

ORDINANCE NO. 1253
Stormwater Management

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 11, CHAPTER 3, TO REVISE STORMWATER REGULATIONS; PROVIDING UPDATED DEFINITIONS; REVISING GENERAL REQUIREMENTS; CREATING ADDITIONAL REQUIREMENTS FOR STORMWATER PLANS; REVISING DESIGN STANDARDS; REVISING PERFORMANCE STANDARDS; REQUIRING CITY ENGINEER'S APPROVAL OF THE IMPLEMENTATION OF THE STORMWATER MANAGEMENT PLAN PRIOR TO GRANTING A BUILDING PERMIT, FINAL PLAT APPROVAL OR OTHER DISCRETIONARY APPROVAL; REQUIRING A GUARANTEE OF FINANCIAL SURETY; CLARIFYING PROHIBITED CONDUCT; AMENDING ENFORCEMENT PROVISIONS; PROVIDING THAT VIOLATIONS ARE MISDEMEANORS SUBJECT TO PENALTIES PURSUANT TO IDAHO CODE §18-113; ENACTING TRAINING AND CERTIFICATION REQUIREMENTS; REVISING PERMIT REQUIREMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sandpoint, Idaho:

Section 1: That Sandpoint City Code Title 11, Chapter 3, be and the same is hereby amended to read as follows:

11-3-1: TITLE AND PURPOSE; DEFINITIONS:

A. Title: These regulations shall be known as the STORMWATER MANAGEMENT ORDINANCE.

B. Purpose: The purpose of these regulations shall be to require implementation of stormwater management techniques, which rely upon natural on site treatment and recycling of stormwater, as opposed to collection and conveyance of untreated stormwater into groundwater sources or into surface bodies of water. The underlying purposes to be achieved by implementation of such regulations are the protection of groundwater quality through pretreatment of stormwater prior to infiltration and protection of surface water resources from the effects of contaminants, sedimentation, and erosion.

C. Definitions: Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

BEST MANAGEMENT PRACTICE (BMP): Physical, structural, and/or managerial measures taken that, when used singly or in combination, prevent or reduce pollution of water.

CATALOG OF STORMWATER BEST MANAGEMENT PRACTICES FOR IDAHO CITIES AND COUNTIES: A technical guide for construction site design and the selection of stormwater best management practices. Idaho Department of Environmental Quality, Water Quality Division, and as updated.

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CLEARING: The removal of vegetation, trees, structures, pavement, etc., by manual, mechanical, or chemical methods.

CONTAMINANTS or POLLUTANTS: The introduction of harmful materials, including organic wastes, sediments, minerals, nutrients, thermal pollutants, toxic chemicals, and other hazardous substances.

CONVEYANCE: A mechanism for transporting water from one point to another, including pipes, ditches, and channels.

CONVEYANCE SYSTEM: The drainage facilities, both natural and manmade, which collect, contain, and provide for the flow of surface water.

DETENTION: A temporary storage of storm runoff in a BMP, which is used to control the peak discharge rates, and which provides for gravity settling of pollutants and sediments.

DRAINAGE WAYS: A route or course along which water moves or may move to drain an area.

EROSION: Progressive detachment and removal of particles, including soil and rock fragments, from the earth's surface by means of water, wind, ice, gravity or mechanical processes, including vehicular traffic.

EROSION/SEDIMENT CONTROL: Any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation.

GROUNDWATER: Any water which occurs beneath the surface of the earth in a saturated geological formation of rock or soil.

IMPERVIOUS SURFACE: Any surface that has a runoff coefficient greater than 0.8 or a CN greater than 85 (as defined in Catalog of Stormwater Best Management Practices for Idaho Cities and Counties, Volume 1 Appendix D). Types of impervious surfaces include rooftops, traditional asphalt and concrete parking lots, driveways, roads, sidewalks and pedestrian plazas.

INFILTRATION: The downward movement of water through the soil. Infiltration capacity is normally expressed in terms of inches/hour.

NUTRIENTS: Essential elements needed by plants or animals for growth. Excessive amounts of nutrients can lead to degradation of water quality and algae blooms. Some nutrients can be toxic at high concentrations.

QUALIFIED, LICENSED PROFESSIONAL: A registered civil engineer or registered landscape architect, licensed in the state of Idaho.

RAINFALL INTENSITY: Volume of rain for a given amount of time, normally inches/hour.

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RETENTION: The holding of runoff in a basin without release except by means of evaporation or infiltration.

