

# ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1116

AN ORDINANCE TO AMEND SECTIONS 154.01 THROUGH 154.28 AND ADD SECTION 154.29 OF THE LA VISTA MUNICIPAL CODE RELATING TO STORM WATER MANAGEMENT REGULATIONS; TO REPEAL SECTIONS 154.01 THROUGH 154.28 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Amendment of Sections 154.01 through 154.28. Sections 154.01 through 154.28 of the La Vista Municipal Code is hereby amended by deleting Sections 154.01 through 154.28 and replacing it in its entirety with the following:

### **CHAPTER 154: STORM WATER MANAGEMENT REGULATIONS**

#### Section

- 154.01 Purpose and authority
- 154.02 Incorporation by reference
- 154.03 Definitions
- 154.04 Illicit discharges prohibited
- 154.05 Prohibition of illicit connections
- 154.06 Removal of illicit connection
- 154.07 Private storm water conveyance systems
- 154.08 Discharge of sanitary sewage prohibited
- 154.09 Damage to the municipal storm sewer system
- 154.10 Waste disposal prohibitions
- 154.11 Prohibited discharges from industrial/commercial activities
- 154.12 Notification of prohibited discharges required
- 154.13 Grading permit required
- 154.14 Application for grading permit
- 154.15 Grading permit fee
- 154.16 Issuance of grading permit
- 154.17 Erosion and sediment control at construction and development sites
- 154.19 Post-construction storm water management plan
- 154.20 Exemptions from the post-construction storm water management plan
- 154.21 Maintenance of post-construction BMPs
- 154.22 Admission to property
- 154.23 Regulatory actions
- 154.24 Notice of violation; correction of violations
- 154.25 Penalty; recovery of damages
- 154.26 Additional rules and regulations
- 154.27 Appeals
- 154.28 Conflicts with other code sections
- 154.29 Papillion Creek watershed management fees

#### **§ 154.01 PURPOSE AND AUTHORITY.**

(A) The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased and altered storm water runoff. Proper management of storm water runoff will minimize damage to public and private property, reduce the harmful effects of development on land, control stream channel erosion, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

(B) The application of this chapter and provisions expressed herein shall be the minimum storm water management requirements and shall not be deemed a limitation on such management practices. The city shall be responsible for the coordination and enforcement of the provisions of this chapter.

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(C) The provisions of this chapter shall be applicable to all that property within the city's zoning jurisdiction.

(Ord. 1002, passed 8-1-06)

## § 154.02 INCORPORATION BY REFERENCE.

For the purpose of this chapter, the Omaha Regional Stormwater Design Manual, in its most current form, is incorporated by reference.

(Ord. 1002, passed 8-1-06)

## § 154.03 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning, including Low Impact Development techniques.

**BEST MANAGEMENT PRACTICES (BMPs).** Pollution control practices designed and carried out to reduce the pollutants contained in discharges.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a wastewater drainage system that receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the building sewer, beginning two feet outside the inner face of the building wall.

**CBO.** The Chief Building Official for the city or his/her authorized agent or representative.

**CITY.** City of La Vista.

**CLEAN WATER ACT.** The Federal Water Pollution Control Act, which was enacted in 1972 to prohibit the discharge of pollutants to receiving waters of the United States and later amended in 1987, to establish a framework for regulating municipal, industrial, and construction storm water discharges under the NPDES Program.

**COMMERCIAL ACTIVITY.** Any public or private activity not defined as an industrial activity in 40 Code of Federal Regulations (CFR) 122.26(b)(14) as of the date of this chapter, involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non-professional services.

**CONSTRUCTION ACTIVITY.** Any clearing, grading, or excavation that results in soil disturbance. **CONSTRUCTION ACTIVITY** also includes, but is not limited to, construction, repairs, dewatering, remodeling, building, and emergency construction activities required to immediately protect public health and safety.

**DIRECTOR.** The Director of the Public Works Department for the City of La Vista his/her authorized agent or representative.

