

Chapter 15

STORMWATER RUNOFF CONTROL

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Sec. 15-1. Purpose.

The purpose of this Chapter is to ensure that the peak rate of stormwater runoff does not increase with the addition of impervious surfaces which accompany the development of property within the jurisdiction of the City.

Sec. 15-2. Definitions.

For purposes of this Chapter, the following terms, phrases, words and their derivations shall have the following meanings:

- A. Developer. A person who undertakes to improve a lot, tract or parcel of land for the purpose of transfer of ownership of the property or for the purpose of residential, commercial, and/or industrial development.
- B. Impervious Surface. A surface with a runoff coefficient ‘C’ (as used in the Rational Method for estimating stormwater runoff) equal to or greater than 0.60.
- C. Postdevelopment. Condition of the property after proposed improvements have been installed on the property.
- D. Predevelopment. Condition of the property prior to improvements.
- E. Residential Development. A subdivision, or that portion of a subdivision, containing only single family or two family dwellings.
- F. Non-Residential Development.

Improvement of property which is developed for any purpose other than residential development, including institutional, commercial, industrial, and multiple family tracts of land, platted or otherwise.

- G. Parking area(s) and Parking lot(s): Parking area(s) and/or Parking lot(s) as defined in Section 4-11-9 of this Code.
- H. Property. A lot, tract, or parcel of land or any combination or portion thereof, platted or unplatted, including rights-of-way and easements.
- I. Stormwater. Water resulting from precipitation either in the form of rain, snow, sleet, or hail.
- J. Stormwater Runoff. Stormwater which discharges from property, structure(s) and/or surfaces on property.
- K. Zero Net Increase Runoff. The peak rate of stormwater runoff discharging from property following installation of impervious surfaces (i.e. post development) which is equal to or less than the peak rate of stormwater runoff discharging from property prior to the installation of such impervious surfaces (i.e. predevelopment) as set forth in the Moscow Stormwater Runoff Control Standards.

Sec. 15-3. Stormwater Runoff Control Required.

- A. No residential or nonresidential development and/or parking area(s) or parking lot(s), within the City shall be allowed to increase the rate at which stormwater runoff discharges from property unless otherwise exempted as provided herein.
- B. 1. No building permit shall be issued by the City for a principal nonresidential structure and/or parking area(s) or parking lot(s) unless the design of the required stormwater runoff control facilities has been approved by the City. No certificate of occupancy shall be issued by the City for a principal nonresidential structure and/or parking area(s) or parking lot(s) until the installation of such facilities

has been approved by the City.

2. No final subdivision approval shall be granted by the City for a residential subdivision unless the design for the required stormwater runoff control facilities has been approved by the City Engineer and the required stormwater facilities have been constructed, or bonded for as provided by section 5-1-10(C)(1-6) of this Code, or waived by the Council.

3. No final subdivision approval shall be granted by the City for a nonresidential subdivision unless the design for the required stormwater runoff control facilities has been approved by the City Engineer and the required stormwater facilities have been constructed, or bonded for as provided by section 5-1-10(C)(1-6) of this Code, or waived by the Council, where such facilities are designed to be publicly maintained.

- C. Waiver. The Council may waive or modify the requirements of this Chapter.

Sec. 15-4. Exceptions.

- A. This Chapter does not apply to development or redevelopment:
1. Which has been permitted or approved by the City prior to the effective date of this Chapter, or
 2. Where the total impervious surface area on the property does not exceed five thousand (5,000) square feet, or
 3. Where stormwater discharges from the property directly into the South Fork of the Palouse River from property abutting the South Fork of the Palouse River and where the total impervious surface area on the property does not exceed forty-thousand (40,000) square feet.
- B. This Chapter does not apply to that portion of property which, following development or redevelopment, is at or below the base flood elevation as defined by the Federal Emergency Management Agency (FEMA).

Sec. 15-5. General Requirements.

- A. Any and all costs, design, engineering, construction and installation of the required stormwater runoff control facilities shall be performed by or paid for by developer.
- B. The required stormwater runoff control facilities shall be installed on developer's property unless developer is granted legal authority to install and maintain such facilities on another property and such installation is approved by the City.
- C. Residential development.
1. Stormwater runoff control facilities for residential development shall be mutual, neighborhood-type facilities designed and installed as a public system to accommodate all impervious surfaces which exist when such residential development is ultimately fully developed. Such system shall be installed at the same time as the required public improvements.
 2. Every individual lot within a residential development where a public storm control facility has been provided shall be connected to such public storm control facilities as a condition of development approval.
- D. Non-Residential Development.
1. Stormwater runoff control facilities for a nonresidential subdivision shall be designed and installed to provide for the conditions of the property which exist immediately following the installation of required public improvements and shall be installed at the same time as the required public improvements.
 2. Stormwater runoff control facilities for individual lots of non-residential development, platted or otherwise, shall be designed and installed at the same time as the development of such individual lot.

Sec. 15-6. Design and Method.

- A. Every stormwater runoff control facility shall be designed by a person

duly licensed by the State of Idaho to design such a facility. Complete plans, stamped and sealed by a person duly licensed by the State of Idaho to design such facility, shall be submitted to the City Engineer, along with all reports and necessary calculations, for review and approval prior to final subdivision approval by the City Engineer, development approval, building permit issuance, or installation of such facility, whichever occurs first.

- B. All methods and designs of stormwater runoff control facilities shall clearly demonstrate zero net increase runoff from the property to the satisfaction of the City Engineer.
- C. Any and all stormwater runoff from the property shall be diverted through a system of drainage ditches, drainage ways, pipes, culverts, and/or other such appropriate appurtenances in a manner which does not increase downstream flooding or in a manner which minimizes erosion which may be caused by such stormwater runoff.
- D. The design and installation of stormwater runoff control facilities shall be in accordance with the requirements contained within the Moscow Stormwater Runoff Control Standards as adopted by resolution of the Council from time to time.
- E. Every stormwater runoff control facility shall be designed to minimize maintenance of such facility.

Sec. 15-7. Operation and Maintenance of Stormwater Runoff Control Facilities.

- A. Residential Development.
 - 1. The City shall assume the operation and maintenance of all residential development stormwater runoff control facilities which fully comply with the requirements of this subsection. Until all of the conditions of this subsection have been met, maintenance shall remain the responsibility of the developer. Acceptance of operation and

maintenance by the City shall be subject to the following:

- a. Construction of such facilities are fully complete and operable, in accordance with the approved plans; and
- b. As-built mylar plans have been furnished to the City; and
- c. A thorough, neatly written operation and maintenance manual/plan prepared by the system's designer has been submitted, reviewed, and approved by the City Engineer; and
- d. All necessary easements and/or rights-of-way to locate and to access such facilities have been properly granted; and
- e. Such facilities are accepted in writing by the City Engineer.

- B. Non-Residential Development.
 - 1. The property owner shall be responsible for the continual operation and maintenance of the required stormwater runoff control facility.

Sec. 15-8. Public Nuisance.

Any person who knowingly causes, creates or allows a condition which is not in compliance with this Ordinance shall be considered to have created a public nuisance. In the event such nuisance is not abated, the person notified of such nuisance does not immediately abate such nuisance, and the City Engineer has determined it to be an immediate threat to any person or any property; the City is hereby empowered to abate such nuisance. The reasonable cost of such abatement shall be filed as a lien against the property upon which the nuisance was located.

(Ord. 2009-04, 02/02/2009; 2021-09, 07/19/2021)

Sec. 15-9. Violations; Penalties.

- A. Failure to comply with this Chapter shall be a misdemeanor. Any person(s) convicted of a violation of this Chapter shall be fined pursuant to this Code and the Idaho Code.
- B. The imposition of one penalty for any violation of this Chapter shall not

excuse such violation or permit such violation to continue and all such persons shall be required to correct or hereby remedy such violation(s) or defect within five (5) days of receiving notice of such violation.

- C. Each twenty-four (24) hour period or part thereof, following five (5) days notice of a violation of this Chapter, shall constitute a separate offense.

(Ord. 99-23, 7/6/99)