RUNOFF: Water flow that occurs when soil is infiltrated to full capacity and excess water from rain, melt water, or other sources flows over the land. Frozen ground is considered full capacity.

RUNOFF CURVE NUMBER: An empirical parameter used in hydrology for predicting direct runoff or infiltration from rainfall excess (also called a curve number, or simply CN).

SECURITY: A surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to or required by the permit authority to guarantee that work is completed in compliance with the project's drainage plan and in compliance with all local government requirements.

SEDIMENT: Solid material, either mineral or organic, that is in suspension or has been or is being moved from its site of origin due to erosion.

SEDIMENTATION: The deposition of sediment.

SHEET FLOW: An overland flow or down slope movement of water taking the form of a thin, continuous film over relatively smooth soil or rock surfaces and not concentrated into channels larger than rills. A rill is a narrow and shallow incision into soil layers, often seen as the first sign of major soil erosion.

STORM DURATION: The length of time, expressed in minutes or hours, a storm lasts. Usually equal to the time-of-concentration.

STORM FREQUENCY: The time interval between storms of predetermined intensity, e.g., a 2-year, 25-year, or 100-year storm.

STORM INTENSITY: Volume of precipitation over time, expressed in inches per hour.

STORMWATER: Runoff as a result of storms, snow melt or surface water and drainage.

SWALE: A shallow drainage conveyance or infiltration area with relatively gentle side slopes.

TIME OF CONCENTRATION: Time needed for water to flow from the most remote point in a site to the site outlet, a function of the topography, geology, and land use.

VEGETATED SWALE: A broad, shallow channel with a dense stand of non-invasive vegetation covering the side slopes and bottom.

11-3-2: APPLICABILITY:

Unless otherwise exempted under this chapter, the stormwater management ordinance shall

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apply to all development activities for which grading, site development, parking lot paving construction, street improvement, or building permits are required, pursuant to the codes, laws, and regulations of the City of Sandpoint and the State of Idaho.

11-3-3: GENERAL REQUIREMENTS:

Unless relief from the standards set forth in this chapter is granted by properly approved variance, all development to which this chapter is applicable shall comply with the following requirements and methods for stormwater management control.

A. Any activity applicable to this chapter shall require the development of a comprehensive stormwater management plan, which addresses and complies with the requirements and standards established by this chapter and the plan criteria, design standards, and BMPs adopted pursuant to this chapter. Stormwater management plans shall be prepared by a qualified, licensed professional and submitted for review to the City Engineer. The City Engineer may require any plan to be signed by a registered civil engineer when off site drainage or adjacent property rights are affected.

B. Each stormwater management plan created in accordance with this chapter shall also establish:

1. Assurance of adequate funding;
2. The necessary maintenance system, including an acceptable plan for sustained functioning of the collection and treatment system; and
3. The easements necessary to provide continued maintenance of the system.

C. A stormwater management plan will not be necessary for individual building sites if runoff from the site has been accommodated by an approved stormwater management plan for the subdivision in which the site is located and development of the site conforms to the assumptions made in the approved plan. Detailed erosion control plans shall still be required.

D. A stormwater management plan will not be required for new residential structures or additions to existing residential structures if the requirements of this chapter can be met by proposed or existing site landscaping. Proof of meeting the requirements of this section shall be provided to the City Engineer for approval.

E. Runoff from sites shall be discharged into an approved BMP except in the following case: When the increase in impervious surface, resulting from new construction or a one time addition to existing structures, is less than two thousand (2,000) square feet, runoff may be discharged directly into the existing stormwater conveyance system, provided the existing facilities have sufficient capacity to accommodate the increased runoff, as determined by the City Engineer.

F. All activities subject to the requirements of this chapter shall be carried out such that runoff

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not be degraded, accelerated, concentrated, or otherwise conveyed beyond the exterior property lines or project boundaries of the project in question except in compliance with the provisions of a BMPs adopted pursuant to this chapter or as allowed through joint management of stormwater with adjoining property owners pursuant to agreement approved in writing by the City. Drainage shall not be diverted and/or released to a downstream property which had not received drainage prior to development. Flow may not be concentrated onto downstream properties where sheet flow previously existed.

G. The quality of surface runoff shall be protected by strict compliance with the design standards and BMP adopted pursuant to this chapter or by implementation of measures shown by a qualified, licensed professional to have an effective design capability which exceeds the BMPs adopted hereby.

H. This chapter shall be applied in a manner consistent with the procedures set forth in the City of Sandpoint zoning ordinance, City of Sandpoint subdivision ordinance, City of Sandpoint building code ordinance, and such other ordinances as the City may enact to regulate the use and development of land within the City pursuant to authority granted by Idaho Code Title 67, Chapter 65. For purposes of application of the design standards and other related documents and standards, the City of Sandpoint shall be designated as the "permit authority".

I. All elements, not limited to, walls, sidewalks, curbs, inlet structures, conveyance systems, and treatment measure shall be considered an integral part of the permanent stormwater management system.

11-3-4: STORMWATER MANAGEMENT PLAN:

A. General Requirements: All stormwater management plans shall conform to the following general requirements:

1. Clearly identify all stormwater facilities, including, but not limited to, pipes, inlets, catch basins, temporary and permanent stormwater controls;
2. Stamped and signed by a qualified, licensed professional; and
3. Provide a recordable document assuring the City of future maintenance.

B. Plan Requirements: Stormwater management plans shall have the following parts:

1. Project summary narrative with supporting design calculations.
 - a. The project summary shall present an overview of the proposed project and all pertinent details supporting the design calculations and system sizing calculations.
 - b. These elements include, but are not limited to, off site drainage onto the property, pre and post development runoff, temporary and permanent stormwater controls,

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detention and/or retention facilities, pipes, swales, culverts, ditches, and catch basins. Summary shall contain supporting logic for selection of BMP, methods to handle anticipated groundwater and non stormwater discharges, inspection schedule, cut and fill slope considerations if slopes are steeper than two feet horizontal to one foot vertical, permanent stabilization measures, winterization requirements when applicable, inspection schedule, cost estimate for the permanent stormwater management system, and a construction schedule with erosion and sediment control milestones, including dates for winter site work shutdown. The summary shall identify all potential sources of pollution and describe practices to reduce and or eliminate them.

2. Site plan, not greater than a scale of 1"=100'. The site plan shall include the following:

- a. Vicinity map not greater than a scale of 1"=2000'.
- b. Property boundaries and all existing natural and manmade features and facilities within fifty feet (50') of the site, including, but not limited to, streets, utilities, easements, topography, structures, and drainage channels.
- c. Existing and Final contours at one foot intervals.
- d. Location of all proposed improvements, including, but not limited to, paving, structures, utilities, landscaped areas, flatwork, and stormwater control facilities.
- e. Proposed drainage patterns including but not limited to, ridgelines and tributary drainage areas.
- f. Stormwater management system, including, but not limited to, invert elevations, slopes, length, cross sections, and sizes. Construction details shall be shown for all components.
- g. Existing and proposed drainage/stormwater easements.
- h. Construction, grading, and clearing limits.
- i. Area, in square feet, of disturbance, impervious surface and overall site.
- j. Quantity, in cubic yards, of excavation and embankment.
- k. Distance, in feet, of the maximum depth of excavation and height of embankment.

3. Erosion and sediment control plan.

a. An erosion and sediment control plan shall be submitted and approved prior to initiation of any site clearing, excavation, grading or other development activity. Both temporary and permanent erosion control measures shall be included. The plan shall represent the minimum requirements for the site. Additional measures may be required by the City in the event of unexpected storm occurrences, repair or maintenance of existing systems, or replacement of nonfunctioning systems.

b. Minimum elements of the plan shall include:

- 1) Confirmation that the project complies with State and Federal water quality regulations (e.g. National Pollutant Discharge Elimination System Construction

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General Permit)

- 2) Location of all proposed temporary BMP's
- 3) Perimeter sediment controls (e.g. silt fence, rock construction entry, dust control, etc.)
- 4) Inlet protection
- 5) Concrete washout area
- 6) Temporary and permanent stabilization methods
- 7) Methods to control non-stormwater discharges
- 8) Methods and locations for storage and handling of construction material, debris and waste
- 9) Inspection schedule and timing. At a minimum, inspection is to take place once every 7 days, within 24 hours of an anticipated storm event of 0.5 inches or greater, and within 24 hours of the end of a storm event of 0.5 inches or greater. Frequency may be decreased with approval from the City Engineer during frozen ground conditions.

c. The plan shall identify those entities or individuals responsible for inspection, maintenance and upkeep of both temporary and permanent erosion control measures.

4. Operation and maintenance plan.

The stormwater management plan shall identify the entities or individuals responsible for the long term maintenance of the stormwater management system, as well as the materials, methods and procedures to ensure the system functions as designed. Maintenance activities shall include, but not be limited to, watering, mowing, fertilizing, sod renovation, sediment and debris removal from detention basin, debris removal and cleaning of all inlets, piping, outlet structures, slope protection, or other measures that ensure the systems function.

5. Alteration to plan

Significant alterations to the approved stormwater management plan, as determined by the City Engineer, shall be submitted to the City for review and approval.

11-3-5: DESIGN STANDARDS:

A. General: All stormwater facilities shall incorporate the following design standards:

1. All facilities shall be designed to accommodate a 25-year storm frequency and storm duration of 5 minutes, or equal to the time of concentration.
2. When on site facilities must accommodate drainage from off site, such facilities shall be designed to accommodate a 50-year storm frequency and storm duration of 5 minutes, or equal to the time of concentration.

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3. Peak flows shall be calculated by the rational method for areas ten (10) acres or less. Peak flows shall be calculated by the Soil Conservation Service (SCS) method TR-55, for areas greater than ten (10) acres. Other methods may be approved by the City Engineer.

4. The intensity duration frequency curves from the Idaho transportation department shall be used for the rational method.

5. Runoff coefficients and curve numbers shall be as published in the "Catalog of Stormwater Best Management Practices for Idaho Cities and Counties".

6. Runoff may be directed into existing drainage facilities following treatment and retention, provided the existing facilities have sufficient capacity to accommodate the increased runoff and water quality standards are in no way diminished, as determined by the City Engineer.

7. Any and all alterations to existing drainage ways shall be approved by the City Engineer prior to construction activities.

11-3-6: COMPONENT MAINTENANCE AND FUNDING:

The City of Sandpoint may establish a department of city government or contract for maintenance in order that drainage system components can be maintained. Establishment of a supportive funding mechanism is hereby authorized.

11-3-7: PERFORMANCE STANDARDS:

The following performance standards shall be applicable to all design, construction, implementation, and maintenance of stormwater management systems pursuant to this chapter:

A. For purposes of this chapter, "undeveloped state" shall mean the natural woodland and forest type soils and vegetation in place prior to the start of any construction or clearing activity on the site.

B. There shall be no measurable increase in the peak rate of runoff from the site after development when compared with the runoff rate in the undeveloped state for a 25-year storm. Sufficient retention capacity shall be constructed within project boundaries to detain the on site surface flow to meet the performance standard established by this section. Existing and/or proposed off site public street drainage shall be detained separately from the on site drainage.

C. Channels which collect or concentrate stormwater shall be protected against erosion and contain energy dissipation measures to prevent further erosion on adjoining lands. Existing unprotected channels shall be protected against further erosion in the course of site development. Any site development or construction shall preserve the existing stormwater management

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improvements.

D. Sediment resulting from erosion of disturbed soils shall be detained on site.

E. Any and all collected stormwater shall be directed to vegetated swales or to an alternative stormwater management system approved by the City Engineer. Permanent treatment of stormwater runoff shall be accomplished by directing all runoff to a vegetated swale or to an approved BMP.

1. Exceptions: Runoff may be discharged directly into existing stormwater conveyance system or other overflow structures under the following circumstances:

- a. When the increase in impervious surface, resulting from new construction or addition to existing structures, is less than two thousand (2,000) square feet.
- b. Runoff from roofs that do not have potential sources of contamination.

F. Erosion, sediment, or discharge of pollutants, resulting from construction activities, which enter onto public property or private property not controlled by the permit holder, shall be eliminated to the maximum extent practicable unless otherwise permitted or exempted under this chapter. In no case shall they be washed into drainage features.

G. All construction activity commenced pursuant to an approved stormwater management plan or site development permit must at all times comply with the conditions of the plan or permit. The permit holder is responsible for ensuring their contractor(s), subcontractor(s), utility trenching subcontractor(s), and all other persons entering the site abide by the conditions of the permit. The permit holder's signature or that of his authorized agent on the permit shall constitute an agreement by the permit holder to accept responsibility for meeting the conditions of the permit.

H. No construction activity shall take place without a valid stormwater management plan. If a permit has been suspended or revoked, or has expired, all work covered by the plan shall cease until a new plan is issued.

I. All necessary action shall be taken to minimize the depositing and tracking of mud, dirt, sand, gravel, rock or debris on or onto the public right of way. The owner of the site of the construction activity or the permit holder with respect to the construction site shall be responsible for any cleanup of the public rights of way or private property not under the permit holder's control, necessitated by any tracking or depositing of mud, dirt, sand, gravel, rock or debris, or shall reimburse the City for any expenses incurred by the City to effectuate the cleanup. At a minimum, all public rights of way shall be cleaned curb to curb on a daily basis.

J. Construction ramps shall be constructed of material that will not erode or deteriorate under adverse conditions, and shall not be placed in a manner as to interfere with or block the passage of stormwater runoff.

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K. No debris, dirt, aggregate, or excavated materials, or construction supplies shall be placed on the public right of way unless specifically permitted by the City of Sandpoint in writing. In addition, public sidewalks shall not be removed, blocked, or otherwise rendered unusable by construction activity, equipment or materials, or portable toilets, unless a safe, usable alternate walkway, as approved by the City of Sandpoint, is placed on the same side of the right of way by the contractor.

L. No owner or lessee of real property shall allow the property to be unoccupied, unused, vacant or undeveloped after the topsoil has been disturbed or the natural cover removed, unless control measures are undertaken to prevent mud, sand, dirt and gravel, or other material from migrating off site and entering the public right of way or a stormwater system.

M. All temporary erosion/sediment and construction waste control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within twenty-one (21) days from removal of the temporary measures.

11-3-8: GUARANTEE OF INSTALLATION:

No building permit, final plat approval, or other discretionary approval shall be granted until the implementation of the stormwater management plan has been approved by the City Engineer.

A. For new subdivisions, except as allowed by this code, no building permit will be issued until the stormwater management system, including, but not limited to, vegetated swales, curb and sidewalks, has been constructed for the developed portion and will accept the flow of stormwater as designed. For all other cases, no certificate of occupancy will be issued until the stormwater management system has been installed and will accept the flow of stormwater as designed.

B. If, in the judgment of the City Engineer or his designee, project occupancy can be achieved without harm to the environment or potential occupants, occupancy may proceed upon receipt of an acceptable guarantee of financial surety, pursuant to this code, to complete installation when weather conditions or other variables allow. In no case shall such guarantee be allowed if the incomplete improvements would result in increased erosion, sedimentation, or other damage to the development, public improvements, subsurface or surface waters, the proposed stormwater management system or otherwise endanger the public health or safety.

C. At any time, the City may stop work on the installation of subdivision improvements, withhold further issuance of building permits in a development, stop work on any individual building or development of any individual building site, or otherwise take steps necessary to protect the waters of the state from damage as a result of development.

D. For commercial, industrial, and subdivision development, the owner shall be required to provide an acceptable guarantee of financial surety to the City prior to issuance of the

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stormwater management permit. The design professional shall provide an estimate of the cost to implement the approved stormwater management system. Estimated costs shall be based upon the current local construction costs. The financial guarantee shall be 150 percent of the estimated cost to complete the stormwater management system. Prior to release of the financial guarantee, the applicant's design professional shall submit a letter to the City, approving the construction and certifying its completion. If the required improvements have not been completed by the specified date, the City may contract to have the work completed with the money from the financial guarantee. The City may also take additional enforcement measures as provided by law.

11-3-9: ADOPTION OF SUPPORTING DOCUMENTATION:

The City of Sandpoint may, by resolution, adopt additional design standards, definition of terminology, administrative procedures, etc., intended to implement the general requirements and performance standards set forth in this chapter. Changes in the design standards may be accomplished by subsequently adopted resolution. Such design standards may be complied with in alternative ways that will contribute to rational achievement of the general requirements and performance standards set forth in this chapter.

11-3-10: PROPERTY OWNER'S MAINTENANCE RESPONSIBILITY:

Unless other provisions are made in the process of development review and approval, responsibility for maintenance of stormwater management system elements remains with the property owner, and violation of these maintenance requirements shall constitute a violation of this chapter.

11-3-11: PROHIBITED CONDUCT:

No person shall damage, harm, fail to install, complete, or maintain, or otherwise impair the approved methods of transmission of stormwater to the stormwater management system or any portion of a stormwater management system installed pursuant to this chapter.

11-3-12: ENFORCEMENT:

Provisions of this chapter may be enforced in one or more of the following manners:

A. All activities governed by these regulations shall be subject to inspection by the City. An approved set of plans must be available for review on-site whenever work is in progress. It shall be the responsibility of the permittee to notify the City of the progress of the project and call for all required inspections. The permittee's design professional shall perform the following inspections and submit inspection reports to the City.

Minimum required inspections:

1. After erosion and sedimentation controls have been installed, prior to ground

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disturbance;

2. Monthly review of site inspection reports documenting erosion and sediment control measures and their maintenance;
3. After individual stormwater management system elements have been installed; and
4. After the project has been completed, including re-vegetation.