**DISCHARGE.** Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance to the municipal storm sewer system.

**HAZARDOUS SUBSTANCE.** Any substance designated under 40 CFR Part 116 pursuant to section 311 of the Clean Water Act.

**ILLICIT CONNECTION.** Any human made conveyance that is directly or indirectly connected to the municipal separate storm sewer system and allows for an illicit discharge.

**ILLICIT DISCHARGE.** Any discharge to the municipal separate storm sewer system that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. **ILLICIT DISCHARGE** includes all non-storm water discharges except discharges pursuant to a NPDES permit or conditionally exempted by ordinance and include those prohibited in §§ 154.04 and 154.11.

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**ILLICIT DISPOSAL.** Any disposal, either intentional or unintentional, of material(s), substance(s), or waste(s) that has the potential to pollute runoff unless otherwise allowed by law.

**INDUSTRIAL ACTIVITY.** Any public or private activity which is associated with any other of the 11 categories of activities defined in 40 CFR 122.26(b)(14) as of the date of this ordinance.

**LOW IMPACT DEVELOPMENT (LID).** De-centralized management of precipitation that would otherwise be stormwater runoff, utilizing design techniques that infiltrate, filter, store, evaporate, or temporarily detain stormwater.

**INDUSTRIAL/COMMERCIAL FACILITY.** Any public or private facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, or any facility involved and/or used in providing professional services. This category of facility includes but is not limited to, any facility defined by a Standard Industrial Code (SIC).

**MAXIMUM EXTENT PRACTICABLE.** A standard for implementation of storm water management programs to reduce pollutants in storm water. It is the maximum extent possible taking into account equitable consideration of competing factors, including, but not limited to the seriousness of the problem, public health risk, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement, cost and technical feasibility.

**MUNICIPAL STORM SEWER SYSTEM.** Any pipe, ditch or gully, or system of pipes, ditches, or gullies, that is owned or operated by the city and used for collecting and conveying storm water.

**NEW DEVELOPMENT.** Land-disturbing activities; structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.

**NON-STORM WATER RUNOFF.** Any discharge to the municipal storm sewer system that is not composed entirely of storm water.

**NPDES.** The National Pollutant Discharge Elimination System and is implemented and enforced by a permit issued by the U.S. Environmental Protection Agency, or the Nebraska Department of Environmental Quality (NDEQ) pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.

**NUISANCE.** Any nuisance as defined in § 92.15 of this code and also as defined under **PUBLIC NUISANCE.**

**POLLUTANT.** The same as defined in section 502(6) of the Clean Water Act including, but are not limited to the following, but does not include uncontaminated storm water, potable water, groundwater, or reclaimed water by a lawfully permitted water treatment facility.

(1) Materials (including but not limited to fuels, solvents, chemical, detergents, plastic, pellets, hazardous substances, radioactive wastes, fertilizers, pesticides, paints, soot, slag, ash, sludge);

(2) Metals and non-metals both soluble and insoluble (including but not limited to cadmium, lead, zinc, copper, silver, nickel, chromium, chlorine, phosphorous, and arsenic);

(3) Petroleum hydrocarbons (including but not limited to fuels, oils, lubricants, surfactants, waste oils, solvents, coolants, and grease);

(4) Eroded soils, sediment, and particulate materials in amounts, which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the state;

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(5) Animal wastes (including but not limited to discharge from confinement facilities, kennels, pens, recreational facilities, and stables);

(6) Substances having acidic or corrosive characteristics, unusual coloration or turbidity;

(7) Any domestic or industrial wastewater;

(8) Any hazardous substance.

**PRIVATE STORM WATER CONVEYANCE SYSTEM.** A storm water conveyance system that is not owned or maintained by the city including any instrumentality that drains or conveys water from a building or from/through one or more properties to the environment or the city's storm water system.

**PUBLIC NUISANCE.** Any discharge in violation of the provisions of this chapter, a wastewater discharge permit, or an order of the City Council.

**RECEIVING WATERS.** All surface water bodies, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation ditches, gullies or channels, drainage systems, and all other bodies or accumulation of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the extraterritorial jurisdiction of the city.

**RUNOFF.** Any storm water or non-storm water discharges from a drainage area that enters the municipal storm sewer system. The term **RUNOFF** is interchangeable with the term **URBAN RUNOFF**.

