2020-034 ADM

STORM WATER MANAGEMENT AUTHORITY, INC.
POST-CONSTRUCTION ORDINANCE

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STORMWATER MANAGEMENT
POST-CONSTRUCTION
ORDINANCE

RECITALS

WHEREAS, the City of Trussville operates under the requirements of the Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Permit; and

WHEREAS, this permit authorizes stormwater discharges from regulated small municipal separate storm sewer systems (MS4); and

WHEREAS, the City of Trussville must be compliant with the ADEM NPDES Permit by developing, implementing, and enforcing a program to address post-construction stormwater management; and

WHEREAS, the City of Trussville finds it necessary to enact an ordinance to address and enforce post-construction stormwater management standards on Qualifying Sites to prevent or minimize water quality impacts and ensure that the volume and velocity of pre-construction stormwater runoff is not significantly exceeded for the life of the property's use to the maximum extent practical (MEP).

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Trussville, Alabama, as follows:

Section 1
DEFINITIONS

For the purposes of this ordinance, the following words and terms shall have the meaning assigned to them in this section.

Best Management Practices - (herein abbreviated as "BMP") - activities, prohibitions of practices, maintenance procedures and management practices designed to prevent or reduce the pollution of waters to the MS4. Best Management Practices also include treatment requirements, operating procedures and practices to control facility site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage and construction sites.

Non-structural BMPs - Non-structural BMPs may include but not be limited to the following: preservation of open spaces and vegetation, establishment of conservation easements, establishment of buffers along streams and other waters, maintenance of vegetation, BMP inspection and maintenance, planning for future development or redevelopment.

Qualifying Site - Qualifying Site is any new development site or re-development site that results in a total land disturbance of one or more acres and sites that disturb less than one acre but are a part of a larger common development or sale that would disturb one or more acres.

Structural BMPs - Structural BMPs may include, but not be limited to the following: detention/ retention devices, check dams, drainage swales, lined ditches, infiltration basins, porous pavement, outlet protection, velocity dissipation devices, slope protection, constructed wetlands, rain gardens, catch basin inserts, vegetated filter strips, and rain barrels.

Section 2
ADMINISTRATION

The municipal engineer for the City, the municipal official or employee who is a qualified credentialed professional, such other municipal official or municipal employee who has had sufficient experience dealing with BMP design to enable them to enforce the provisions of this ordinance, an individual or agency contracted to provide such service, shall be responsible, on behalf of the City, to enforce the provisions of this ordinance.

Section 3
POST-CONSTRUCTION BMP DESIGN

Section 3.1 Design Standards.

The post-construction BMPs for qualifying sites, which may include a combination of structural BMPs and/or non-structural BMPs, must be designed to ensure that the volume and velocity of pre-construction stormwater runoff, to the maximum extent practicable, is not significantly exceeded.

The current Post Construction Stormwater Management Technical Memorandum (Addendum A) details acceptable design criteria meeting the requirement of the current NPDES Permit No. ALS000015 and shall be the basis for the design and implementation of post- construction BMPs.

Section 3.2 Design References.

By reference in this Section, the City adopts the following as design references to meet the design standards:

a) The latest version of the "Alabama Handbook for Erosion Control, Sedimentation Control and Stormwater Management on Construction Sites and Urban Areas, Volumes 1 and 2.

b) The latest version of the "Low Impact Development Handbook for the State of Alabama".

c) Any storm water design manual approved by the city that meets the design requirement of this ordinance.

Section 4
APPLICATION REQUIREMENTS

As part of the Land Disturbance Application, all Qualifying Sites shall include the following components:

Section 4.1 Post-Construction BMP Design Description.

Procedures and strategies of the structural BMPs and/or non-structural BMPs that meet the design standards for Qualifying Sites found in Section 3.1 of this ordinance. Submittal to the City of a certified as-built of the BMPs and a letter of substantial compliance from the design engineer are required within 120 days of construction completion.

Section 4.2 Post-Construction BMP Inspection Plan Description.

Procedures and strategies that will address inspections of the BMPs to confirm proper function, require corrective actions to poorly functioning or inadequately maintained BMPs, and require record keeping of maintenance activities, inspections, and corrective actions. The City shall perform or require the performance of an inspection by the developer/ owner/ operator at least once per year. Records of these inspections shall be made available to ADEM upon request and copies shall be provided to the City on an annual basis. The minimum documentation requirements for inspections are as follows:

a) Facility type

b) Inspection date

c) Name and signature of inspector

d) Site location

e) Owner information (name, address, phone number, fax, and email)

f) Description of the storm water BMP condition that may include the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures;

g) Photographic documentation of all critical storm water BMP components;

h) Specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP; and

i) Maintenance agreements for long-term BMP operations and maintenance.

Section 4.3 Post-Construction BMP Operation and Maintenance Plan Description.

Procedures and strategies that will address adequate long-term operation and maintenance of the BMPs. One or more of the following shall be applicable (as determined by the City) to establish the responsible party for long-term operation and maintenance. The document(s) shall be provided to the City for review. Upon approval, an executed copy shall be put on file in the Inspections Department:

a) The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another part.

b) Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance.

c) Written conditions in project conditions, covenants, and restrictions for residential properties assigning maintenance responsibilities to a home owner's association or other appropriate group for maintenance of structural and treatment control management practices.

d) Any other legally enforceable agreement that assigns permanent responsibility for maintenance.

Section 5
ENFORCEMENT AND ABATEMENT

If a responsible party fails or refuses to meet the design, operation, or maintenance standards required by this ordinance, the City, after reasonable notice, may correct a violation of the design standards, operation, or maintenance needs by performing all necessary work to place the measures in proper working condition. In the event that the BMPs become a danger to public safety or public health, the City shall notify in writing the responsible party for changes to design, operation, maintenance, and repairs of the BMP. Upon receipt of that notice, the responsible party shall have 14 calendar days, or such additional time as the City shall determine to be reasonably necessary to complete the action, to make changes to design, operation, maintenance, and repairs of the measures in an approved manner. In the event that corrective action is not undertaken within that time, the City may take necessary corrective action. The cost of any action by the City under this Section shall be billed to the responsible party. If the responsible party refuses to pay the bill, the City is entitled to bring an action against the responsible party to pay, file a lien against the property, or both. Costs shall include interest, collection fees, and reasonable attorney fees.

Section 6
MISCELLANEOUS

Section 6.1 Notices.

Whenever the City is required or permitted to:

(a) give a notice to any party, such notice must be in writing; or

(b) deliver a document to any party; such notice or document may be delivered by personal delivery, certified mail (return receipt requested), registered mail (return receipt requested) or a generally recognized overnight carrier, to the address of such party which is in the records of the City or is otherwise known to the City.

Section 6.2 References.

Whenever a Section is referred to in this ordinance, unless the context clearly indicates the contrary, such reference shall be to a section of this ordinance.

Section 6.3 Severability.

The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of law to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this ordinance.

Section 6.4 Captions.

The captions of Sections and sections are for the purpose of reference only, and such captions shall not affect the meaning of any provision of this ordinance.

Section 6.5 Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 6.6 Effective Date.

This ordinance shall be published as required by law and shall become effective at upon it publication as provided by law.

ADOPTED: This 22nd day of September, 2020.

APPROVED: This 22nd day of September, 2020.

Zack Steele, Council President

Buddy Choat, Mayor

Attest: Lynn B. Porter

Lynn B. Porter, City Clerk