For sites which are active during the winter, two (2) additional inspections shall be required:

5. After the site has been prepared for the winter (typically in September or October); and
6. Sometime in January or February to ensure that the erosion and sedimentation control measures are adequate and maintained.

B. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter is guilty of a misdemeanor and may be punished with penalties pursuant to Idaho Code § 18-113.

1. Each such person is guilty of a separate offense for each and every day during which any violation of any provision of this chapter is committed, continued, or permitted by any such person, and he shall be punished accordingly.

C. By civil action to compel performance and completion of, or maintenance of, facilities installed pursuant to this chapter.

D. Denying, revoking, or suspending building permits or certificates of occupancy, as the case may be.

E. Occupancy of dwelling or building without an approved certificate of occupancy shall constitute a violation of this chapter in addition to any building or zoning ordinance from which the occupancy requirement derives.

F. By any other method or remedy allowed by law.

11-3-13: TRAINING AND CERTIFICATION:

A. All persons in charge of a construction site at the time of adoption of this ordinance shall have one hundred twenty (120) days to obtain a City-approved certificate of training or an interim certificate. All subsequent site developments shall have a person immediately available possessing one of these certificates on staff, with direct control and authority, upon the request of a City inspector.

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B. A training program must be approved by the City and must include educational materials on the following subjects:

1. Ecological and resource value of the waters of the state and the U.S.;
2. The proper and effective methods of erosion and sediment control implementation and maintenance, and the benefits of such;
3. Recognition of improperly implemented erosion and sediment control BMPs and the methods of correction;
4. The purpose and provisions of any laws, regulations, and ordinances on erosion and sediment control, including this ordinance;
5. A description of sediment as a pollutant;
6. The processes of erosion, sediment transport, and sediment deposition;
7. The required responsibilities of supervisory and enforcement;
8. The effect of storms on erosion control measures;
9. Emergency remedial action;
10. Dewatering practices;
11. Management of hillsides;
12. Proper measures for areas subject to flooding, including those outside the floodplain;
and
13. The difference between erosion control and sediment control.

C. Certifications from other cities, states, or associations may be accepted upon approval of the City, when the applicant can demonstrate the prior certification was based on standards similar to those found in this chapter.

11-3-14: PERMIT REQUIREMENTS:

A. Required: Each applicant requiring the preparation of a stormwater management plan shall apply for a stormwater management permit.

B. Permit Fee: There shall be a fee for each permit application. The fee shall be as set by

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resolution of the City Council.

C. Approval of a stormwater management system plan and issuance of a permit does not relieve a person from the duty to ensure continuous compliance with all conditions of the approved plan or permit, as well as all of the applicable provisions of this ordinance and appropriate state and federal requirements.

D. The permit may be suspended or revoked by the City at any time if the site of construction activity is not in full compliance with the conditions of the approved stormwater management system plan, the permit, and all the applicable provisions of this ordinance; the permit was issued in error; or the permit was based on incorrect information.

E. A permit shall automatically expire and become null and void if the project for which the permit was issued is not commenced within a period of one hundred eighty (180) days from the date of issuance, the project for which the permit was issued is suspended or abandoned for any reason within the permit holder's control, or the time frame for conditions of a violation order has elapsed without compliance. The project shall not recommence until the permit has been renewed. Such renewal will require submittal of intent to renew the permit, payment of the applicable fee, and approval of the City.

11-3-15: VARIANCE:

A variance from the requirements of this chapter or from the design standards adopted pursuant to this chapter may be granted only upon a showing of undue hardship due to unique site characteristics, so long as those characteristics are not the result of any actions of the applicant. Said variance may only be granted by the City Council in such circumstances where the approval of the variance would not otherwise impair achievement of the standards or purposes of this chapter would not impose an additional burden upon adjoining or downstream lands or landowners, or otherwise disrupt the scheme of stormwater management in the community. It shall be incumbent upon anyone requesting a variance to provide data showing that alternative methods of stormwater handling proposed will produce comparable efficacy of the stormwater management measures required by this chapter. No variance shall be issued unless all elements of this section are met.

Section 2: Severability: Should any provision of this Ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this Ordinance.

Section 3: Effective Date: This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

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PASSED BY THE CITY COUNCIL as an ordinance of the City of Sandpoint on this 20th day of April, 2011.

Gretchen A. Hellar, Mayor
City of Sandpoint

Maree Peck, City Clerk