**SANITARY SEWAGE.** Liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions.

**SEPARATE STORM SEWER.** Pipe or conduit, which by designation of the Director, carries only storm water runoff, discharges pursuant to a NPDES permit or discharges conditionally exempted by ordinance.

## **SIGNIFICANT REDEVELOPMENT.**

(1) Land-disturbing activity that results in the creation, addition or replacement of at least 5,000 square feet of impervious surface area on an already developed site. Redevelopment includes, but is not limited to the following activities that meet the minimum standards set forth in this definition:

(a) The expansion of a building footprint;

(b) Addition or replacement of a structure;

(c) Replacement of impervious surface that is not part of a routine maintenance activity; and

(d) Land-disturbing activities related to structural or impervious surfaces.

(2) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget.

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**STORM WATER POLLUTION PREVENTION PLAN (SWPPP).** A plan required by the State of Nebraska under either the general permit for storm water discharges or an individual NPDES permit, which includes requirements for stormwater discharges associated with either industrial or construction activities. The purpose of the plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges.

**STORM WATER RUNOFF.** That part of natural precipitation (rainfall or snowmelt, including that of any frozen precipitation), which travels via flow across any surface to the municipal storm sewer system.

**STREET WASH WATER.** The water and the associated debris resulting from the washing of streets and/or sidewalks.

**URBAN RUNOFF.** Any storm water and non-storm water runoff from developed land in, or adjacent to, any municipality.

**U.S. EPA.** The United States Environmental Protection Agency.  
(Ord. 1002, passed 8-1-06)

## § 154.04 ILLICIT DISCHARGES PROHIBITED.

(A) No person shall cause the discharge of non-storm water runoff to enter the municipal separate storm sewer system unless the discharge is one of the following:

- (1) Authorized by a NPDES permit issued by EPA, or NDEQ;
- (2) Caused by or resulting from one of the following:
  - (a) Firefighting activities, where such discharges or flows contain no significant sources of pollutants;
  - (b) Landscape irrigation;
  - (c) Diverted stream flows;
  - (d) Rising ground waters;
  - (e) Uncontaminated ground water infiltration, as defined at 40 CFR 35.2005(20);
  - (f) Uncontaminated pumped ground water;
  - (g) Discharges from potable water sources;
  - (h) Foundation drains;
  - (i) Air conditioning condensation;
  - (j) Irrigation water;
  - (k) Springs;
  - (l) Water from crawl space pumps;
  - (m) Footing drains;
  - (n) Lawn watering;
  - (o) Individual residential car washing;

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- (p) Flows from riparian habitats and wetlands;
- (q) Dechlorinated swimming pool discharges;
- (r) Street wash water.

(3) Authorized by the City of La Vista.

(B) All exempt discharges, as listed above, must be in conformance with all other provisions of this code.

(Ord. 1002, passed 8-1-06)

## **§ 154.05 PROHIBITION OF ILLICIT CONNECTIONS.**

No person shall install, maintain, or use any connection to the municipal separate storm sewer system that may result in an illicit discharge to the municipal storm sewer system. All connections to the municipal storm sewer system that provide for an illicit discharge from inside a building are prohibited.

This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. For illicit connections made in the past, a plan to remedy the illicit connection shall be submitted to the Director or CBO.

(Ord. 1002, passed 8-1-06)

## **§ 154.06 REMOVAL OF ILLICIT CONNECTION.**

If any person fails to disconnect an illicit connection upon 30-day prior notification by the CBO or Director, the CBO or Director may cause the removal of such connection from the municipal storm sewer system. The city may pursue the recovery of costs by appropriate means including a suit at law against the person or persons responsible for such disconnection.

(Ord. 1002, passed 8-1-06)

## **§ 154.07 PRIVATE STORM WATER CONVEYANCE SYSTEMS.**

(A) The owner of a property where a private storm water conveyance system is located shall be responsible for the maintenance and repair, and proper operation of the private storm water conveyance system, regardless of whether the private storm water conveyance system is completely located on the private property or partially within the public right-of-way. The city shall have no responsibility or obligation for the maintenance, repair, or proper operation of a private storm water conveyance system.

