

ORDINANCE NO. OR-2015-790

AN ORDINANCE AMENDING CHAPTER 18
OF MONTICELLO CITY CODE,
CONCERNING PLANNING & FLOOD DAMAGE
PREVENTION; AND ESTABLISHING
REGULATIONS CONCERNING FOR A CITY-
WIDE STORMWATER DRAINAGE
MANAGEMENT PLAN.

WHEREAS, the City Council finds that uncontrolled stormwater runoff from developed land adversely affects the public health, safety, and welfare of the Monticello, Arkansas; and

WHEREAS, impervious surfaces increase the quantity and velocity of surface runoff, which reduces filtration of water through soil and increases erosion and flooding; and

WHEREAS, improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding, which can endanger property and human life; and

WHEREAS, increased erosion leads to sedimentation in stormwater management systems, which decreases the system's capacity; and

WHEREAS, many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices; and

WHEREAS, it is the intent of this ordinance to protect, maintain, and enhance the health, safety, and general welfare of

the citizens of the City of Monticello, Arkansas by preventing increases in the magnitude and frequency of stormwater runoff to prevent increases in flood flows and associated hazards and costs.

NOW THEREFORE BE IT ORDAINED, by the City Council of the Monticello, Arkansas, that Chapter 18 of Monticello City Code, concerning planning & flood damage prevention, is amended to read as follows:

"ARTICLE IV. STORMWATER MANAGEMENT

Sec. 18-40 Definitions.

For the purpose of this chapter, certain terms and words shall be used, interpreted, and defined as set forth in this section.

(a) Building. Any structure built for the support, shelter, or enclosures of persons, animals, chattels, or movable property of any kind.

(b) Channel. A course of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water, and which has a definite bed and banks.

(c) Compliance letter. An acceptance letter issued by the city engineer based upon the review of the stormwater management plan or construction plans as prepared and certified by the engineer of record for a project.

(d) Conduit. Any open or closed device for conveying flowing water.

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

(f) Developer. A person, legal entity, or its representative that improves unimproved land or rehabilitates or adds improvements to an existing improvement on previously improved land.

(g) Development. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

(h) Drainage easement. An authorization by a property owner for use by another party or parties for all or any portion of his or its land for drainage purposes.

(i) Engineer of record. A professional engineer registered in the State of Arkansas who is responsible for the design and construction administration, observation, and inspection of the stormwater facilities proposed for specific development or redevelopment projects of all facilities.

(j) Maintenance.

(1) Short-term maintenance. The general upkeep of the site and facilities, specifically the mowing or trimming of grasses or other vegetative cover and the removal of litter and other minor debris that could impact the functionality of the facilities or that would otherwise be considered unsightly or a nuisance.

(2) Long-term maintenance. The removal of sediment deposits, re-grading or shaping of embankments, drainage channels, and detention areas, and repair or replacement of piping networks, and other drainage structures.

(k) On-site detention. The temporary storage of runoff on the same land or development site where the runoff is generated.

(l) Peak flow. The peak rate of flow of water at a given point in a watercourse or conduit.

(m) Project. Any development involving the construction, reconstruction, or improvement of structures or grounds, or both.

(n) Redevelopment. The demolition or removal of old buildings, structures, or other improvements to a developed

site, and replacement or construction of new buildings, structures, or improvements on the same site.

(o) Stormwatercourse, main. A main storm watercourse is all watercourses that have been identified in the City Drainage Management Plan as main stormwatercourses; including:

(1) Tenmile Creek, a natural watercourse tributary to the Saline River, a natural watercourse tributary of the Ouachita River Basin; and

(2) Goddfey Creek, a natural watercourse tributary to Upper Cutoff Creek, a natural watercourse tributary to Cutoff Creek, a natural watercourse tributary to Bayou Bartholomew, a natural watercourse tributary of the Ouachita River Basin.

(p) Storm watercourse, minor. A minor storm watercourse is any watercourse with a peak flow of fifteen (15) cubic feet per second or more for the ten 10 year storm, as determined by the Mayor or his designee.

(q) Storm watercourse, secondary. A secondary storm watercourse is any watercourse with a peak flow of less than fifteen (15) cubic feet per second for the ten 10 year storm, as determined by the Mayor or his designee.

(r) Stormwater management system. The collection of open channels, drainage swales, detention facilities, retention facilities, and enclosed conduits that comprise the overall drainage system for an area or region.

(s) 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.

(t) Stormwater runoff management facility. Any facility constructed to manage or otherwise control the flow of stormwater runoff from a site including but not limited to open channels, drainage swales, detention facilities, retention facilities, or enclosed stormwater conveyance systems.

