

ORDINANCE NO. 159, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT
COLLINS TO ADOPT A NEW FORT COLLINS STORMWATER
CRITERIA MANUAL AND MAKING VARIOUS RELATED CHANGES

WHEREAS, the City owns and operates a stormwater utility, as described in Article II of Chapter 26 of the Code of the City of Fort Collins ("City Code"); and

WHEREAS, in Ordinance No. 174, 2011, the City Code was amended to, among other things, add Section 26-500 and to adopt the Fort Collins Stormwater Criteria Manual; and

WHEREAS, the fundamental purpose of the Fort Collins Stormwater Criteria Manual is to set forth the design guidelines and technical criteria to be utilized in the analysis and design of stormwater drainage systems; and

WHEREAS, the Fort Collins Stormwater Criteria Manual is necessary for the protection of public safety, health, and welfare, and to further the purposes of the Stormwater Utility, as described in City Code Section 26-492; and

WHEREAS, the Fort Collins Stormwater Criteria Manual adopted in said ordinance was in the format of the Urban Storm Drainage Criteria Manual, 2001 Edition, published by the Denver Urban Drainage and Flood Control District ("UDFCD Manual"), as amended by the City; and

WHEREAS, said format of the Fort Collins Stormwater Criteria Manual has proven to be difficult to use for City staff and the development community for various reasons including, but not limited to, having to reference the UDFCD Manual and the separate set of numerous City amendments; and

WHEREAS, it has been determined that revising the Fort Collins Stormwater Criteria Manual to be a stand-alone format would improve its usability; and

WHEREAS, the new Fort Collins Stormwater Criteria Manual, dated December 2018 is on file with the City Clerk and will replace the previous manual in its entirety; and

WHEREAS, certain additional changes to City Code are required so that the Fort Collins Stormwater Criteria Manual and City Code correspond; and

WHEREAS, pursuant to City Charter, Article II, Section 7, City Council may enact any ordinance which adopts any code by reference in whole or in part provided that before adoption of such ordinance the Council shall hold a public hearing thereon and notice of the hearing shall be published twice in the newspaper of general circulation, published in the city, one (1) of such publications to be at least eight (8) days preceding the hearing and the other at least fifteen (15) days preceding the hearing; and

WHEREAS, in compliance with City Charter, Article II, Section 7, the City Clerk published in the *Fort Collins Coloradoan* such notice of hearing on November 18, 2018, and November 25, 2018; and

WHEREAS, the attached Exhibit "A" is a copy of the text of the Notice of Public Hearing that was so published and which the Council hereby finds meets the requirements of City Charter, Article II, Section 7; and

WHEREAS, pursuant to City Code Section 1-14, at least one copy to the Fort Collins Stormwater Criteria Manual shall be kept on file in the office of the City Clerk available for public inspection, and one copy shall be kept in the office of the chief enforcement officer thereof; and

WHEREAS, City Code Section 26-499 (Violations and penalties), states that any person who violates any provision of Article VII or Chapter 26 of City Code (Stormwater Utility) commits a criminal misdemeanor and, upon conviction, shall be subject to the provisions of City Code Section 1-15, and that, unless otherwise specified, each day that a prohibited conditioned is maintained shall constitute a separate offense;

WHEREAS, the Water Board has recommended adoption of the new Fort Collins Stormwater Criteria Manual; and

WHEREAS, the City Manager and City staff have recommended to the City Council that the following changes be made.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That all current and previous versions of the Fort Collins Stormwater Criteria Manual, except for the version dated December 2018, adopted herein by reference, are repealed in their entirety.

Section 3. That Section 26-491 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-491. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Best management practices shall mean treatment requirements, operating procedures and practices to control site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage and schedules of activities, prohibitions of practices, maintenance procedures and other

management practices to prevent or reduce the pollution of "state waters," including those practices that are described in the Fort Collins Stormwater Criteria Manual pursuant to § 26-500.