(B) If the CBO or Director determines that a private storm water conveyance system is not operating properly and causes the improper discharge of storm water to the street, sidewalk or municipal storm sewer system, the CBO or Director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with § 154.04.

(Ord. 1002, passed 8-1-06)

## **§ 154.08 DISCHARGE OF SANITARY SEWAGE PROHIBITED.**

No person shall cause discharge of sanitary sewage to the municipal separate storm sewer system. In addition, if the Director determines that a building drain or building sewer is not operating properly and causes the discharge of sewage to the street, sidewalk, or municipal separate storm sewer system, the Director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with § 154.04.

(Ord. 1002, passed 8-1-06)

## **§ 154.09 DAMAGE TO THE MUNICIPAL STORM SEWER SYSTEM.**

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It is unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal storm sewer system.

(Ord. 1002, passed 8-1-06)

## **§ 154.10 WASTE DISPOSAL PROHIBITIONS.**

No person shall throw, deposit, place, leave, maintain, litter, keep, or permit to be thrown, deposited, left, maintained or kept any pollutant, refuse, rubbish, food waste, yard waste, garbage, or any other discarded or abandoned objects in or upon any public or private property, driveway, parking area, street, alley, sidewalk, or other location that may result in an illicit discharge to the municipal storm sewer system. Wastes placed in containers protected from urban runoff such as bags, cans, or recycling bins, and city-approved wastes from construction on public right-of-way are exempted from this prohibition.

(Ord. 1002, passed 8-1-06)

## **§ 154.11 PROHIBITED DISCHARGES FROM INDUSTRIAL/COMMERCIAL ACTIVITIES.**

The following list of discharges from industrial/commercial activities shall be considered prohibited unless permitted under a separate NPDES permit or approved by the City Public Works Department. This list is based on § 154.04 regarding illicit discharges prohibited, but is not an exhaustive list of prohibited discharges to the municipal storm sewer system:

(A) Water from the cleaning of vehicle fueling stations, vehicle service garages, or other types of vehicle service facilities.

(B) Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other such commercial and industrial operations

(C) Water from the washing or rinsing of vehicles containing soap, detergents, solvents, or other cleaners.

(D) Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning.

(E) Vehicle fluids.

(F) Mat wash water from food service facilities.

(G) Food and kitchen cleaning water from food service facilities.

(H) Leakage from dumpsters or trash containers.

(I) Water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained.

(J) Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces.

(K) Wastewater or cleaning fluids from carpet cleaning.

(L) Swimming pool and spa water.

(M) Wash out from concrete trucks.

(N) Runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored.

(O) Super-chlorinated, i.e. greater than four mg/l chlorine, water normally associated with the

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disinfection of potable water systems.  
(Ord. 1002, passed 8-1-06)

## **§ 154.12 NOTIFICATION OF PROHIBITED DISCHARGES REQUIRED.**

(A) In the event of discovery of a discharge to the municipal storm sewer system that is prohibited by this code, the discharger or permittee shall immediately notify the CBO or Director of the incident by telephone, facsimile or e-mail. The notification shall include the discharge location, type of materials discharged, estimated concentration and volume of the discharge, and corrective actions taken to contain or minimize the effects of the discharge.

(B) In addition, a written report, facsimile or e-mail, addressed to the CBO or Director detailing the date, time and cause of the discharge, the quantity and characteristics of the discharge, corrective actions taken to contain or minimize the effects of the discharge, and corrective actions taken to prevent future discharges shall be filed by the responsible person within five days of the occurrence of the non-complying discharge.  
(Ord. 1002, passed 8-1-06)

## **§ 154.13 GRADING PERMIT REQUIRED.**

It shall be unlawful for any person to engage in or cause any grading, clearing, or excavation activities that result in the disturbance of any land areas sufficiently large to require a general NPDES construction site storm water permit, without the property owner, tenant, or easement holder, or their agent, first obtaining a grading permit from the city's Permits and Inspection Division. This section shall not apply to grading performed solely for agricultural purposes.  
(Ord. 1002, passed 8-1-06)

## **§ 154.14 APPLICATION FOR GRADING PERMIT.**

(A) Any property owner, or their legally authorized agent, desiring a grading permit shall make an application to the Permits and Inspections Division and the Papillion Creek Watershed Partnership on the forms provided by the CBO.