(u) Structure. Any object constructed above or below ground. Pipes, manholes, and certain other utility structures which exist underground may be excluded from the definition.

(v) Subdivision. A division of land into two or more lots or parcels, including the combination or recombination of two or more previously plotted lots. The term "subdivision" shall apply also to any division of land involving the dedication of a street to the public; provided, however, that any division of land for agricultural purposes into lots or parcels of five acres or more shall not be deemed a subdivision unless street dedication or the installation of utilities are involved.

(w) Swale. A ditch or depression that is cut into the soil that allows the flow of water to pass.

(x) Watercourse. Any surface stream, creek, brook, branch, depression, reservoir, lake, pond, river, ditch, wetland, swamp area, or drainage way in or into which stormwater runoff flows.

Sec. 18-41 Purpose.

In order to promote the public health, safety, and general welfare of the citizens of Monticello, the provisions of these regulations are intended to:

(a) Reduce property damage and human suffering;

(b) Minimize the hazards of personal injury and loss of life due to flooding; and

(c) Protect water quality and the environment.

Sec. 18-42 Applicability.

The provisions of this chapter are applicable to all persons, firms, corporations, business, or other legal entity proposing to develop land in the city planning jurisdiction, referenced in Sec. 18-2.

Sec. 18-43 Interpretation, conflict and severability interpretations.

(a) Interpretation. In the interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(b) Conflict with public provisions. This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation statute or other provision of law.

Where any provision of this chapter imposes restrictions different from those imposed by any other provision of any other ordinance, rule or regulation, or other provision or law, whichever provisions are more restrictive or impose higher standards, shall control.

Sec. 18-44 Disclaimer of liability.

The performance standards and design criteria set forth herein and in the drainage 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 plan imply that the land uses 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 manmade 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.

Sec. 18-45. City-wide drainage management plan required.

The Mayor shall develop, in consultation with a professional hydrologist, and present for City Council's adoption, a City Drainage Management Plan, to establish 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 chapter.

Sec. 18-46 City drainage management plan adopted.

(Reserved)

Sec. 18-47 Development stormwater management plan required.

Any person, firm, corporation, business, or legal entity proposing to develop, redevelop, or subdivide land within the city planning jurisdiction after January 1, 2016, shall prepare and submit a stormwater management plan, outlining the impact the development will have on stormwater drainage and the city stormwater management system, to the city engineer for review

and be issued a compliance letter prior to issue of a building permit, except for the following:

(a) One new or existing single-family structure;

(b) One new or existing duplex family structure;

(c) One existing commercial or industrial structure where proposed structural or site improvements are less than 2,000 square feet cumulatively and no other structural or site improvements have been made in the preceding three years that when combined with the current improvements would exceed 2,000 square feet in aggregate.

Sec. 18-48 Drainage alterations or modifications permit required.

No person, firm, corporation or business shall alter or modify any open channel, drainage swale, detention facility, enclosed stormwater conveyance system, or other watercourse either natural or artificial where any of said facility is part of the city stormwater management system, without first submitting construction plans and supporting documentation to the city engineer for review, being issued a compliance letter, and attaining a building permit.

Sec. 18-49 Maintenance of main stormwatercourses.

(1) City responsibilities. The Mayor shall be responsible, after construction, for the operation and long-term maintenance of all drainage structures and improved watercourses which are part of a main stormwatercourse and which are not constructed and maintained by or under the jurisdiction of any state or federal agency.

(2) Property owner responsibilities. The owner of the property of, or abutting property to, a main stormwatercourse shall be responsible for short-term maintenance of the watercourse.

Sec. 18-50 Maintenance of minor stormwatercourses.

(1) City capabilities. If deemed necessary for the proper maintenance of the city stormwater management system, the Mayor shall have the authority to secure easements to access minor stormwatercourses and conduct long-term maintenance work of the watercourse. If such an easement cannot be voluntarily obtained,

the use of the City's power of eminent domain may be used for such purpose, with the express authorization of the City Council.

(2) Property owner responsibilities. The owner of the property of, or abutting property to, a minor stormwatercourse shall be responsible for all maintenance of the watercourse.

Sec. 18-51 Maintenance of secondary stormwatercourses.

The owner of the property of, or abutting property to, a secondary stormwatercourse shall be responsible for all maintenance of the watercourse.

(End of Ordinance)

ADOPTED on this 24 day of February, 2015.



Mayor

ATTEST:



City Clerk