspect and, if necessary, to take corrective action should the responsible entity fail to properly maintain the system.

(4) All private stormwater facilities shall be maintained in proper condition consistent with the performance standards for which they were originally designed.

(5) All private systems must be designed to discharge at pre-developed rates unless approved by the Administrative Authority. New stormwater drainage systems cannot tie into existing systems of

lesser capacity. In other words, a larger pipe cannot discharge into a smaller pipe of lesser capacity.

(D) Maintenance Agreement (privately-owned facilities only):

(1) A proposed inspection and maintenance agreement shall be submitted to the Administrative Authority for all private on-site stormwater discharge control facilities prior to the approval of the stormwater management plan. Such agreement shall be in a form and content acceptable to the Administrative Authority and shall be the responsibility of the private owner. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of the city at reasonable times for regular inspection by the Administrative Authority. This agreement will identify who will have the maintenance responsibility. Possible arrangements for this maintenance responsibility might include the following:

a. Use of homeowner associations;

b. Arrangements to pay the city for maintenance;

c. Private maintenance by development owner(s), or

d. Contracts with private maintenance companies.

(2) All maintenance agreements shall contain or uphold, without limitation, the following provisions:

a. A description of the property on which the stormwater management facility is located and all easements from the site to the facility;

b. Size and configuration of the facility;

c. A statement that properties which will be served by the facility are granted rights to construct, use, reconstruct, repair and maintain access to the facility;

d. All stormwater facilities must be designed to minimize the need for maintenance, to provide easy vehicle and personnel access for maintenance purposes, and be structurally sound. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the facilities for inspection or maintenance;

e. All settled materials from ponds, sumps, grit chambers and other devices, including settled solids, shall be removed and properly disposed of as needed to insure the proper functioning of the stormwater facility as per its design capacity.

3.1.2. Inspection Authority.

Inspections will be performed by the Administrative Authority on a regular basis during construction to ensure that the stormwater management plan measures are properly installed and maintained. The Administrative Authority shall inspect all stormwater facilities during the first year of operation, and at least once every five years thereafter. In all cases the inspectors will attempt to work with the applicant or developer to maintain proper stormwater management.

3.1.3. Bonds, Maintenance Assurances and Final Approval.

(A) Maintenance agreement. A maintenance agreement approved by the Administrative Authority assuring perpetual maintenance of stormwater management improvements shall be agreed upon by the Administrative Authority and the applicant.

(B) Maintenance of detention ponds (wet type) shall be the responsibility of the owner of record and/or the property owners' association.

(C) Maintenance of detention basins (dry type) shall be the responsibility of the owner of record and/or property owners' association. The owner of record and/or property owners' association shall be responsible for all other maintenance, plantings, reseeding, or resodding.

(D) Maintenance bond. A two year maintenance bond against defects in workmanship shall be required by the Administrative Authority for any portion of the stormwater management improvements dedicated to the public, said maintenance bond to be provided by cashier's check, irrevocable letter of credit or acceptable surety authorized to do business in the State of Arkansas. All forms of maintenance bonds shall be subject to approval by the Administrative Authority and the City Attorney. The value of bond shall be an amount equal to 50% of the value of the stormwater system improvements.

Reference – Ord. 7952 (NLRMC Sec. 51-11 thru 51-13), adopted 06-25-07.

ARTICLE FOUR
MISCELLANEOUS PROVISIONS

Section 1
VARIANCES AND APPEALS

4.1.1 Variances.

Variances from requirements:

(A) The Administrative Authority may grant on a case-by-case basis a variance from the requirements of this chapter if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and not fulfill the intent hereof.

(B) An applicant may include in the application a request for a variance. No variance shall be granted unless applicant demonstrates and the Administrative Authority finds that all of the following conditions are present:

(1) Enforcement of the standards set forth herein will result in unnecessary hardship to the landowner.

(2) The hardship is due to exceptional physical conditions unique to the property.

(3) Granting the variance will not adversely affect the public health, safety or welfare, nor be contrary to the spirit, purpose and intent hereof.

(4) The project will have no adverse impact upon any of the stated purposes of this chapter.

(5) The applicant has proposed an alternative to the requirement from which the variance is sought that will provide equivalent protection of the public health, safety and welfare, the environment and public and private property.