(B) Any property owner, or their legally authorized agent, desiring a grading permit shall also submit to the city's Permits and Inspection Division a completed NDEQ notice of intent/permit application for coverage under the general NPDES construction site storm water permit. Such permit application shall be made on forms provided by the NDEQ.  
(Ord. 1002, passed 8-1-06)

## **§ 154.15 GRADING PERMIT FEE.**

Before any grading permit application will be accepted by the Permits and Inspection Division, the applicant shall pay to the city a fee in such amount set from time to time by the Mayor and City Council, and a current record of such amount shall be maintained by the City Clerk.  
(Ord. 1002, passed 8-1-06)

## **§ 154.16 ISSUANCE OF GRADING PERMIT.**

If, after, examination of the application for a grading permit, the CBO has determined that the proposed plan will meet the requirements of this chapter and if the NDEQ approved the NPDES application for the project, then the Permits and Inspection Division shall issue the grading permit.  
(Ord. 1002, passed 8-1-06)

## **§ 154.17 EROSION AND SEDIMENT CONTROL AT CONSTRUCTION AND DEVELOPMENT SITES.**

Provisions for erosion and sediment control at construction and development sites are set forth in the Omaha Regional Stormwater Design Manual. The provisions thereof shall be

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controlling of all subjects contained therein within the corporate limits and within the jurisdictional area outside the city limits. In the event of any conflict between the provisions of the Omaha Regional Stormwater Design Manual, or any other ordinance, and the provisions of an NPDES permit issued by the State of Nebraska, the provision that imposes the higher or most stringent or most specific practice shall prevail.

(Ord. 1002, passed 8-1-06)

## **§ 154.18 REQUIREMENT FOR ALL NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS.**

Land development and significant redevelopment projects with the potential to add pollutants to storm water or to affect the flow rate or velocity of storm water runoff after construction is completed

must include provisions for the management of the increased post construction runoff in a post-construction storm water management plan.

(Ord. 1002, passed 8-1-06)

## **§ 154.19 POST-CONSTRUCTION STORM WATER MANAGEMENT PLAN.**

(A) The post-construction storm water management plan shall be submitted to the City on a form or format specified by the Director as part of any preliminary plat application required in the Subdivision Regulations. Any parcel of land that is to be developed which requires a grading permit, or requires a building permit and creates more than 5,000 square feet of impervious surface, or requires a building permit and meets the definition of Significant Redevelopment, and is not already covered by an approved Post-Construction Storm Water Management Plan (PCSWMP), shall have a PCSWMP applicable to the parcel of land prepared and submitted to the City.

(B) The PCSWMP shall include at a minimum the design, locations, schedules, and procedures for inspection and maintenance of the selected BMPs. Erosion and sediment control BMPs during the construction process are to be addressed in the grading permit documents. The BMPs for the PCSWMP shall include the reduction of stormwater peak discharge rates after development of the subject parcel to pre-development conditions for the 2-year return frequency storm event measured at every drainage outlet (stormwater discharge) and shall include Low Impact Development (LID) BMPs to provide for water quality improvements in the first one-half inch of runoff from the site. Refer to the Omaha Regional Storm Water Design Manual for information on BMPs and to the Papillion Creek Watershed Partnership web site for information on post construction storm water management plan contents. For significant redevelopment sites, the calculation of the area requiring control of the first one-half inch of runoff shall be based only on the impervious area of the project site that is being added or replaced.

(Ord. 1002, passed 8-1-06) (Ord. No. 1085 passed Feb. 17, 2009)

## **§ 154.20 EXEMPTIONS FROM THE POST-CONSTRUCTION STORM WATER MANAGEMENT PLAN.**

Systems designed to accommodate only one single family dwelling unit, duplex, triplex, or quadraplex, provided the single unit is not part of a larger common plan of development or sale, are exempt from the requirements in this chapter to submit a post-construction storm water management plan.

