

Ordinance # 0-592-17

**CREATE SECTION 12-112, POST-CONSTRUCTION STORMWATER MANAGEMENT,
OF THE CODE OF ORDINANCES OF THE
CITY OF JACKSONVILLE, ALABAMA**

WHEREAS, the City of Jacksonville 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 Jacksonville 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 Jacksonville finds it necessary to enact an ordinance to address and enforce post-construction stormwater management to prevent or minimize water quality impacts; and

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

SECTION 1. Section 12-112 of the code of the City of Jacksonville, Alabama, is hereby created to read as follows:

1. Purpose.

The purpose of post-construction stormwater management (PSCWM) is to provide measures that will take place after construction occurs on a Qualifying Site. These measures include Best Management Practices (BMPs), both structural and non-structural which may include low impact development (LID) and green infrastructure practices (GIP). These measures will provide and maintain permanent stormwater management to prevent or minimize water quality impacts, and ensure that the volume and velocity of pre-construction stormwater runoff is not exceeded for the life of the property's use to the maximum extent practical (MEP).

2. 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.

3. 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.

4. 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.

5. Stormwater Design and Management Standards.

By reference in this Section, the City adopts the following as standards for stormwater design, BMPs, LID, and GIP.

- 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".

6. Post-Construction Stormwater Management (PCSWM).

As part of the City's Application for Development Review, all Qualifying Sites shall include PCSWM as part of the BMP Plan.

The PCSWM shall include the following.

- a. Design procedures and strategies that will address and identify the specific PCSWM measures (structural BMPs, non-structural BMPs, LID, and GIP), to the MEP, that will remain after construction is completed for the life of the property's use. A design rainfall event with an intensity up to that of a 25 year storm event shall be the basis for the design and implementation of post-construction measures.
- b. Procedures and strategies that will address adequate long-term operation and maintenance of the PCSWM measures. 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 Planning Department:

- i. The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another part.
 - ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance.
 - iii. Written conditions in project conditions, covenants, and restrictions for residential properties assigning maintenance responsibilities to a Home Owner's Association or other appropriate group.
 - iv. Any other legally enforceable agreement that assigns permanent responsibility for maintenance.
- c. Procedures and strategies that will address inspections (at least once per year) of the PCSWM measures, require corrective actions to poorly functioning or inadequately maintained PCSWM measures, and require record keeping of maintenance activities, inspections, and corrective actions. These records shall be made available to ADEM upon request and copies shall be provided to the City on an annual basis. The City will also perform inspections (at least once per year) in order to verify the records submitted and to confirm that PCSWM measures are functioning as designed.

7. Failure to Meet or Maintain Design or Maintenance Standards.

If a responsible party fails or refuses to meet the design, operation, or maintenance standards required for the PCSWM measures under this Section, 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 PCSWM measures becomes 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 PCSWM measures. 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 2. This ordinance shall become effective upon its adoption and publication as required by law.

PASSED AND ADOPTED, this the 5th day of December, 2016.

Sandra Fox Sudduth
Council President Sandra Fox Sudduth

Jerry Parris
Council Member Jerry Parris

Jimmy L. Harrell, Jr.
Council Member Jimmy L. Harrell, Jr.

Tony Taylor
Council Member Tony Taylor

Coty Galloway
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Johnny L. Smith
Approved by Mayor Johnny L. Smith

ATTEST:

Antonia Rispoli Fanning
Antonia Rispoli Fanning, City Clerk