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Section 4. That Section 26-500 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-500. - Stormwater Criteria Manual.

- (a) Pursuant to the authority conferred by Article II, Section 7 of the Charter, there is hereby adopted by reference the Fort Collins Stormwater Criteria Manual, dated December 2018, as the stormwater design criteria of the City, which shall have the same force and effect as though set forth herein. Said Fort Collins Stormwater Criteria Manual is enacted for the purposes of setting standards in the planning and design of drainageway channels and hydraulic and other structures and for the purposes of setting standards in the selection, design and implementation of stormwater quality best management practices, all for the purpose of protecting the public health, safety and general welfare.
- (b) One (1) copy of the Fort Collins Stormwater Criteria Manual, shall be kept on file in the office of the City Clerk and available for public inspection during regular business hours.
- (c) The Utilities Executive Director may adopt minor additions, revisions and corrections to the Fort Collins Stormwater Criteria Manual as may, in the judgment of the Utilities Executive Director, be necessary to better conform to good engineering and/or construction standards and practice. The Utilities Executive Director shall approve only those proposed technical revisions that:
- (1) are consistent with all existing policies relevant to the revisions,
 - (2) do not result in any significant additional cost to persons affected by the revision, and
 - (3) do not materially alter the standard or level of service to be accomplished through the specified infrastructure.

Upon adoption of any technical revisions pursuant to the authority of this Subsection, the Utilities Executive Director shall provide to the City Clerk documentation of such technical revisions specifying the date upon which they shall become effective, and shall maintain said documentation on file in the permanent records of the City Clerk and Utility Services and available for public inspection.

- (d) The Utilities Executive Director is hereby authorized to make such determinations, and approve such waivers and variances, in his or her discretion, as set forth in, and in accordance with, the Fort Collins Stormwater Criteria Manual.

Section 5. That Section 26-512 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-512. - Stormwater plant investment fees established.

...

The following definitions shall apply for the purpose of such formula:

Percent effective impervious area shall mean the percentage of the total parcel area determined to constitute the equivalent impervious area on a parcel as calculated for the one-hundred-year, two-hour design storm as defined in the Fort Collins Stormwater Criteria Manual pursuant to § 26-500.

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Section 6. That Section 26-547 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-547. - Maintenance of storm drainage facilities.

- (a) Any person responsible for any private storm drainage facility required by the City, whether by law or as a condition of development approval or development agreement, shall maintain and operate said facility in accordance with best management practices.

Section 7. That the Fort Collins Stormwater Criteria Manual, dated December 2018, which is on file with the City Clerk is hereby approved and adopted by reference.

Introduced, considered favorably on first reading, and ordered published this 4th day of December, A.D. 2018, and to be presented for final passage on the 18th day of December, A.D. 2018.



Mayor

ATTEST:



City Clerk




Passed and adopted on final reading on the 18th day of December, A.D. 2018.



Mayor

ATTEST:



City Clerk



NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the City Council of the City of Fort Collins, Colorado, on the 4th day of December, A.D., 2018 at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 LaPorte Avenue, Fort Collins, Colorado for the purpose of considering an ordinance adopting by reference the *Fort Collins Stormwater Criteria Manual*, dated December 2018, prepared by City of Fort Collins staff.

Not less than one (1) copy of said Manual has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of the *Fort Collins Stormwater Criteria Manual*, dated December 2018, adopted by said ordinance is to serve as the governing criteria for all stormwater improvements, public or private, that are designed and installed within Fort Collins and its Growth Management Area, and to set forth the design guidelines and technical criteria to be utilized in the analysis and design of stormwater drainage systems.

The City of Fort Collins will make reasonable accommodations for access to City services, programs and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (V/TDD: Dial 711 for Relay Colorado) for assistance.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated at Fort Collins, Colorado this 18th day of November, A.D. 2018.

Delynn Coldiron
City Clerk