(Ord. 1002, passed 8-1-06)

## **§ 154.21 MAINTENANCE OF POST-CONSTRUCTION BMPs.**

(A) The owners and occupants of lands on which structural post-construction BMPs have been installed to meet the requirements of this chapter shall ensure the maintenance of these BMPs and shall themselves maintain those BMPs if other persons or entities who are also obligated to maintain those BMPs (by contract or covenant, or pursuant to this chapter) fail to do so. Structural BMPs shall be inspected at least annually, and a written record of inspection results

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and any maintenance work shall be maintained and available for review by the city.

(B) The responsibility to maintain a BMP may be transferred through a contract or other agreement. The person or entity accepting a maintenance obligation in such a contract or agreement will also be legally obliged to maintain that BMP pursuant to this chapter. However, no contract or other agreement imposing an obligation to maintain a BMP can relieve a person or entity of any obligation to maintain a BMP imposed by this chapter.

(C) The maintenance agreement shall require the applicant or owner to execute an inspection and maintenance agreement, to be filed of record, binding on all subsequent owners of land served by a private storm water management facility. Such agreement shall provide for access to the facility, at reasonable times, for inspections by the city or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.

(D) The applicant and/or owner shall record the maintenance agreement with the Register of Deeds.

(E) The maintenance agreement shall also provide that if after notice by the city to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) or occupant within a reasonable period of time (30 days maximum), the city may perform all necessary work to place the facility in proper working condition. The owner(s) or occupant of the facility shall be assessed the cost of the work and any lawful penalties.

(Ord. 1002, passed 8-1-06)

## § 154.22 ADMISSION TO PROPERTY.

(A) Whenever it shall be necessary for the purposes of these rules and regulations, the CBO or Director, upon the presentation of credentials, may enter upon any property or premises at reasonable times for the purpose of:

- (1) Copying any records required to be kept under the provisions of this chapter;
- (2) Inspecting any BMPs; and
- (3) Sampling any discharge to the municipal storm sewer system.

(B) The CBO or Director may enter upon the property at any hour under emergency circumstances. The authority to so inspect, sample and copy records shall be limited to only those things, and only the extent, that it has a direct bearing on the kind and source of discharges into the municipal storm sewer system.

(Ord. 1002, passed 8-1-06)

## § 154.23 REGULATORY ACTIONS.

If substances in violation of § 154.04 are discharged or proposed to be discharged into the municipal storm sewer system of the city or any tributary thereto, the city may take action necessary to:

- (A) Prohibit the discharge of such effluent;
- (B) Require a discharger to demonstrate that modifications to such discharger's facilities will reduce or eliminate the discharge of such substances in conformity with this chapter;
- (C) Require pretreatment, including storage, detention or retention facilities necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these prohibitions and limitations;
- (D) Require the person making, causing, or allowing the discharge to pay an additional cost

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or expense incurred by the city for taking remedial actions as may be deemed to be desirable or necessary to achieve the purpose of this chapter;

(E) Require any combination or all of the above.

(Ord. 1002, passed 8-1-06)

## **§ 154.24 NOTICE OF VIOLATION; CORRECTION OF VIOLATIONS.**

Whenever the Chief Building Official or Public Works Director finds that any person has violated or is violating this chapter or any prohibition, limitation or requirement contained herein, such person shall be notified in writing.

(Ord. 1002, passed 8-1-06)

## **§ 154.25 PENALTY; RECOVERY OF DAMAGES.**

Any person who is found to have violated an order provided for in this chapter, or who willfully or negligently failed to comply with any provisions of this chapter and the rules and regulations issued hereunder, shall be deemed guilty of a misdemeanor and shall be fined an amount that does not exceed \$500 under this chapter. Each day any such violation or failure to perform such act shall continue, shall constitute a separate offense, unless otherwise specifically provided. Except as prohibited by the state or federal constitutions, a prosecution under this chapter, shall not be the exclusive penalty for such acts or omissions.

