

ORDINANCE NO. 2571

AN ORDINANCE CREATING CHAPTER 13.035 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "CONSTRUCTION AND POST CONSTRUCTION STORMWATER RUNOFF"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 13.035 of the Moses Lake Municipal Code entitled "Construction and Post Construction Stormwater Runoff" is created as follows:

13.035.010 Potential Discharge to Moses Lake:

- A. All public and private construction projects that disturb one or more acres, and all construction projects that disturb less than one acre that are part of a common plan of development or sale that will cause a potential discharge to Moses Lake shall meet the applicable requirements contained in Chapter Two of the *Stormwater Management Manual for Eastern Washington*. Furthermore, the property owner shall obtain coverage for the project under the Department of Ecology's "General NPDES Permit for Stormwater Discharges Associated with Construction Activities."
- B. An erosivity waiver to allow construction activity to proceed without a Stormwater Pollution Prevention Plan may be authorized by the Municipal Services Director. Erosivity waivers are not valid without written authorization from the Municipal Services Director. Erosivity waivers require that all of the following conditions are met prior to approval.
 1. The construction project will result in the disturbance of less than five acres, and the site is not a portion of a common plan of development or sale that will disturb more than five acres.
 2. The project's rainfall erosivity factor is less than five during the period of proposed construction activity, as calculated using the Texas A&M University online rainfall erosivity calculator. The calculator may be accessed at <http://ei.tamu.edu/>. The period of construction activity is defined as the period that begins with initial earth disturbance and ends with final stabilization. Final stabilization shall be as verified by the Municipal Services Director.
 3. The site or facility has not been declared a significant contributor of pollutants, and construction activities that will not result in non-stormwater discharges.
 4. The Construction Site Operator submits an application 10 days prior to commencing land disturbing activities. The written application from the construction site operator for an erosivity waiver shall include a summary of the project information used in calculating the project's rainfall erosivity factor. Furthermore, the application shall contain a certified statement that the Construction Site Operator will comply with applicable local stormwater requirements, and will implement appropriate erosion and sediment control Best Management Practices (BMPs) to prevent violations of water quality standards.

13.035.020 Access: Access for inspections for all private stormwater systems that discharge to the City's stormwater system shall be allowed as follows.

- A. The construction site operator shall allow access for city and the Department of Ecology staff to inspect the construction-phase stormwater BMPs.

- B. The property owner shall allow city staff access to the property to inspect the post construction-phase BMPs; or the property owner shall provide annual certification by a qualified third party, approved by the Municipal Services Director, to verify that adequate maintenance has been performed, and to verify that the facilities are operating as designed to protect water quality.

13.035.030 Stormwater System Design: Stormwater systems shall be designed for a 25-year, 24-hour storm event using the SCS Curve Method as outlined in *Stormwater Management Manual for Eastern Washington*. Public stormwater systems shall be designed to retain stormwater within approved stormwater appurtenances, and outside of travel lanes. Private stormwater systems shall be designed to retain all stormwater within the originating property.

13.035.040 Severability: If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provisions of this chapter are declared to be severable, and shall remain in full force and effect.

Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on July 13, 2010.



Jon Lane, Mayor

ATTEST:



Ronald R. Cone, Finance Director

APPROVED AS TO FORM:

James A. Whitaker, City Attorney