(6) The net cumulative effect of the variance will not impact downstream conditions.

(7) Existing regional facilities are shown to meet the performance standards of this chapter.

(C) If all of the conditions of paragraph (B) are met, a variance may only be granted to the minimum extent necessary to afford relief from the unnecessary hardship with primary consideration given to water quality.

(D) The content of a variance shall be specific and shall not affect other approved provisions of a SWPPP.

(E) Economic hardship is not sufficient reason for granting a variance.

(F) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, for the granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.

4.1.2. Appeals.

(A) Any person aggrieved by a decision of the Administrative Authority (including any decision with reference to the granting or denial of a variance from the terms hereof) may appeal same by filing a written notice of appeal with the Administrative Authority within thirty (30) calendar days of the issuance of said decision by the Administrative Authority. The Administrative Authority can then reverse his/her decision or send this notice to the City Council with comments. A notice of appeal shall state the specific reasons why the decision should be reconsidered. The Administrative Authority shall prepare and send to the City Council and the Appellant, within fifteen (15) days of receipt of the notice of appeal, a written response to said notice of appeal.

(B) All such appeals shall be heard by the City Council which is hereby granted specific authority to hear and determine such appeals in a quasi-judicial capacity. Said appeal shall be heard by the City Council at its next regularly scheduled meeting date, not to exceed thirty (30) days after receipt of the notice of appeal, or at such other time as may be mutually agreed upon in writing by the Appellant and the Chairperson of the City Council. The City Council will then render a decision within fifteen (15) days after the appeal has been heard.

(C) The City Council may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and shall have all the powers of the officer from whom the appeal is taken.

(D) The concurring vote of a majority of the City Council shall be necessary to reverse the decision of the Administrative Authority.

(E) Each party to the appeal shall be entitled to a hearing before the City Council under judicial forms of procedure, at which hearing each party shall have the right to present evidence and sworn testimony of witnesses, to cross-examine witnesses, and to cause a transcription of the proceeding to be prepared.

(F) Should either party be dissatisfied with the decision of the City Council, any appeal of said decision may be appealed to a court of competent jurisdiction in accordance with the laws of Pulaski County and the State of Arkansas.

4.1.3. Alternative Methods.

(A) Alternatives to on-site detention. Where on-site detention is deemed inappropriate due to local topographical or other physical conditions, alternate methods for accommodating increases in stormwater runoff may at the Administrative Authority's discretion be considered. The methods may include:

(1) Off-site detention or comparable drainage improvements.

(2) In-lieu monetary contributions to be specifically used for channel or drainage system improvements, or off-site detention improvements by the city within the same watershed. Channel improvements shall only be used if they are an integral part of a detailed watershed study.

(B) In-lieu contributions to regional or sub-regional detention. An owner or developer may contribute to the construction of a regional or sub-regional detention site constructed or to be constructed in lieu of constructing on-site detention if approved by the Planning Commission. No in-lieu contributions are allowed when existing flooding occurs downstream from the development, or if the development will cause downstream flooding.

(C) In-lieu fees. The in-lieu fee contribution called stormwater impact fee shall be based upon an amount of $5,000 per-acre for commercial and $500 per acre for residential development.

(D) Watershed facility improvement funds. In-lieu contributions paid to the city shall be budgeted by contributing to a "Watershed Facility Improvement Fund." Said funds shall be appropriated only for planning, design and construction for correction of existent drainage problems within the watershed from which the contribution is generated.

(E) Regional or sub-regional detention sites. The acquisition of regional or sub-regional detention sites and construction of facilities thereon will be financed by the city. Monies contributed by the owners as above provided shall be used for regional and sub-regional detention site studies, land acquisition and facility construction thereof in the watershed in which the development is located.

(F) Watershed boundaries. The boundaries of watersheds and priority in construction of detention facilities and drainage improvement construction shall be as established by the Administrative Authority and approved by the City Council.

Section 2
VIOLATIONS, PENALTIES & RESOLUTIONS

4.2.1. Violations.

(A) Violations and penalties. A site grading permit may be suspended or revoked by the Administrative Authority if one or more of the following violations have been committed:

(1) Violation(s) of the conditions of the stormwater management plan approval.

(2) Construction not in accordance with the intent of the approved plans.

(3) Non-compliance with correction notice(s) or stop work order(s).

(4) The existence of an immediate danger in a downstream area in the judgment of the Administrative Authority.

(B) If one or more of these conditions is found, a written notice of violation(s) shall be served upon the owner or authorized representative and an immediate stop-work order may be issued. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately and completed within 7 working days of original notification or the owner shall be deemed in violation of these regulations.

(C) The City Attorney may institute injunctive, mandamus, or other action or proceedings at law or equity for the enforcement of these regulations or to correct violations of these regulations, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

concerning the alleged noncompliance, accompanied by documentary evidence demonstrating noncompliance and specifying what remedial work is necessary to bring the project into compliance. The permittee, upon notification, shall immediately, unless weather conditions or other factors beyond the control of the permittee prevent immediate remedial action, commence the recommended remedial action and shall complete the remedial work within 72 hours or within a reasonable time as determined in advance by the Administrative Authority. Upon satisfactory completion of remedial work, the Administrative Authority shall issue a notice of compliance and the development may proceed.

(K) Enforcement fee. Where code enforcement action is needed to bring a site into compliance with the Clean Water Act, fees will be charged to the permit holder and or the property owner. The enforcement fee shall be established by resolution of the City Council.

4.2.2. Penalty.

The penalty for violation of this chapter shall, upon conviction in the District Court, or any other court of competent jurisdiction, be such fines and penalties as established by the general penalty clause for the North Little Rock Code of Ordinances as may now or hereafter be enacted by the North Little Rock City Council.

4.2.3. Conflict Resolution and Interpretation.

(A) Interpretation. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(B) Conflict with other laws. Whenever the provisions hereof impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more restrictive standards than are required herein, the requirements of such shall prevail.

Reference – Ord. 7952 (Sec. 51-14 thru 51-18), adopted 06-25-07.

Section 3
OTHER

4.3.1. Disclaimer of Liability.

(A) The performance standards and design criteria set forth herein and in the Stormwater Management Manual establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the city or its officers and employees of the adequacy or safety of any stormwater management

structure or use of the land. Nor shall the approval of the stormwater management plan imply that the land uses that are permitted will be free from damages caused by stormwater runoff. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or stormwater runoff heights may be increased by man-made or natural causes. These regulations, therefore, shall not create liability on the part of the city or any officer or employee with respect to any legislative or administrative decision lawfully made hereunder.

(B) Neither approval of a plan under the provisions of this ordinance nor the compliance with the provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law.

4.3.2. Amendments.

For the purpose of providing for the public health, safety and general welfare, the City Council may, from time to time, amend the provisions of these regulations. This ordinance may be amended in the manner as prescribed by law for its original adoption. Before the City Council considers an amendment hereto, it must seek the advice of the Administrative Authority who will make a recommendation for each amendment within thirty (30) days of the request. The Administrative Authority has the responsibility for recommending updates and changes in the Stormwater Management Manual to the City Council.

4.3.3. Fee Schedule.

(A) *Permit Fees (land disturbance of 4,000 square feet or more):*

Single family dwelling	$ 25.00
Multiple family dwelling (2 units or more)	$ 50.00
Commercial & industrial buildings (4,000 sq. ft. – 9,999 sq. ft.)	$100.00
Commercial & industrial buildings (10,000 sq. ft. or larger)	$150.00
Commercial & industrial building additions (4,000 sq. ft. – 9,000 sq. ft.)	$ 50.00
Commercial & industrial building additions (10,000 or larger)	$100.00
Parking lots (4,000 sq. ft. – 9,999 sq. ft.)	$ 25.00
Parking lots (10,000 sq. ft. or more)	$ 50.00
Subdivisions (up to 5 lots)	$ 50.00

Subdivisions (6 or more lots)	$100.00
Other activities that disturb between 4,000 sq. ft. and 3 acres	$ 50.00
Other activities that disturb more than 3 acres	$100.00

(B) *Enforcement Fees.*

Enforcement Fee after Notice of Violation issued	$100.00/day until compliance
Program Administrator fee for monitoring and processing violation compliance (1 hr. minimum)	$ 50.00/hr.
Street Sweeper or other equipment at costs (minimum)	$100.00 plus costs if greater

Reference – Ord. 7953 (NLRMC adopted 06/25/07.