(Ord. 1002, passed 8-1-06)

## **§ 154.26 ADDITIONAL RULES AND REGULATIONS.**

The Director may make rules and regulations, which expand upon or add to the provisions of this chapter but are not inconsistent with them. Prior to taking effect, such rules and regulations, or any amendments thereto, shall be approved by resolution of the City Council. A copy of such rules and regulations, with any current amendments, shall be on file with the City Clerk.

(Ord. 1002, passed 8-1-06)

## **§ 154.27 APPEALS.**

Any person aggrieved by the issuance, denial, suspension, cancellation, modification, or revocation of any permit provided for in this chapter or by any other order of the CBO or Director, may within ten days of the receipt of written notice of the entry of such order, submit a written appeal to the City Council at their next regularly scheduled meeting.

(Ord. 1002, passed 8-1-06)

## **§ 154.28 CONFLICTS WITH OTHER CODE SECTIONS.**

The provisions of this chapter shall control over any inconsistent or conflicting provision of this code of ordinances.

(Ord. 1002, passed 8-1-06)

## **§ 154.29 PAPIILLION CREEK WATERSHED MANAGEMENT FEES**

(A) Through an Interlocal Cooperation Act Agreement, the City has participated in the Papillion Creek Watershed Partnership to draft six policies and a map-based Papillion Creek Watershed Plan and a shorter term Papillion Creek Watershed Implementation Plan.

(B) It is expected the policies and plans in the Papillion Creek Watershed Plan will continue to be refined and amended. Specifically, the Papillion Creek Watershed Partnership intends to review the needs for regional detention structures and water quality basins on approximately a three year interval to provide updates to the Papillion Creek Watershed Implementation Plan.

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- (C) In accordance with the adopted Interlocal Cooperation Act Agreement for the Papillion Creek Watershed Partnership, Watershed Management Fees shall be collected from new developments and significant redevelopment requiring a subdivision agreement and located wholly or in part in the Papillion Creek Watershed to provide funding for construction of regional detention structures and water quality basins contained in the Papillion Creek Watershed Plan. However, any parcel of property for which similar Watershed Management Fees have been collected previously will not be required to again contribute the fees as the result of a subsequent redevelopment. Through the terms of an Interlocal Cooperation Act Agreement, as may be amended from time to time, the City shall transfer such fees to the Papio-Missouri River Natural Resource District, which will be responsible for the construction of regional detention structures and water quality basins in accordance with the Papillion Creek Watershed Implementation Plan, as may be amended from time to time.
- (D) The Watershed Management Fees required under this division shall be specified in all subdivision agreements executed after the effective date of this ordinance and shall be collected for each parcel, the amount to be computed at the time of issuance of the first building permit for each parcel in a development. The Watershed Management Fees specified in an approved subdivision agreement shall not change as long as such plat remains in effect. The Watershed Management Fee framework or rates may be changed during the buildout of a particular subdivision, but any similar rates specified in a valid subdivision agreement shall remain fixed at those prevailing at the time the subdivision agreement was approved.
- (E) SCHEDULE OF CHARGES
- (1) Based upon the recommendations of the Papillion Creek Watershed Partnership and consistent with the terms of an Interlocal Cooperation Act Agreement with the Papio-Missouri River Natural Resources District, the rates for Watershed Management Fees shall be as set forth in the City of La Vista Master Fee Schedule, as amended from time to time.
  - (2) The Watershed Management Fees are in addition to all other sewer connection or use fees provided for elsewhere in this Code.

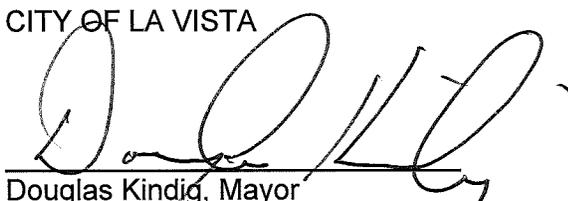
SECTION 2. Repeal of Sections 154.01 through 154.28 as Previously Enacted. Sections 154.01 through 154.28 of the La Vista Municipal Code as previously enacted is hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 16TH DAY OF FEBRUARY 2010.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk