



City of Arvada

City Council Agenda

JULY 8, 2024
WORKSHOPS

Councilmembers:

Lauren Simpson, Mayor
Randy Moorman, Mayor Pro-Tem
Shawna Ambrose, District 2
Sharon Davis, At large
Lisa Feret, At large
Bob Fifer, District 4
John Marriott, District 3

Staff Members Usually Present:

Lorie Gillis, City Manager
Linda Haley, Deputy City Manager
Don Wick, Deputy City Manager
Rachel Morris, City Attorney
Jacqueline Rhoades, Director of Public Works
Sharon Israel, Director of Utilities
Jessica Garner, Director of Community & Econ. Dev.
Bryan Archer, Director of Finance
Gabriella Bommer, Director of Human Resources
Rachael Kuroiwa, Director of Communications & Engagement
Kristen Rush, City Clerk

Info: 720-898-7550

CITY COUNCIL CHAMBERS

6:00 PM

1. Call to Order/Roll Call of Councilmembers
2. Workshops
 - A. Stormwater Regulatory Program - Chapter 50 Municipal Code Updates and Qualifying Local Program Application
 - B. Homelessness Strategic Plan Presentation
 - C. Staff Updates
3. Adjournment



REPORT TO CITY COUNCIL WORKSHOP

AGENDA ITEM
2.A.

TO: THE HONORABLE CITY COUNCIL

DATE: July 8, 2024

SUBJECT: Stormwater Regulatory Program - Chapter 50 Municipal Code Updates and Qualifying Local Program Application

Report in Brief

City staff will outline a proposal to modify Chapter 50, Irrigation and Drainage, of Arvada's Municipal Code. This presentation will discuss updates to the City's Stormwater Program that affect Site Disturbance Permits related to construction and becoming a Qualifying Local Program with the Colorado Department of Health and Environment (CDPHE).

Background

The City of Arvada holds a Municipal Separate Storm Sewer System (MS4) permit through the CDPHE that lists specific requirements related to stormwater quality, most of which is addressed within the City's municipal code. Chapter 50, Irrigation and Drainage, of Arvada's City Code has not been updated since 2007. The proposed ordinance revisions and Stormwater Program updates close the gaps in code language, address compliance with current federal and state regulations, and modify and evolve the Stormwater Program elements to better align with the City's strategic goals and resources. Updated permit fees are also being proposed. The fee changes associated with the proposed ordinance revisions are calculated based on staff time and resource allocation depending on project size and are consistent with permit fees issued by our neighboring jurisdictions.

Strategic Alignment

These actions align with the 2024 City Council Strategic Plan Strategic Results and Services, including:

- Local Economy Strategic Goal 2: Strive to understand the unique needs of our business community and optimize City operations to improve the customer experience.
- Quality of Life Strategic Goal 4: Prioritize policies, practices, and projects for development that protect and sustain a high quality of life for residents and businesses.
- Infrastructure Work System Service 1: Provides the community with a safe, resilient, high-quality water supply, drainage system, waste-water disposal, and solid waste management services for full city build-out, as defined by the Comprehensive Plan. This includes maintaining utility rates at lowest practical levels with accurate billing that supports robust and reliable infrastructure.

Next Steps

Following the Council direction provided during the workshop, the team is proposing First Reading on July 15, 2024, of An Ordinance Repealing and Reenacting Chapter 50, Drainage and Stormwater Quality, of the Arvada City Code. This includes a resolution to update the "FEE SCHEDULE FOR RIGHTS OF WAY WORK PERMITS AND SERVICES AS PURSUANT TO CHAPTER 78, PUBLIC IMPROVEMENTS, OF THE ARVADA CITY CODE" to "PUBLIC WORKS ADMINISTRATIVE FEE SCHEDULE" and includes proposed permit fees for Site Disturbance Permits related to Chapter 50. Second readings would follow the required posting schedule. The team is also proposing a stakeholder process related to the proposed Site Disturbance Permit updates that would become effective January 1, 2025.

Prepared by:
Jacob Moyer, Stormwater Administrator

Reviewed by:

Approved by:

Jenny Wolfschlag, City Engineer	6/17/2024
Jacqueline Rhoades, Public Works Director	6/18/2024
Bryan Archer, Director of Finance	6/20/2024
Tammy Hedlund, Legal Specialist	6/20/2024
Laura Hemler, Assistant City Attorney	6/21/2024
Don Wick, Deputy City Manager	6/24/2024
Rachel Morris, City Attorney	6/24/2024
Lorie Gillis, City Manager	6/26/2024

Enclosure, exhibits & attachments required to support the report

~~REDLINE/STRIKEOVER VERSION~~**DRAFT - FOR DISCUSSION PURPOSES ONLY**Underlined indicates new material~~Strikethrough~~ indicates deleted material**PUBLIC WORKS ADMINISTRATIVE FEE SCHEDULE*****FOR****RIGHTS OF WAY WORK PERMITS AND SERVICES ~~AS~~**

PURSUANT TO CHAPTER 78, PUBLIC IMPROVEMENTS – RIGHTS OF WAY PERMITS AND SERVICES, AND FOR SITE DISTURBANCE PERMIT FEES PURSUANT TO CHAPTER 50-
DRAINAGE AND STORMWATER QUALITY, OF THE ~~–~~ ARVADA CITY CODE
EFFECTIVE JANUARY 1, 2025~~4~~

Right of Way Work Permit or Service	Fee
Municipal General Contractor's License	\$220.00
Sewer Main	\$.65/LF (\$65.00 min)
Water Main	\$.65/LF (\$65.00 min)
Fire line	\$.65/LF (\$65.00 min)
Wet Tap	\$65.00/EA
Water Service	\$65.00/EA
Sewer Service	\$65.00/EA
Irrigation Service	\$65.00/EA
Water Service Disconnect	\$65.00/EA
Sewer Service Disconnect	\$65.00/EA
Storm Sewer - Public	\$.65/LF (\$65.00 min)
Storm Sewer - Private	\$.65/LF (\$65.00 min)
Irrigation Main	\$.65/LF (\$65.00 min)
Combination Curb, Gutter, & Walk	\$.52/LF (\$65.00 min)
Bike Trail	\$.52/LF (\$65.00 min)
Detached Walk	\$.52/LF (\$65.00 min)
Vertical Curb & Gutter	\$.52/LF (\$65.00 min)
Structure (Surface Area - medians, pavers, retaining walls, etc.)	\$1.55/SF (\$65.00 min)

Crossspan/Curb Cut	\$77.00/EA
Paving	\$.19/SY (\$65.00 min)
Asphalt Patch	\$.19/SY (\$65.00 min)
Street Subgrade	\$.19/SY (\$65.00 min)
Street Subbase	\$.19/SY (\$65.00 min)
ADA Ramps	\$77.00/EA
Milling	\$.19/SY (\$65.00 min)
Inlets - Public	\$65.00/EA
Inlets - Private	\$65.00/EA
Vaults - Public	\$65.00/EA
Manhole	\$65.00/EA
Outlet Structures - Private	\$65.00/EA
Minimum Permit Fee	\$65.00/EA
Reinspection Fee	\$75.00/EA
Overtime Fee	\$111.00/hr. - 2 hours minimum
Fire Hydrant	\$65.00/EA
Degradation Fee	\$20.00/LF of trench (plus 20LF of required resurfacing)
Overhead Utility - Private	\$.27/LF (\$65.00 min)
Underground Utility - Private (gas mains, electrical, cable, telecom, etc.)	\$.27/LF (\$65.00 min)
Boring	\$.27/LF (\$65.00 min)
Coring	\$65.00/EA
Test Hole (concrete)	\$65.00/EA
Test Hole (street)	\$65.00/EA
Test Hole (Landscaping)	\$19.00/EA
Bore Pit	\$19.00/EA
Signage	\$14.00/EA (\$65.00 min)
Street Light	\$14.00/EA (\$65.00 min)
Permanent Traffic Control Structures (i.e. Guardrail, sound wall, etc...)	\$.26/LF (\$65.00 min)
Permanent Traffic Control Structures (i.e. bollards, delineators, etc...)	\$14.00/EA (\$65.00 min)
Striping	\$0.14/LF (\$65.00 min)
Pavement Markings	\$14.00/EA (\$65.00 min)
Traffic Signal/Electronic Device Installation/Modification	0.65% of the cost of improvement
Traffic Control Plan Review - Single Service	\$65.00/EA

Traffic Control Plan Review - Local Street**	\$96.00/EA
Traffic Control Plan Review - Collector Street**	\$130.00/EA
Traffic Control Plan Review - Arterial Street**	\$315.00/EA
Additional review(s)	\$32.50/EA

*Additional fees apply for work without permits pursuant to Section 78-294 of the Arvada City Code. **Roadway classification to be determined by City Traffic Engineer.

**CHAPTER 50, IRRIGATION AND DRAINAGE – SITE DISTURBANCE PERMIT FEE, OF
THE ARVADA CITY CODE**

<u>Project Disturbance Area (Acres)</u>	<u>Application Fee</u>	<u>Resubmittal Fee</u>	<u>Transfer Fee</u>
<u>0.5-1.0</u>	<u>\$400</u>	<u>\$100</u>	<u>\$50</u>
<u>1.0-3.0</u>	<u>\$525</u>	<u>\$125</u>	<u>\$64</u>
<u>3.0-5.0</u>	<u>\$650</u>	<u>\$150</u>	<u>\$75</u>
<u>5.0-10.0</u>	<u>\$775</u>	<u>\$175</u>	<u>\$87.50</u>
<u>10.0-30.0</u>	<u>\$900</u>	<u>\$200</u>	<u>\$100</u>
<u>> 30.0</u>	<u>\$1050</u>	<u>\$250</u>	<u>\$125</u>

<u>Reinspection Fee (Based on 14 day compliance timeframe)</u>	<u>\$150</u>
---	--------------

COUNCIL BILL NO. 24-__
ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REENACTING CHAPTER 50, IRRIGATION AND
DRAINAGE, OF THE ARVADA CITY CODE

WHEREAS, the City of Arvada, Colorado, (“City”), is a home rule municipality, organized and existing under Article XX, Section 6 of the Colorado Constitution; and

WHEREAS, the City owns and operates a municipal separate storm sewer system (“MS4”) to promote the safe, efficient, and effective drainage of stormwater and other runoff or discharges;

WHEREAS, the City Council finds that the quality of runoff discharged into the MS4 must, to the maximum extent practicable, be protected from pollutants that could impact the environment or the health, safety, and welfare of the public; and

WHEREAS, the City protects such runoff by regulating land disturbance activities during construction that are likely to cause or increase soil erosion that would cause sediment and pollutants to flow into the City’s MS4, waterways, streams, rivers, ponds, and other similar areas; and

WHEREAS, such regulation occurs through the permitting, inspection, and enforcement requirements stated in Chapter 50 of the Arvada City Code; and

WHEREAS, significant portions of Chapter 50 relating to the regulations have not been updated since 2007; and

WHEREAS, other portions of Chapter 50 pertaining to ditches have not been updated since at least 1960; and

WHEREAS, the City’s requirements and processes related to the regulations have changed since these last updates; and

WHEREAS, such requirements and processes must be compliant with any permit issued to the City by the Colorado Department of Public Health and Environment, and

WHEREAS, the Arvada City Council now wishes to update Chapter 50 to conform with current City practices and any permit issued to the City by the Colorado Department of Public Health and Environment.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Chapter 50, Irrigation and Drainage, of the Arvada City Code is hereby repealed and reenacted to read as follows:

“DRAINAGE AND STORMWATER QUALITY

Article I. IRRIGATION AND DRAINAGE DITCHES

Sec. 50-1. Legislative intent and purpose.

The city has multiple irrigation and drainage ditches located within its limits. The City Council has determined that it is pertinent that all such irrigation and drainage ditches are kept, repaired, maintained, and operated in a safe manner in order to enhance the quality of water discharged into the city’s municipal separate storm system and reduce the risk of flooding.

Sec. 50-2. Scope.

This article applies to all canals and ditches located within the city.

Sec. 50-3. Definitions.

Ditch or canal means a man-made channel or trench or any part thereof within the city designed to manage surface water runoff or convey water for a specific purpose, such as for irrigation.

Owner means any corporation, company, or partnership, regardless of whether created by special act or organized under the general incorporation laws of Colorado, or any persons who own or control any canal or ditch.

User means a person, including a natural person, corporation, company, or other organization, that has the legal right to access and use water from any canal or ditch. A user may include an owner.

Sec. 50-4. Depositing waste; damming or clogging ditches.

It shall be unlawful for any person to deposit waste or debris of any kind or description or in any way dam, clog, or interfere with the water running in any canal or ditch or cause the same to overflow upon the streets, alleys, or public highways of the city.

Sec. 50-5. Owner responsibilities.

- (a) *Guards required.* If an owner's ditch pass through a flume or covered ditch having a cross-sectional area equal to or greater than 50 square inches and a length of 20 feet or more, the owner shall ensure that the flume or covered ditch area is guarded at the intake end by suitable bars of steel or wood, spaced not to exceed five inches from centers vertically or horizontally, or some other form of guard equivalent thereto in the opinion of the city's engineering division. It shall be unlawful for any owner to fail to have such guards in place.
- (b) *Clearing required.* All owners shall ensure that any canal or ditch, including any ditch rights-of-way within the city, are free from rubbish and weeds.
 - (1) It shall be unlawful for any owner to fail to keep any canal or ditch, including any ditch rights-of-way within the city, free from rubbish, weeds, and other materials at all times.
 - (2) It shall be unlawful for any owner to permit any waste or overflow water or any water from any canal, ditch, tail ditch, waste ditch, or any part thereof to flow in or upon any street, or alley in the city so as to damage the same in any way.
- (c) *Good condition required.* An owner shall ensure that all embankments or other parts of any canal or ditch are maintained in good repair and condition so that the waters within are not wasted and will not flood or damage the premises of others. Failure to do so shall be unlawful.
- (d) *Tail ditch required during repair or maintenance required.* During any repair or maintenance activities, the owner must make a tail ditch so as to return the water within the canal or ditch with as little waste as possible into the stream from which it was taken. Failure to do so shall be unlawful.

Sec. 50-6. User responsibilities.

- (a) *Overflow prohibited.* A user shall ensure that any use of a canal or ditch does not result in any waste or overflow water encroaching upon or overtaking any street, or alley in the city so as to damage the same in any way. It shall be unlawful for any user to permit any waster or overflow water or any water from any canal, ditch, tail ditch, waste ditch, or any part thereof to flow in or upon any street, or alley in the city so as to damage the same in any way.

- (b) *Repair and maintenance.* A user shall ensure that all embankments of any canal or ditch related to, or affected by their use are maintained in good repair and condition so that the waters within are not wasted and will not flood or damage the premises of others.
- (c) *Tail ditch required during repair or maintenance required.* During any repair or maintenance activities, the user must make a tail ditch so as to return the water within the canal or ditch with as little waste as possible into the stream from which it was taken. Failure to do so shall be unlawful.

Sec. 50-7. Penalty; continuing violation.

- (a) *Penalty.* A violation of this article shall be punished by a fine or imprisonment not to exceed the limits established in section 1-5 of this Code.
- (b) *Continuing violation.* In accordance with section 1-5 of this Code, every day any violation of this article continues or is permitted or allowed to continue shall constitute a separate offense.
- (c) *Concurrent remedies.* The initiation of a prosecution for a violation of this article shall not preclude any other remedies available to the city under this Code.

Sec. 50-8–50-20. Reserved.

Article II. DRAINAGE AND STORMWATER

DIVISION 1. PURPOSE AND DEFINITIONS

Sec. 50-21. Legislative intent and purpose.

The city owns and operates a municipal separate storm sewer system (“MS4”) to promote the safe, efficient, and effective drainage of stormwater and other runoff or discharges. To enhance the functions of the MS4, the City Council has determined that the quality of the runoff discharged into the MS4 must, to the maximum extent practicable, be protected from pollutants that could impact the environment or the health, safety, and welfare of the public. The city protects its MS4 by regulating land disturbance activities likely to cause or increase soil erosion, or that may contribute other pollutants to stormwater runoff during construction. These activities cause sediment and pollutants to flow into the MS4, waterways, streams, rivers, ponds, and other similar areas. Regulation of land disturbance activities during construction occurs through the permitting, inspection, and enforcement requirements of this article. The purpose of this article is to establish the specific procedures and requirements necessary to promote such protection.

Sec. 50-22. Authority.

The authority to establish, implement, and enforce drainage and stormwater regulations is derived from the city's powers and authority as a home rule city under articles 15 and 35 of Title 31 of the Colorado Revised Statutes and from the Engineering Code of Standards and Specifications as adopted and amended by the city.

Sec. 50-23. Definitions.

The following words, terms, and phrases, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise:

Applicant means a person applying for a site disturbance permit.

Best management practices, BMP, control measures, or erosion and sediment control measures mean the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices used to prevent or reduce the pollution of the municipal separate storm sewer system. BMP also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage.

CDPHE means the Colorado Department of Public Health and Environment.

City inspector means a person authorized by the director to inspect a site for the purpose of determining compliance with the provisions of this article.

City manager means the city manager or their designee.

Construction activities mean clearing, grading, excavation, and other ground disturbance activities. Construction activities do not include routine maintenance performed by public or private agencies or their agents to maintain original line grade, hydraulic capacity, the original purpose of a facility, or any agricultural activities.

Day means a calendar day unless otherwise specified.

Development means any activity, excavation or fill, alteration, subdivision, change in land use or practice, undertaken by private or public entities that affect the discharge of stormwater runoff.

Director means the director or public works or their designee.

Division means the Colorado Department of Public Health and Environment Water Quality Control Division.

Engineering Standards means the most recent edition of the Engineering Code of Standards and Specifications as amended and adopted by the City.

Erosion and sediment control plan or *ESC* means engineering construction drawings that show the proposed BMP on a site throughout the duration of a project.

Final drainage report means a design report that is approved by the city with construction drawings presenting the final stormwater infrastructure design calculations and details.

Final stabilization means a state when all land disturbance activity at a site has been completed and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels or equivalent permanent, physical erosion reduction methods have been employed.

Illicit connection means any tie-in to the city's MS4 that is not related to stormwater or groundwater and is not authorized by the city. Examples of an illicit connection include but are not limited to:

- (1) a connection made in the past, regardless of whether the connection was permissible under law or practices applicable at the time the connection was made; and
- (2) a line connected to the MS4 that conveys sewage or allows sewage to be conveyed to the MS4.

Land disturbance activity means any activity that changes the volume or peak flow discharge rate of stormwater runoff from the land surface. This includes but is not limited to the grading, digging, cutting, scraping or excavating or soil, placement of fill materials, paving, construction, substantial removal of vegetation or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Landscape materials mean any material used in or derived from the landscape or improvements to the landscape of real property, including without limitation, trees, branches, shrubs, plants, vegetation, brush, yard trimmings, leaves, side, dead plant material, soil, dirt, sand, gravel, rock, stone, boulders, mulch, fencing, paving materials, or other similar materials.

MS4 permit means a water quality municipal MS4 permit issued to the city by the Colorado Department of Public Health and Environment (CDPHE).

Municipal separate storm sewer system or *MS4* means a conveyance or system of conveyances owned by the city, that are designed or used for collecting or conveying any naturally occurring stormwater runoff whether such system is manmade or natural. This conveyance or system of conveyances includes but is not limited to:

- (a) pipes, culverts, flumes, ditches, storm sewers, cisterns, tanks, drains, lakes, ponds, streams, ravines, inlet/catch basins, man-made channels, gullies or other similar facilities, or natural features that contain, hold, transport, divert, channel, impound, or drain stormwater; and
- (b) streets, sidewalks, curbs, alleys, gutters, bridges, parking lots, and other surfaces within the city across which any naturally occurring stormwater runoff may seep, percolate, or flow.

Owner means the person identified as the record owner of the real property and their lessee or designee, if applicable.

Permittee means an owner and the owner's authorized agent who has obtained a site disturbance permit from the city.

Person means an individual, as well as a corporation, company, association, firm, partnership, society, or other organization.

Project means all of the development to be performed by an applicant as described in the proposed plan(s), including all phases of a proposed subdivision, or the development by an applicant of multiple lots or parcels that are contiguous, abutting, adjacent, adjoining, bordering, neighboring, or tangential to each other.

Public property means any street, right-of-way, road, highway, place, alley, sidewalk, easement, park, open space, square, median, parkway, boulevard, plaza, or other similar area within the city that is dedicated to public use or is owned or maintained by the city.

Receiving waters means a river, lake, stream, drainage ditch, or other watercourse.

Site means a parcel of land, or a contiguous combination thereof, where earth disturbing activity is performed.

Site plan means the planning document approved by the city that identifies improvements and other responsibilities associated with the development or redevelopment of parcel(s) of land.

State means the State of Colorado or any division thereof.

Stop work order means an order issued by the city requiring all construction activity on a site be stopped.

Stormwater means precipitation-induced surface runoff.

Stormwater construction permit means a permit issued by the Division to the permittee that regulates stormwater discharges from construction activities under the Colorado Discharge Permit System (CDPS) general permit for stormwater discharges associated with construction activities.

Stormwater drainage facilities mean constructed facilities or technology designed to reduce stormwater runoff volume, peak flow, and pollutants before discharging to receiving waters or the city's MS4.

Stormwater management plan (SWMP) means a narrative plan designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Stormwater runoff means that part of snowfall, rainfall, or other precipitation that is not absorbed, transpired, evaporated, or left in surface depressions, and that then flows controlled or uncontrolled into a watercourse or body of water.

Temporary BMP means those temporary pollution control measures including, but not limited to, silt fences, wattles, vehicle tracking pads, inlet filters, diversions, sediment ponds and dewatering structures, to be installed and regularly maintained until the site is sufficiently stabilized.

Vegetative cover means grasses, shrubs, bushes, trees, ground cover, and other similar plants.

Watercourse means a natural or human-made channel, ditch, conveyance, or the standing body of water into which stormwater is discharged.

Sec. 50-24–50-34. Reserved.

DIVISION 2. DUTIES AND POWERS OF THE DIRECTOR

Sec. 50-35. Duties and powers of the director.

- (a) *General.* The director is authorized and directed to implement, administer, and enforce the provisions of this article. The director may:
 - (1) Implement, administer, and enforce any processes or requirements necessary for an applicant to obtain a site disturbance permit;
 - (2) Determine when land disturbance activity may impact an environmentally sensitive or hazardous area or determine that a site disturbance permit should otherwise be required;
 - (3) Waive any security requirement for a site disturbance permit when the director determines it is in the city's best interest to do so;

- (4) Require access to the property of applicants or permittees to ensure compliance with any requirements under this article;
- (5) Establish and collect fees for issuing site disturbance permits;
- (6) Render interpretations of this article and adopt policies and procedures in order to clarify the application of its provisions. These interpretations, policies, and procedures shall be in compliance with the intent and purpose of this article, and shall not have the effect of waiving requirements specifically provided for in this chapter;
- (7) Revoke any site disturbance permit due to noncompliance with any requirement in this chapter; and
- (8) Otherwise implement, administer, and enforce the provisions of this chapter.

Sec. 50-36. Director action authorized: compliance procedures.

- (a) *Notice and order.* The director may give notice to any person who is in violation of any requirement imposed by this article or has committed, or caused to be committed, any unlawful act under this article.
 - (1) *Content of written notice and order.* The notice and order shall set forth any order or orders stating the actions necessary to comply with the terms of a site disturbance permit, correct any failing BMP, control, contain, or stop a discharge or spill, remove an illicit connection, remediate damage caused by an unlawful discharge or illicit connection, or any other order or orders related to an unlawful act stated in this article. The notice shall allow the person a reasonable amount of time as determined by the director from the date of the notice and order to comply with each order listed in the notice and order. The notice and order shall also remind the person of their obligations under this article, and note that inspection fees, re-inspection fees, and other fees, charges, and penalties will be assessed for non-compliance. The director may order a person to take, permit, or allow any action reasonably necessary to ensure compliance with this article.
- (b) *Violation notice.* In the event the person subject to the notice and order in subsection (a) does not comply with the order or orders within the time frame set forth in the notice and order, or within the period of any extension requested by the person subject to the violation and granted by the director, whichever date is applicable, the director shall send a notice of violation to the person subject to the notice and order. The violation notice shall contain notice that the city will be

taking action necessary to remediate the violation and any related damage, and that all costs or fees associated with such action will be assessed against the property associated with the site.

- (c) *Mailing and posting of notices.* Each notice and order or violation notice issued under this section shall be sent by electronic mail and mailed to the person by first class U.S. Mail. In addition, a violation notice shall be posted on the property. Each notice must state any appeal available.
- (d) *Other actions authorized.* In addition to taking any action authorized under section 50-35 of this article following discovery of a violation or suspected violation, the director may issue a summons and complaint, revoke a site disturbance permit, withhold city inspections, decline to issue a building permit or a certificate of occupancy, or take any other enforcement action reasonably calculated to gain compliance with a permit or to protect the city's MS4. The director may coordinate with the director of the community and economic development to stop work on the site in a manner similar to the process described in subsection 10-1-2-2E1 of the Arvada Land Development Code (LDC) but made applicable to this article. A stop work order issued under this subsection shall remain in effect until such time the site returns to a reasonable compliance level as determined by the director. Once a violation is remedied, the director may lift a stop work order, reissue a revoked site disturbance permit, or take other similar action to allow work to continue in compliance with this article.
- (e) *Emergency action authorized.* Notwithstanding anything in this article to the contrary, the director may take any action necessary to correct or remediate a violation of this article or a suspected violation of this article that poses an acute risk to the health, safety, and welfare of the public. In these situations, the notice and order requirements of this section do not apply and the director may issue a notice of violation and require the owner or permittee to perform remediation once the acute risk has subsided.
- (f) *Recovery of expenses and fees.* The city may recover any expenses and fees associated with the enforcement and remediation activities described in this article. These expenses include but are not limited to costs of work necessary to ensure proper erosion and sediment control, sampling and monitoring expenses, the costs of any actual damage incurred by the city, and inspection and re-inspection fees.
 - (1) Upon an owner or permittee's failure to reimburse the city for such expenses and fees, the city may, in its sole discretion:
 - (i) Recover the expenses and fees through a lien in accordance with section 50-37 of this Code; or

- (ii) Draw against any applicable cash escrow or letter of credit required under section 50-54. If the city draws against such cash escrow or letter of credit, the cash escrow or letter of credit must be restored to its full value before any construction activity may resume at the site. If the city revokes a site disturbance permit due to a violation of this article, and the city incurred fees and expenses related to the violation, the city must return the balance of the cash escrow or letter of credit to the permittee following deductions made for the city's incurred expenses and fees.

Sec. 50-37. Fees, charges, and expenses to be a lien upon property.

- (a) *Debt due and owing.* Unless paid within 30 days of assessment or request for reimbursement, all fees, rates, charges, penalties, or expenses incurred by the city under this article constitute a debt owing to the city, and the city has the right to recover on any such debt in the manner provided by law in any court of competent jurisdiction.
- (b) *Lien.* Unless paid within 30 days of assessment or request for reimbursement, all fees, rates, charges, penalties, or expenses incurred by the city under this article constitute a perpetual lien on and against the site, and any such lien may be foreclosed by the city at any time in the manner as provided by the laws of the state for the foreclosure of mechanics' liens or in accordance with chapter 59 of this Code entitled "Municipal Liens." Such lien foreclosure by the city is subject to all rights of redemptions granted by C.R.S. §38-39-101 *et seq.*, as amended.

Sec. 50-38. Appeals of a determination or order of the director.

- (a) *Filing; timeliness.* Except for an emergency action taken by the director under section 50-42 (e), a permittee or owner whose property is affected by a determination of the director made under this article, who is subject to a notice or order of the director made under section 50-36, may appeal that determination or order on a form prescribed by the city and available from the director on the city's website or by hard copy. The appeal must be in writing and be submitted to the city clerk within 14 days of the date of the director's determination or order. An appeal form that is not complete in all respects or that does not state the grounds for appeal shall be promptly returned by the clerk to the customer. The customer may resubmit an appeal form deemed incomplete by the clerk, and the clerk shall accept it, if the resubmitted form is complete and submitted to the clerk within the deadline set forth in this subsection. Compliance with the 14-day time limit noted in this subsection (a) shall be a jurisdictional prerequisite to any appeal brought under this article. Failure to comply shall bar any such appeal.

- (b) *Grounds.* The appeal shall be based on a claim that:
 - (1) The provisions of this article do not apply; or
 - (2) The true intent of this article has been incorrectly interpreted by the director.
- (c) *Procedure.* The appeal form, and any other documentation submitted to the city clerk by the owner or permittee, as well as any response or documentation submitted by the director, will be submitted by the city clerk to the city manager for review. Notwithstanding any other provision of this Code, the appeal of the director's determination shall consist of a review of all relevant documentation on file with the city in the case, as well as the appeal form and any accompanying materials. All documents may be reviewed electronically. The city bears the burden of proof in an appeal to establish that the director's action or determination was reasonable in light of the intent of this article, that the terms of this article applied to the customer in question. The city manager shall review the information submitted, and within 14 days of the date of the filing of the appeal, issue a written decision on the appeal. The decision must contain the reason or reasons for the decision. The decision must set forth appeal rights, if any. The decision may be mailed by first class U.S. Mail or furnished to the customer electronically. Should the city manager fail to issue a written decision on the appeal within the time frame set forth herein, the claim shall be deemed denied, and the customer may proceed as if an adverse decision has been issued.
- (d) *Appeal of city manager's decision.* The city manager's decision, or denial of an appeal as a result of the manager's failure to issue a written decision, shall be considered a final agency decision. The appeal may proceed under Rule 106 of the Colorado Rules of Civil Procedure.

Sec. 50-39. Right of entry.

- (a) *Generally.* Where it is necessary to make an inspection or perform other work necessary to implement or administer this article, or where the director has reasonable cause to believe that there exists upon a structure or premises a condition or violation of this article that poses an immediate risk of harm to the city's MS4 or a serious threat to the health, safety, and welfare of the public, the director shall have the authority to enter the structure or premises at all reasonable times based upon the circumstances to inspect or to perform the duties imposed upon the director under this article. This right of entry exists to protect the environment by reducing or preventing pollutants from entering into the city's MS4 and to protect the health, safety, and welfare of the public.

- (b) *Occupied premises.* If the structure or premises is occupied, the director shall present credentials to the occupant and request entry, unless the city has an easement allowing entry, or unless the structure or the building is located on common property of an HOA or other similar entity. If, after presentation of the director's credentials, entry is refused, the director shall have recourse to every remedy provided by law to secure entry, including seeking a warrant for entry.
- (c) *Unoccupied premises.* If the structure or premises is unoccupied, the director shall first make a reasonable effort to contact the owner or other person having charge or control of the structure or premises and request entry, unless the city has an easement allowing entry or unless the structure or building is located on common property of an HOA or other similar entity. If entry is refused or unable to be obtained, the director shall have recourse to every remedy provided by law to secure entry, including seeking a warrant for entry.
- (d) *Warrant process.* If entry is refused or unable to be obtained, and if there is reasonable cause to believe there exists upon a structure or a premises a violation of this article, the director may apply to the municipal court for a warrant, if the violation involves a serious threat to the health, safety, and welfare of the public, and if the violation is not also a violation prohibited by state statute for which a search warrant could be issued by a district or county court. The warrant may authorize entry on the structure or premises to inspect for the presence of a discharge or spill, to test or sample a discharge or spill, inspect for a connection to the MS4, to determine compliance with, or lack of, a site disturbance permit, or to otherwise determine compliance with this article.

Sec. 50-40–50-50. Reserved.

DIVISION 3. SITE DISTURBANCE PERMIT REGULATIONS

Sec. 50-51. Land disturbance activity and permit required.

- (a) *Generally.* All land disturbance activity must comply with the city's Land Development Code, the Engineering Standards, this article, and any other applicable guidelines and standards adopted by the city. No land disturbance activity may exceed 60 acres on any one site unless authorized by the director.
- (b) *Permit required.* Except for the land disturbance activity described in section (c), a site disturbance permit is required for each site or subdivision filing prior to conducting any land disturbance activity that:

- (1) Covers an area equal to or greater than 0.5 acres, including stockpiles, construction staging, employee parking, and building material storage areas;
 - (2) Covers an area less than 0.5 acres but is part of a larger planned development;
 - (3) Involves environmentally sensitive or hazardous areas, as determined by the director; or
 - (4) Involves a project for which the director deems a site disturbance permit to be necessary.
- (c) *When not required.*
- (1) A site disturbance permit is not required for any land disturbance activity which is immediately necessary for the protection of life, property, or natural resources. However, the person responsible for the land disturbance activity is required to apply for a site disturbance permit within 14 days of commencing emergency activities if those activities meet the requirements of Sec. 50-51(b).

Sec. 50-52. Site disturbance permit authorized discharges.

- (a) The site disturbance permit authorizes the following discharges:
- (1) Stormwater associated with construction activity.
 - (2) Stormwater associated with producing earthen materials, such as soils, sand, and gravel dedicated to providing material to a single contiguous site or within one quarter mile of the construction site also covered by the site disturbance permit.
 - (3) Stormwater associated with dedicated asphalt, concrete batch plants, and masonry mixing stations.
 - (4) Discharges from uncontaminated springs that do not originate from an area of land disturbance.
 - (5) Discharges to the ground of concrete or masonry washout water associated with the washing of concrete or masonry tools and concrete or masonry

mixer chutes, and water used to wash vehicles, equipment, and external buildings. Discharges of concrete or masonry washout water must not leave the site as surface runoff or reach a watercourse as defined by the code. The addition of soaps, solvents, and detergents is prohibited.

- (6) Discharges of landscape irrigation return flow.
 - (7) Discharges from diversions of waters of the state within the permitted site.
 - (8) Discharges resulting from emergency firefighting activities during the active emergency response.
- (b) All discharges from sites operating under a site development permit must consist only of the sources listed above, or must be covered under an additional or alternative permit.

Sec. 50-52. Site disturbance permit application requirements.

- (a) *Application requirements.* An applicant seeking a site disturbance permit shall submit a completed permit application, meet all of the requirements set forth in the application, provide any other documents required by the director to support the application, and satisfy any other requirements established by the director.
- (1) All documents required by the director to be submitted in support of an application must satisfy any requirements established by the director.
- (b) *Application changes.* Prior to the issuance of a site disturbance permit, an applicant must update any new information on any permit application, including any changes to a document included in a permit application, within ten days of any change occurring.

Sec. 50-53. Site disturbance permit fee.

Before a permit is issued pursuant to this article, the applicant shall pay to the city a site disturbance permit fee in an amount set forth in the public works administrative fees and costs schedule.

Sec. 50-54. Cash escrow or letter of credit required.

- (a) *Cash escrow or letter of credit required.* No site disturbance permit shall be issued until such time as a cash escrow or letter of credit has been received and approved by the city. This cash escrow or letter of credit shall serve as security for the performance of work necessary to stabilize the site if the permittee fails to install or maintain the necessary BMP or to complete the work under the permit. The

amount of the cash escrow or letter of credit shall include, at a minimum, the cost estimate for the proposed BMP associated with the project.

- (b) *Waiver of requirement.* Notwithstanding the requirements for providing security set forth in this section, the director may waive posting of a cash escrow or letter of credit if the applicant is a public or quasi-governmental entity, the applicant has already posted a cash escrow or letter of credit for the project subject to these requirements, or the waiver would be within the city's best interests.
- (c) *Drawing and replenishment.* The cash escrow or letter of credit shall remain at the amount specified herein through the final inspection for final stabilization. In the event the city draws against the security, the applicant in question shall replenish the security to the amount required within 30 days after notice by the city to do so.

Sec. 50-55. City responsibilities.

- (a) *Review and approval of permit applications.*
 - (1) The city will review each site disturbance permit application or revised application to determine the application's conformance with the provisions of this article, the Land Development Code, and the Engineering Standards. Upon the receipt and review of an application, the director may, in writing:
 - (i) Approve the permit application;
 - (ii) Approve the permit application subject to such reasonable conditions as may be necessary to substantially secure the objectives of this article, and issue the permit subject to such conditions; or
 - (iii) Disapprove the permit application, indicating the deficiencies. The applicant may submit a revised site disturbance permit application for review and approval, upon payment of a resubmittal fee as set forth in the public works administrative fees and costs schedule.
- (b) *Closure of permit without violation of this article.*
 - (1) The city may close a site disturbance permit when:
 - (i) Final stabilization has occurred at the opinion of the director;
 - (ii) The final site conditions are in accordance with all terms of the site disturbance permit; and

- (iii) The condition of the site is approved by the director.
- (2) The city may also close a site disturbance permit when there has been no activity at the site for a period of more than 60 days when doing so is in the best interest of the city.
- (3) Nothing in this subsection (b) shall prohibit the city from revoking a site disturbance permit due to a violation of this article.
- (c) *After final stabilization.* Following city final inspection, the permittee will confirm that final stabilization has been achieved by:
 - (1) Removing all temporary BMP and completing any final landscaping; and
 - (2) The city will confirm no other outstanding site disturbance permit requirements remain incomplete, close out the permit, and return any escrow amounts as appropriate.

Sec. 50-56. Site disturbance permit transfers; sale of individual lots.

- (a) *Transfers.* In the event an owner sells, conveys, assigns, dedicates, or otherwise effectuates a change in ownership of all or part of a site, subdivision filing, or lot that is subject to a site disturbance permit, the new owner of the site, subdivision filing, or lot, or their authorized representative must agree with and be subject to the terms and conditions of the site disturbance permit as approved and that are applicable to the portion of the site acquired by the new owner. Any term or condition contained in the original site disturbance permit that could apply to any or all of the property sold, conveyed, assigned, dedicated, or otherwise transferred to the new owner will remain in effect as to the property that is conveyed.
 - (1) Transfer of the site disturbance permit to a new owner as set forth herein will become effective upon payment by the new owner to the city of a site disturbance permit transfer fee. Should the new owner fail to pay the fee within 14 days of the transfer, the new owner must apply for a new site disturbance permit.
 - (2) The director may also require a new owner to complete a permit transfer form or any other process deemed necessary by the director to transfer the permit.
 - (3) Upon a transfer described in this subsection (a), the new owner must, within 14 days of the transfer, designate a new site disturbance permit contact person to the site, inform the city of the change of contact person, and take

any other action deemed necessary by the director to facilitate the transfer of the permit.

- (b) *Sale of individual lots.* The permittee's obligations under this article for an individual lot end after the following conditions have been met:
- (1) The lot has been sold to a private homeowner for private residential use;
 - (2) A certificate of occupancy or equivalent is maintained on-site or electronically and is available for review upon request by the city or division;
 - (3) The lot is less than one half acre of land disturbance activity;
 - (4) All construction activity on the lot by the permittee is complete, including the installation of sediment and erosion control measures that minimize sediment from exiting the lot, or the installation of temporary stabilization on remaining disturbance where the permittee is not responsible for final stabilization (e.g. backyards);
 - (5) The permittee is not responsible for final stabilization of the remaining disturbed areas on the lot; and
 - (6) The SWMP is modified to indicate that the lot is no longer part of the construction activity.

The permittee's obligations for the rest of the development continue as established by this article.

Sec. 50-57. Site disturbance permittee – inspection responsibilities.

- (a) *Generally.* The permittee shall perform any action or inspection as requested by and in accordance with direction from the director. The permittee shall also allow representatives of the city to enter the permitted site as necessary to make regular inspections to ensure the validity of the reports filed pursuant to this article and the permittee's compliance with the permit's conditions and requirements. The director has the right of entry pursuant to section 50-39.
- (b) *Before construction.* Following the issuance of a site disturbance permit but before any land disturbance activity begins, the applicant shall install all initial BMP and schedule an initial inspection with the public works department. The purpose of the inspection is to ensure all BMP are adequate, installed correctly, and functioning properly.

- (c) *During construction.* The permittee must inspect all erosion and sediment control measures on the site on a regular basis but no less than every 14 days. The permittee must also inspect all erosion and sediment control measures on the site within 24 hours after the end of any precipitation, windstorm, or snowmelt event that causes surface erosion.
 - (1) Inspections shall include observations of the construction site perimeter, all disturbed areas, materials storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site for evidence of, or potential for, pollutants entering the stormwater drainage system. The inspection shall also confirm that the site is in compliance with the BMP identified in the site disturbance permit, the erosion and sediment control plans, and/or SWMP shall be evaluated to ensure that they are operating correctly.
 - (2) All inspections shall be documented in written form and maintained with the onsite SWMP. The documented permittee inspections must contain, at a minimum, the name of the inspector, the date of the inspection, any concerns noted during the inspection, the date that each concern was addressed, and any revisions to the site disturbance permit as a result of the inspection. A copy of the inspection must be made available to the director upon request.
 - (3) Should revisions to the control measures be implemented as a result of deficiencies noted during site inspections, those revisions must be approved by the director and recorded within three business days on the approved supporting documentation for the site disturbance permit.
- (d) *Final inspections.* The permittee, in coordination with the city, must conduct all final inspections for all erosion and sediment control measures on the site and document the findings of such inspections in accordance with requirements established by the director.

Sec. 50-58. Site disturbance permittee – other responsibilities while permit is open.

- (a) *Generally.* Once land disturbance activities begin, the permittee must follow all permit conditions and requirements established by the city until such time as the site has reached final stabilization in accordance with section 50-56(b).
- (b) *Before and during construction.* Before and during construction, the permittee shall be responsible for ensuring that:

- (1) Any installed temporary BMP are properly maintained and are in good working order up to and until the site has reached final stabilization;
- (2) The site is fully developed and final stabilization is achieved;
- (3) Any deficiencies noted by the director prior to the expiration of the warranty period for any public improvements in the project have been corrected;
- (4) Stormwater drainage facilities are constructed and installed in accordance with the approved SWMP, Site Plan, construction plans, and final drainage report;
- (5) All temporary BMP are removed within 14 calendar days after final stabilization has been achieved and the temporary measures are no longer needed as determined by the director; and
- (6) The city is notified that construction has been completed and that the permittee cooperates with the city's final inspection to confirm whether final stabilization has been achieved.

Sec. 50-59. Site disturbance permittee – maintenance responsibilities after permit is closed.

- (a) Following the closure of a site disturbance permit pursuant to section 50-56, the owner is responsible for maintaining all stormwater drainage facilities shown on the approved site plan, construction plans, and final drainage report.
- (b) Notwithstanding any other provision in this article to the contrary, an owner must allow a regular inspection of stormwater drainage facilities by the City or a representative thereof on any lot or property that is or was subject to a site plan, construction plans, and final drainage report.

Sec. 50-60–50-71. Reserved.

DIVISION 4. UNLAWFUL ACTS

Sec. 50-72. Unlawful discharge.

- (a) *Unlawful discharges.* It shall be unlawful for any person to discharge or cause to be discharged or spilled any substance other than naturally occurring stormwater runoff, including naturally occurring stormwater runoff containing incidental pollutants, into the city's MS4.

Exceptions: The following discharges or spills shall not be considered an illegal discharge if the discharge or spill originates from:

- (1) Uncontaminated pumped groundwater that has not come into contact with construction activity;
 - (2) Landscape irrigation, lawn watering, or irrigation return flows;
 - (3) Diverted stream flows, natural springs, or flows from naturally existing riparian habitats and wetlands;
 - (4) Rising groundwater;
 - (5) Uncontaminated groundwater infiltration;
 - (6) Uncontaminated water from crawl space pumps, foundation drains, or footing drains;
 - (7) Air conditioning condensation;
 - (8) Individual or residential car washing;
 - (9) Water incidental to street sweeping (including associated sidewalks and medians) not associated with construction;
 - (10) Emergency firefighting activity;
 - (11) Dye testing approved by the director prior to the discharge in which the person engaging in the discharge must provide sufficient analysis of the environmental impacts of the product(s) used for the dye;
 - (12) Agricultural stormwater runoff;
 - (13) Discharges authorized by a Colorado Discharge Permit System or National Permit Discharge Elimination System permit; or
 - (14) Discharges that are made in accordance with the Division's Low Risk Discharge Guidance documents relating to various types of discharges and water line flushing, including but not limited to discharges of potable water and pools, as well as other Division policies and guidance documents where the Division has stated that it will not pursue permit coverage or enforcement for a specified point source discharge.
- (b) Nothing contained herein shall be construed to relieve any person discharging, causing to be discharged, allowing to be discharged, spilling, or causing to be spilled, water or any authorized discharge into the MS4 from any liability for damage caused by the volume or poor quality of the water or authorized discharge.

- (c) Any person notified of an actual or threatened unlawful discharge shall immediately take actions to stop the unlawful discharge or spill or take any action necessary to prevent the threatened unlawful discharge or spill from occurring.

Sec. 50-73. Failure to comply; conducting operations without permit.

- (a) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, without a site disturbance permit or contrary to or in violation of any terms of this chapter or any conditions or requirements for an approved site disturbance permit.

Sec. 50-74. Other unlawful acts.

- (a) *False statements.* It shall be unlawful for any person to make any false statement, representations or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, land disturbance permit, or order issued by the director in accordance with this article.
- (b) *Failure to maintain.* It shall be unlawful for a permittee to fail to maintain any and all temporary BMP and stormwater drainage facilities provided for in the SWMP both during and after completion of the development, redevelopment, or construction associated with the SWMP.
- (c) *Failure to keep plans on site.* It shall be unlawful for a permittee to fail to keep a copy of the ESC or SWMP, as required, at the site at all times until the site disturbance permit is closed.
- (d) *Failure to inspect.* It shall be unlawful for any permittee to fail to perform any inspection required by this article or by any State permit.
- (e) *Refusal to allow inspection.* It shall be unlawful for any person to refuse to allow an inspection required under this article.
- (f) *Refusal to allow entry.* It shall be unlawful for any person who owns or occupies property upon which a discharge or spill has occurred or originated from, or which contains a connection to the MS4, to refuse to allow the director to survey or inspect the property in accordance with the provisions of this article.
- (g) *Failure to obey.* It shall be unlawful for any person to fail to obey an order, rule, or regulation issued by the director under this article. For purposes of this subsection (i), “fail to obey” includes but is not limited to a person’s failure to comply with a directive issued under section 50-36, failure to remove a connection to the MS4, failure to take action to control or stop an unlawful discharge, or failure to remediate damage caused by an unlawful discharge or illicit connection.

- (h) *Illicit connections.* It shall be unlawful for any person to construct, use, maintain, or permit the continued existence of any illicit connection to the MS4.
- (i) *Unlawful substances.* It shall be unlawful for any person to introduce any substance into the MS4 that may cause personal injury or damage to public or private property.
- (j) *Unlawful storage.* It shall be unlawful for any person to place, store, maintain, allow to accumulate or permit any other person to place, store, maintain, or allow to accumulate on any public property or right-of-way any stockpile, pile, storage, accumulation of construction materials or landscape materials, or any roll-off dumpster, unless such person is an employee, official or contractor of the city acting within the scope of their municipal functions.
- (k) *Unlawful blocking.* It shall be unlawful for any owner to fail to keep and maintain any watercourse within their property free from trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.
- (l) *Unlawful hazard.* It shall be unlawful for any owner of private property to allow a privately-owned structure within or adjacent to a watercourse to interfere with or become a hazard to the use, function, or physical integrity of such watercourse or any part thereof. In addition, the owner shall maintain each privately owned structure within or adjacent to a watercourse so that the structure does not interfere with or become a hazard to the use, function, or physical integrity of such watercourse or any part thereof.

Sec. 50-75. Criminal penalty; continuing violation.

- (a) *Penalty.* A violation of this article shall be punished by a fine or imprisonment not to exceed the limits established in section 1-5 of this Code.
- (b) *Continuing violation.* In accordance with section 1-5 of this Code, every day any violation of this article continues or is permitted or allowed to continue shall constitute a separate offense.
- (c) *Concurrent remedies.* The initiation of a prosecution for a violation of this article shall not preclude the director from instituting other appropriate action to restrain, correct, or abate a violation or to stop an illegal act or unlawful discharge, conduct, or the utilization of an illicit connection on or about any property. The initiation of a prosecution for a violation of this article shall also not preclude the director from taking any actions under section 50-36.

Sec. 50-76. Conflicts.

If a dispute or conflict arises between a provision of this article and the provisions of any technical code, specification, rule, or regulation adopted by the city, the director shall determine the prevailing interpretation of this article in light of the technical code, specification, rule or regulation based on the relevant circumstances.

Sec. 50-77–50-90. Reserved.”

Section 8. Savings. This repeal will not affect or prevent the prosecution or punishment of any person for any act done or committed prior to the effective date of this ordinance and that is in violation of a section repealed by this ordinance.

Section 9. Severability. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared unconstitutional or invalid. The city council declares it would have adopted this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 10. Effective Dates.

- (a) All sections of this ordinance, except for Division 3 – Site Disturbance Permit Regulations of Article II – Drainage and Stormwater, shall be effective five days after publication following final passage.
- (b) Division 3 – Site Disturbance Permit Regulations of Article II – Drainage and Stormwater, shall be effective on January 1, 2025.

INTRODUCED, READ, AND ORDERED PUBLISHED this ____ day of _____, 2024.

PASSED, ADOPTED AND APPROVED this ____ day of _____ 2024.

Lauren Simpson, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:
Rachel A. Morris, City Attorney:

BY: _____

Publication Dates: _____

~~REDLINE/STRIKEOVER VERSION~~

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
~~Strikethrough~~ indicates deleted material

~~“Chapter 50 Irrigation and Drainage”¹~~
~~“DRAINAGE AND STORMWATER QUALITY”~~

Article I. ~~IN GENERAL~~ IRRIGATION AND DRAINAGE DITCHES

Sec. 50-1. ~~Irrigation~~ Legislative intent and ~~drainage ditches.~~ purpose.

~~All~~The city has multiple irrigation and drainage ditches ~~shall be located~~ within its limits. The City Council has determined that it is pertinent that all such irrigation and drainage ditches are kept free of rubbish, weeds, repaired, maintained, and other materials, operated in a safe manner in order to enhance the quality of water discharged into the city’s municipal separate storm system and reduce the failure risk of flooding.

Sec. 50-2. Scope.

This article applies to all canals and ditches located within the city.

Sec. 50-3. Definitions.

Ditch or canal means a man-made channel or trench or any part thereof within the city designed to manage surface water runoff or convey water for a specific purpose, such as for irrigation.

Owner means any corporation, company, or partnership, regardless of whether created by special act or organized under the general incorporation laws of Colorado, or any persons who own or control any canal or ditch.

User means a person who is the owner of such ditch or, including a natural person, corporation, company, or other organization, that has the legal right of way to adequately maintain and clear such premises shall constitute a nuisance to access and shall be subject to abatement and other

¹ Cross reference(s)—Environment, ch. 38; utilities, ch. 102; stormwater drainage and erosion control, pt. III, § 6.12 et seq.

State law reference(s)—Irrigation and drainage, C.R.S. title 37.

~~penalties provided for in this chapter~~ use water from any canal or ditch. A user may include an owner.

Sec. 50-

~~Secs. 50-24–50-20. Reserved.~~

~~Article II. IRRIGATION DITCHES²~~

~~Sec. 50-21. Depositing waste; damming or clogging ditches.~~

~~No~~It shall be unlawful for any person ~~shall~~to deposit waste or debris of any kind or description or in any way dam, clog, or interfere with the water running in any canal or ditch or cause the same to overflow upon the streets ~~and~~, alleys, or public highways of the city.

~~State law reference(s)—Litter of watercourses, C.R.S. 18-4-511.~~

~~Sec. 50-22. Ditches to be cleared of weeds and grass.~~5. Owner responsibilities.

~~All irrigation ditches and ditch rights-of-way within the city shall be cleared of weeds and tall grass on or before July 1 and August 1 of each year.~~

~~Sec. 50-23. (a) Guards at opening of flumes and certain ditches.~~

~~In all cases, where the water of an irrigation~~required. If an owner's ditch ~~within the city~~ ~~passes~~pass through a flume or covered ditch having a cross-sectional area equal to or greater than 50 square inches and a length of 20 feet or more ~~it shall be, the~~ owner shall ensure that the flume or covered ditch area is guarded at the intake end by suitable bars of steel or wood, spaced not to exceed five inches from centers, vertically or horizontally, or some other form of guard equivalent thereto in the opinion of the city's engineering division. It shall be unlawful for any owner to fail to have such guards in place.

~~State law reference(s)—Head of ditch to be latticed, C.R.S. 37-84-110, 37-84-111.~~

~~Sec. 50-24. Responsibility of user of water.~~

~~Any person using water out of~~

~~(b) Clearing required. All owners shall ensure that any irrigation ditch~~canal or ditch, including any ditch rights-of-way within the city shall be considered, for the

² State law reference(s)—Water rights and irrigation, C.R.S. § 37-80-101 et seq.; constitutional provisions as to irrigation, Colo. Const. Art. XVI, § 5 et seq.

~~purpose of the following two sections, the owner of such ditch, are free from rubbish and weeds.~~

(1) ~~It shall be held responsible under such sections~~unlawful for any owner to fail to keep any canal or ditch, including any ditch rights-of-way within the city, free from rubbish, weeds, and other materials at all times.

State law reference(s) — Responsibility of owner, C.R.S. § 37-84-101 et seq(2) ~~It shall be unlawful for any owner to~~

~~Sec. 50-25. Overflow of water on streets, etc.~~

~~No person who is the owner or user of water out of any ditch within the city shall permit any waste or overflow water or any water from such ditchesany canal, ditch, tail ditches or ditch, waste ditches ditch, or any part thereof to flow in or upon any street, or alley in the city so as to damage the same in any way.~~

(c) ~~Cross reference(s) — Streets, sidewalks and certain other public places, ch. 94. Good condition required. An owner shall ensure that all~~

~~Sec. 50-26. Maintenance and repair of embankments, etc.~~

~~The owner of any ditch for irrigation or other purpose shall carefully maintain the embankments thereof and keep such ditch thoroughly clean, parts of any canal or ditch are maintained in good repair and condition so that the water of such ditch maywaters within are not flow uponwasted and will not flood or damage the premises of others or the streets or alleys of the city. He shall make and keep in repair tail or waste ditches conveying the overflow water of such ditches beyond the city with as little waste as possible. Failure to do so shall be unlawful.~~

(d) ~~State law reference(s) — Similar provisions, C.R.S. §§ 37-84-101, 37-84-107Tail ditch required during repair or maintenance required. During any repair or maintenance activities, the owner must make a tail ditch so as to return the water within the canal or ditch with as little waste as possible into the stream from which it was taken. Failure to do so shall be unlawful.~~

¶

~~Sec. 50-27 50-50. Reserved.~~

ARTICLE III. STORMWATER

~~Sec. 50-51. Storm drainage system defined.~~

The term “storm drainage system” as used in this chapter shall mean every:

- (1) — Pipe, culvert, flume, ditch, storm sewer, cistern, tank, drain, lake, pond, stream, ravine, gully or other facility or natural feature, that contains, holds, transports, diverts, channels, impounds, or drains water, into which any naturally occurring stormwater runoff within the city may seep, percolate or flow; and
- (2) — Street, sidewalk, curb, alley, gutter, bridge, parking lot and other surface within the city across which any naturally occurring stormwater runoff may seep, percolate or flow.

Cross reference(s) — Definitions, § 1-2.

Sec. 50-6. User responsibilities.

(a) Overflow prohibited. A user shall ensure

~~Sec. 50-~~ that any use of a canal or ditch does not result in any waste or overflow water encroaching upon or overtaking any street, or alley in the city so as to damage the same in any way. It shall be unlawful for any user to permit any waster or overflow water or any water from any canal, ditch, tail ditch, waste ditch, or any part thereof to flow in or upon any street, or alley in the city so as to damage the same in any way.

(b) **52. Unlawful discharges into storm drainage system.**

(a) — It shall be unlawful for any person to discharge or cause to be discharged or spilled into the city's storm drainage system any substance, including but not limited to dirt, mud, landscape materials, hazardous substances such as but not limited to oil products or gasoline, paint, concrete, or any type of cleaning waste or residue. Only naturally occurring stormwater runoff can be discharged into the city's storm drainage system, with the following exceptions: Water used for emergency firefighting activities, discharges of water from ditches and canals as necessary to protect public drinking water supplies, runoff from individual residential car washing, and other discharges that are reasonably expected not to be significant sources of pollutants to the storm drainage system because of either the nature of the discharges or conditions the city has established for allowing these discharges.

(b) — Nothing contained herein shall be construed to relieve any person discharging water into the storm drainage system from any liability for damage caused by the volume or quality of water thus discharged. For purposes of this section the term "storm drainage system" shall be defined as provided in section 50-51 and the term

~~"stormwater runoff" shall be defined to include any flow of water resulting from rain or other forms of natural precipitation.~~Repair and maintenance. A user shall ensure

- ~~(e) — The discharge prohibition shall not apply to any non-stormwater discharge permitted under the National Pollutant Discharge Elimination System or Colorado Discharge Permit System permit, or Colorado Department of Public Health and Environment (CDPHE) issued policy or guidance, or waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency (EPA) or CDPHE under the authority of the EPA, unless the city determines that the discharge is a significant source of contamination.~~

~~Secs. 50-53-50-69. Reserved.~~

~~ARTICLE IV. SITE DEVELOPMENT PERMIT~~

~~Sec. 50-70. Short title.~~

~~This article shall be known and may be cited as the "Site Development Permit Regulations."~~

~~Sec. 50-71. Introduction/purpose.~~

~~The purpose of this article is to establish a system of permitting, inspection, and enforcement to control soil erosion from wind and water on land that all embankments of any canal or ditch related to, or affected by their use are maintained in good repair and condition so that the waters within are not wasted and will not flood or damage the premises of others.~~

- ~~(c) — is undergoing earth-disturbing~~Tail ditch required during repair or maintenance required. During any repair or maintenance activities, the user must make a tail ditch so as to return the water within the canal or ditch with as little waste as possible into the stream from which it was taken. Failure to do so shall be unlawful.

~~Sec. 50-7. Penalty; continuing violation.~~

- ~~(a) — Penalty. A violation of this article shall be punished by a fine or imprisonment not to exceed the limits established in section 1-5 of this Code.~~
- ~~(b) — and Continuing violation. In accordance with section 1-5 of this Code, every day any violation of this article continues or is permitted or allowed to continue shall constitute a separate offense.~~

- (c) Concurrent remedies. The initiation of a prosecution for a violation of this article shall not preclude any other remedies available to the city under this Code.

Sec. 50-8-50-20. Reserved.

Article II. DRAINAGE AND STORMWATER

DIVISION 1. PURPOSE AND DEFINITIONS

Sec. 50-21prevent. Legislative intent and purpose.

The city owns and operates a municipal separate storm sewer system (“MS4”) to promote the safe, efficient, and effective drainage of stormwater and other runoff or discharges. To enhance the functions of the MS4, the City Council has determined that the quality of the runoff discharged into the MS4 must, to the maximum extent practicable, be protected from pollutants that could impact the environment or the health, safety, and welfare of the public. The city protects its MS4 by regulating land disturbance activities likely to cause or increase soil erosion, or that may contribute other pollutants to stormwater runoff during construction. These activities cause sediment and eroded soil from being transported onto adjacent property, and into storm drainage systems pollutants to flow into the MS4, waterways, streams, rivers, ponds, and other similar areas.— Regulation of land disturbance activities during construction occurs through the permitting, inspection, and enforcement requirements of this article. The purpose of this article is to establish the specific procedures and requirements necessary to promote such protection.

Sec. 50-22. Authority.

The authority to establish, implement, and enforce drainage and stormwater regulations is derived from the city’s powers and authority as a home rule city under articles 15 and 35 of Title 31 of the Colorado Revised Statutes and from the Engineering Code of Standards and Specifications as adopted and amended by the city.

Sec. 50-7223. Definitions.

The following words, terms, and phrases, when used in this article, shall have the following meanings ascribed to them in this section, except where the, unless the context clearly indicates a different meaning; otherwise:

Applicant means any person that files an application applying for a site disturbance permit pursuant to this article.

Best management practices ~~(BMPs) means, BMP, control measures, or erosion and sediment control measures mean the~~ schedules of activities, prohibitions of practices, maintenance procedures, and other management practices used to prevent or reduce the pollution. ~~BMPs of the municipal separate storm sewer system. BMP also include~~ includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage ~~or~~ of leaks, sludge or waste disposal, ~~or~~ and drainage from raw material storage.

City engineer ~~CDPHE~~ means the Colorado Department of Public Health and Environment.

City inspector means a person authorized by the director to inspect a site for the purpose of determining compliance with the provisions of this article.

City manager ~~of~~ means the ~~city's engineering division, city manager or the manager's designated representatives, designee~~ their designee.

Construction activities mean clearing, grading, excavation, and other ground disturbance activities. Construction activities do not include routine maintenance performed by public or private agencies or their agents to maintain original line grade, hydraulic capacity, the original purpose of a facility, or any agricultural activities.

Clearing Day means a calendar day unless otherwise specified.

Development means any activity ~~which removes, whether purposefully, excavation or incidentally, fill, alteration, subdivision, change in land use or practice, undertaken by private or public entities that affect the vegetative surface cover~~ discharge of stormwater runoff.

Director means the director ~~of the city's utilities department or the director's representative, designee or agent~~.

Drainageway means any channel, whether manmade or natural, that conveys surface runoff ~~throughout the site~~.

Earth disturbance or earth disturbing activity ~~means any manmade change in the natural vegetative or soil cover or public works or the change in the existing topography of land, including all grading, filling, excavating, stripping, construction of improvements, or other activities, which may result in or contribute to soil erosion or sedimentation into any storm drainage system or waterway, or create airborne dust.~~ their designee.

Emergency activity/emergency work ~~means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger (see Environment, ch. 38).~~

~~*Erosion* means the process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.~~

~~*Erosion-Division* means the Colorado Department of Public Health and Environment Water Quality Control Division.~~

~~*Engineering Standards* means the most recent edition of the Engineering Code of Standards and Specifications as amended and adopted by the City.~~

~~*Erosion and sediment control plan* or *ESC* means ~~measures~~ engineering construction drawings that prevent soil erosion from wind or water show the proposed BMP on land a site throughout the duration of a project.~~

~~*Final drainage report* means a design report that is undergoing earth disturbing activity approved by the city with construction drawings presenting the final stormwater infrastructure design calculations and details.~~

~~*Excavation* means any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, relocated, or stockpiled.~~

~~*Filling* means any act by which soil, rock or other construction materials are placed, stockpiled, relocated, moved, dumped, or a combination thereof onto the surface of the earth.~~

~~*Grading* means any stripping, excavating, filling, or stockpiling of soil or rock, or any combination thereof, and also included shall be the land and its excavated or filled condition.~~

~~*Grading plan* means a set of plans showing the changes being proposed to the current land surface.~~

~~*Perimeter control* means a barrier that prevents sediment from leaving a site either by filtering sediment laden runoff, or diverting it to a sediment trap or basin.~~

~~*Permanent*~~*Final stabilization* means that a state when all land disturbance activity at a site has been completed and uniform vegetative cover has been established with an individual plant density of at least 70 percent density, or that best management of pre-disturbance levels or equivalent permanent, physical erosion reduction methods have been employed.

Illicit connection means any tie-in to the city's MS4 that is not related to stormwater or groundwater and is not authorized by the city. Examples of an illicit connection include but are not limited to:

- (1) a connection made in the past, regardless of whether the connection was permissible under law or practices preventing exposed soil from eroding were implemented applicable at the time the connection was made; and

- (2) a line connected to the MS4 that conveys sewage or allows sewage to be conveyed to the MS4.

Land disturbance activity means any activity that changes the volume or peak flow discharge rate of stormwater runoff from the land surface. This includes but is not limited to the grading, digging, cutting, scraping or excavating or soil, placement of fill materials, paving, construction, substantial removal of vegetation or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Landscape materials mean any material used in or derived from the landscape or improvements to the landscape of real property, including without limitation, trees, branches, shrubs, plants, vegetation, brush, yard trimmings, leaves, side, dead plant material, soil, dirt, sand, gravel, rock, stone, boulders, mulch, fencing, paving materials, or other similar materials.

MS4 permit means a water quality municipal MS4 permit issued to the city by the Colorado Department of Public Health and Environment (CDPHE).

Municipal separate storm sewer system or MS4 means a conveyance or system of conveyances owned by the city, that are designed or used for collecting or conveying any naturally occurring stormwater runoff whether such system is manmade or natural. This conveyance or system of conveyances includes but is not limited to:

- (a) pipes, culverts, flumes, ditches, storm sewers, cisterns, tanks, drains, lakes, ponds, streams, ravines, inlet/catch basins, man-made channels, gullies or other similar facilities, or natural features that contain, hold, transport, divert, channel, impound, or drain stormwater; and
- (b) streets, sidewalks, curbs, alleys, gutters, bridges, parking lots, and other surfaces within the city across which any naturally occurring stormwater runoff may seep, percolate, or flow.

Owner means the person identified as the record owner of the real property and their lessee or designee, if applicable.

Permittee means ~~the person an owner and the owner's authorized agent who is designated the owner developer on the~~ has obtained a ~~site development~~disturbance permit application from the city.

Person means ~~a natural person, firm, an individual, as well as a corporation (either profit or non-profit),~~, company, association, firm, partnership, association, group or business entity.

Phasing means clearing a parcel of land in distinct areas, with the stabilization of each disturbance before the clearing of the next society, or other organization.

Project means all of the development to be performed by ~~the~~an applicant as described in the proposed plan~~s~~(s), including all phases of a proposed subdivision, or the development by ~~the~~an applicant of multiple lots or parcels that are contiguous, abutting, adjacent, adjoining, bordering, neighboring, or tangential to each other.

~~*Sediment control* means measures that prevent eroded sediment from leaving the site.~~

~~*Significant storm event* means any event, such as precipitation, snowmelt, or wind, which results in visible erosion of any portion of the site.~~

Public property means any street, right-of-way, road, highway, place, alley, sidewalk, easement, park, open space, square, median, parkway, boulevard, plaza, or other similar area within the city that is dedicated to public use or is owned or maintained by the city.

Receiving waters means a river, lake, stream, drainage ditch, or other watercourse.

Site means a parcel of land, or a contiguous combination thereof, where earth disturbing activity is performed.

~~*Site development permit plan* means a permit issued~~the planning document approved by the city ~~for the control of erosion, runoff, and grading when altering the ground, or constructing that identifies improvements and structures~~other responsibilities associated with the development or redevelopment of parcel(s) of land.

~~*Site development permit contact* means an individual who has received erosion and sediment control training and is responsible for installation, inspection, and maintenance of erosion and sediment control practices, and recordkeeping.~~

~~*Stabilized* means adequate measures are in place, vegetative, structural or both, to prevent erosion from occurring.~~

~~*Stormwater management plan (SWMP)* means a plan required by~~State means the State of Colorado ~~as part of the permitting process to be in compliance with the state~~or any division thereof.

Stop work order means an order issued by the city requiring all construction activity on a site be stopped.

Stormwater means precipitation-induced surface runoff.

Stormwater construction permit means a permit issued by the Division to the permittee that regulates stormwater discharges from construction activities under the Colorado Discharge Permit System (CDPS) general permit for stormwater discharges associated with construction activities, which "describes the appropriate controls and measures to improve water quality by reducing

~~pollutants in stormwater discharges and ensure permittee compliance with the requirements of the stormwater permit."~~

~~*Temporary soil sediment and erosion control measures* means interim or temporary control measures which are installed or constructed and maintained to control, manage, or prevent accelerated soil erosion which occurs from earth-disturbing activities until permanent stabilization measures are implemented, installed, or completed.~~

~~*Waterway* means a channel. *Stormwater drainage facilities* mean constructed facilities or technology designed to reduce stormwater runoff volume, peak flow, and pollutants before discharging to receiving waters or the city's MS4.~~

~~*Stormwater management plan (SWMP)* means a narrative plan designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.~~

~~*Stormwater runoff* means that direct part of snowfall, rainfall, or other precipitation that is not absorbed, transpired, evaporated, or left in surface runoff to any depressions, and that then flows controlled or uncontrolled into a watercourse or body of water.~~

~~*Temporary BMP* means those temporary pollution control measures including, but not limited to lakes, silt fences, wattles, vehicle tracking pads, inlet filters, diversions, sediment ponds, rivers, and streams, or to the public storm drain, and dewatering structures, to be installed and regularly maintained until the site is sufficiently stabilized.~~

~~*Vegetative cover* means grasses, shrubs, bushes, trees, ground cover, and other similar plants.~~

~~*Watercourse* means a natural or human-made channel, ditch, conveyance, or the standing body of water into which stormwater is discharged.~~

~~**Sec. 50-24-50-34. Reserved.**~~

DIVISION 2. DUTIES AND POWERS OF THE DIRECTOR

Sec. 50-35. Duties and powers of the director.

~~(a) *General.* The director is authorized and directed to implement, administer, and enforce the provisions of this article. The director may:~~

- ~~(1) Implement, administer, and enforce any processes or requirements necessary for an applicant to obtain a site disturbance permit;~~

- (2) Determine when land disturbance activity may impact an environmentally sensitive or hazardous area or determine that a site disturbance permit should otherwise be required;
- (3) Waive any security requirement for a site disturbance permit when the director determines it is in the city's best interest to do so;
- (4) Require access to the property of applicants or permittees to ensure compliance with any requirements under this article;
- (5) Establish and collect fees for issuing site disturbance permits;
- (6) Render interpretations of this article and adopt policies and procedures in order to clarify the application of its provisions. These interpretations, policies, and procedures shall be in compliance with the intent and purpose of this article, and shall not have the effect of waiving requirements specifically provided for in this chapter;
- (7) Revoke any site disturbance permit due to noncompliance with any requirement in this chapter; and
- (8) Otherwise implement, administer, and enforce the provisions of this chapter.

Sec. 50-73. Site36. Director action authorized: compliance procedures.

- (a) *Notice and order.* The director may give notice to any person who is in violation of any requirement imposed by this article or has committed, or caused to be committed, any unlawful act under this article.
- (1) Content of written notice and order. The notice and order shall set forth any order or orders stating the actions necessary to comply with the terms of a site disturbance permit, correct any failing BMP, control, contain, or stop a discharge or spill, remove an illicit connection, remediate damage caused by an unlawful discharge or illicit connection, or any other order or orders related to an unlawful act stated in this article. The notice shall allow the person a reasonable amount of time as determined by the director from the date of the notice and order to comply with each order listed in the notice and order. The notice and order shall also remind the person of their obligations under this article, and note that inspection fees, re-inspection fees, and other fees, charges, and penalties will be assessed for non-compliance. The director may order a person to take, permit, or allow any action reasonably necessary to ensure compliance with this article.

(b) *Violation notice.* In the event the person subject to the notice and order in subsection (a) does not comply with the order or orders within the time frame set forth in the notice and order, or within the period of any extension requested by the person subject to the violation and granted by the director, whichever date is applicable, the director shall send a notice of violation to the person subject to the notice and order. The violation notice shall contain notice that the city will be taking action necessary to remediate the violation and any related damage, and that all costs or fees associated with such action will be assessed against the property associated with the site.

(c) *Mailing and posting of notices.* Each notice and order or violation notice issued under this section shall be sent by electronic mail and mailed to the person by first class U.S. Mail. In addition, a violation notice shall be posted on the property. Each notice must state any appeal available.

(d) *Other actions authorized.* In addition to taking any action authorized under section 50-35 of this article following discovery of a violation or suspected violation, the director may issue a summons and complaint, revoke a site disturbance permit, withhold city inspections, decline to issue a building permit or a certificate of occupancy, or take any other enforcement action reasonably calculated to gain compliance with a permit or to protect the city's MS4. The director may coordinate with the director of the community and economic development ~~permits~~ to stop work on the site in a manner similar to the process described in subsection 10-1-2-2E1 of the Arvada Land Development Code (LDC) but made applicable to this article. A stop work order issued under this subsection shall remain in effect until such time the site returns to a reasonable compliance level as determined by the director. Once a violation is remedied, the director may lift a stop work order, reissue a revoked site disturbance permit, or take other similar action to allow work to continue in compliance with this article.

(e) *Emergency action authorized.* Notwithstanding anything in this article to the contrary, the director may take any action necessary to correct or remediate a violation of this article or a suspected violation of this article that poses an acute risk to the health, safety, and welfare of the public. In these situations, the notice and order requirements of this section do not apply and the director may issue a notice of violation and require the owner or permittee to perform remediation once the acute risk has subsided.

(f) *Recovery of expenses and fees.* The city may recover any expenses and fees associated with the enforcement and remediation activities described in this article. These expenses include but are not limited to costs of work necessary to ensure proper erosion and sediment control, sampling and monitoring expenses, the costs of any actual damage incurred by the city, and inspection and re-inspection fees.

- (1) Upon an owner or permittee's failure to reimburse the city for such expenses and fees, the city may, in its sole discretion:
 - (i) Recover the expenses and fees through a lien in accordance with section 50-37 of this Code; or
 - (ii) Draw against any applicable cash escrow or letter of credit required under section 50-54. If the city draws against such cash escrow or letter of credit, the cash escrow or letter of credit must be restored to its full value before any construction activity may resume at the site. If the city revokes a site disturbance permit due to a violation of this article, and the city incurred fees and expenses related to the violation, the city must return the balance of the cash escrow or letter of credit to the permittee following deductions made for the city's incurred expenses and fees.

Sec. 50-37. Fees, charges, and expenses to be a lien upon property.

- (a) *Debt due and owing.* Unless paid within 30 days of assessment or request for reimbursement, all fees, rates, charges, penalties, or expenses incurred by the city under this article constitute a debt owing to the city, and the city has the right to recover on any such debt in the manner provided by law in any court of competent jurisdiction.
- (b) *Lien.* Unless paid within 30 days of assessment or request for reimbursement, all fees, rates, charges, penalties, or expenses incurred by the city under this article constitute a perpetual lien on and against the site, and any such lien may be foreclosed by the city at any time in the manner as provided by the laws of the state for the foreclosure of mechanics' liens or in accordance with chapter 59 of this Code entitled "Municipal Liens." Such lien foreclosure by the city is subject to all rights of redemptions granted by C.R.S. §38-39-101 *et seq.*, as amended.

Sec. 50-38. Appeals of a determination or order of the director.

- (a) *Filing; timeliness.* Except for an emergency action taken by the director under section 50-42 (e), a permittee or owner whose property is affected by a determination of the director made under this article, who is subject to a notice or order of the director made under section 50-36, may appeal that determination or order on a form prescribed by the city and available from the director on the city's website or by hard copy. The appeal must be in writing and be submitted to the city clerk within 14 days of the date of the director's determination or order. An appeal form that is not complete in all respects or that does not state the grounds for appeal shall be promptly returned by the clerk to the customer. The customer may resubmit an appeal form deemed incomplete by the clerk, and the clerk shall accept it, if the resubmitted form is complete and submitted to the clerk within the deadline set forth in this subsection. Compliance with the 14-day time limit noted in this subsection

(a) shall be a jurisdictional prerequisite to any appeal brought under this article. Failure to comply shall bar any such appeal.

(b) *Grounds.* The appeal shall be based on a claim that:

(1) The provisions of this article do not apply; or

(2) The true intent of this article has been incorrectly interpreted by the director.

(c) *Procedure.* The appeal form, and any other documentation submitted to the city clerk by the owner or permittee, as well as any response or documentation submitted by the director, will be submitted by the city clerk to the city manager for review. Notwithstanding any other provision of this Code, the appeal of the director's determination shall consist of a review of all relevant documentation on file with the city in the case, as well as the appeal form and any accompanying materials. All documents may be reviewed electronically. The city bears the burden of proof in an appeal to establish that the director's action or determination was reasonable in light of the intent of this article, that the terms of this article applied to the customer in question. The city manager shall review the information submitted, and within 14 days of the date of the filing of the appeal, issue a written decision on the appeal. The decision must contain the reason or reasons for the decision. The decision must set forth appeal rights, if any. The decision may be mailed by first class U.S. Mail or furnished to the customer electronically. Should the city manager fail to issue a written decision on the appeal within the time frame set forth herein, the claim shall be deemed denied, and the customer may proceed as if an adverse decision has been issued.

(d) *Appeal of city manager's decision.* The city manager's decision, or denial of an appeal as a result of the manager's failure to issue a written decision, shall be considered a final agency decision. The appeal may proceed under Rule 106 of the Colorado Rules of Civil Procedure.

Sec. 50-39. Right of entry.

(a) *Generally.* Where it is necessary to make an inspection or perform other work necessary to implement or administer this article, or where the director has reasonable cause to believe that there exists upon a structure or premises a condition or violation of this article that poses an immediate risk of harm to the city's MS4 or a serious threat to the health, safety, and welfare of the public, the director shall have the authority to enter the structure or premises at all reasonable times based upon the circumstances to inspect or to perform the duties imposed upon the director under this article. This right of entry exists to protect the environment by reducing or preventing pollutants from entering into the city's MS4 and to protect the health, safety, and welfare of the public.

(b) *Occupied premises.* If the structure or premises is occupied, the director shall present credentials to the occupant and request entry, unless the city has an easement allowing entry, or unless the structure or the building is located on common property of an HOA or other similar entity. If, after presentation of the director's credentials, entry is refused, the director shall have recourse to every remedy provided by law to secure entry, including seeking a warrant for entry.

(c) *Unoccupied premises.* If the structure or premises is unoccupied, the director shall first make a reasonable effort to contact the owner or other person having charge or control of the structure or premises and request entry, unless the city has an easement allowing entry or unless the structure or building is located on common property of an HOA or other similar entity. If entry is refused or unable to be obtained, the director shall have recourse to every remedy provided by law to secure entry, including seeking a warrant for entry.

(d) *Warrant process.* If entry is refused or unable to be obtained, and if there is reasonable cause to believe there exists upon a structure or a premises a violation of this article, the director may apply to the municipal court for a warrant, if the violation involves a serious threat to the health, safety, and welfare of the public, and if the violation is not also a violation prohibited by state statute for which a search warrant could be issued by a district or county court. The warrant may authorize entry on the structure or premises to inspect for the presence of a discharge or spill, to test or sample a discharge or spill, inspect for a connection to the MS4, to determine compliance with, or lack of, a site disturbance permit, or to otherwise determine compliance with this article.

Sec. 50-40–50-50. Reserved.

DIVISION 3. SITE DISTURBANCE PERMIT REGULATIONS

Sec. 50-51.

(a) ~~—A site development permit is required for earth disturbing activities which disturbs an area of more than 10,000 square feet, except:~~

~~(1) —Any emergency~~ **Land disturbance activity and permit required.**

(a) *Generally.* All land disturbance activity must comply with the city's Land Development Code, the Engineering Standards, this article, and any other applicable guidelines and standards adopted by the city. No land disturbance activity may exceed 60 acres on any one site unless authorized by the director.

(b) *Permit required.* Except for the land disturbance activity described in section (c), a site disturbance permit is required for each site or subdivision filing prior to conducting any land disturbance activity that:

- (1) Covers an area equal to or greater than 0.5 acres, including stockpiles, construction staging, employee parking, and building material storage areas;
- (2) Covers an area less than 0.5 acres but is part of a larger planned development;
- (3) Involves environmentally sensitive or hazardous areas, as determined by the director; or
- (4) Involves a project for which the director deems a site disturbance permit to be necessary.

(c) *When not required.*

- (1) A site disturbance permit is not required for any land disturbance activity which is immediately necessary for the protection of life, property, or natural resources—~~as approved by the director.~~ However, the person responsible for the land disturbance activity is required to apply for a site disturbance permit within 14 days of commencing emergency activities if those activities meet the requirements of Sec. 50-51(b).

- (2) — Nursery and agricultural operations.

Sec. 50-52. Site disturbance permit authorized discharges.

- (a) The site disturbance permit authorizes the following discharges:

- (1) Stormwater associated with construction activity.
- (2) stormwater associated with producing earthen materials, such as soils, sand, and gravel dedicated to providing material to a single contiguous site or within one quarter mile of the construction site also covered by the site disturbance permit.
- (3) Stormwater associated with dedicated asphalt, concrete batch plants, and masonry mixing stations.
- (4) Discharges from uncontaminated springs that do not originate from an area of land disturbance.
- (5) Discharges to the ground of concrete or masonry washout water associated with the washing of concrete or masonry tools and concrete or masonry mixer chutes, and water used to wash vehicles, equipment, and external buildings. Discharges of concrete or masonry washout water must not leave the site as surface runoff or reach a watercourse as defined by the code. The addition of soaps, solvents, and detergents is prohibited.
- (6) Discharges of landscape irrigation return flow.

- (7) Discharges from diversions of waters of the state within the permitted site.
- (8) Discharges resulting from emergency firefighting activities during the active emergency response.
- (b) All discharges from sites operating under a site development permit must consist only of the sources listed above, or must be covered under an additional or alternative permit.

Sec. 50-52. Site disturbance permit

- ~~(b) — A separate site development permit is required for each site and/or subdivision filing. Sites 10,000 square feet or less, that are a part of a larger development, whereas the obligations under the site development permit for that parcel have been transferred to the person intending to improve the parcel, will be issued a site development permit by the city in accordance with section 50-78 of this article.~~
- ~~(c) — Each application shall be accompanied by an **application requirements.**~~
- (a) *Application requirements.* An applicant seeking a site disturbance permit shall submit a completed permit application, meet all of the requirements set forth in the application, provide any other documents required by the director to support the application, and satisfy any other requirements established by the director.
- (1) All documents required by the director to be submitted in support of an application must satisfy any requirements established by the director.
- (b) *Application changes.* Prior to the issuance of a site disturbance permit, an applicant must update any new information on any permit application, including any changes to a document included in a permit application, within ten days of any change occurring.

Sec. 50-53. Site disturbance permit fee in accordance with the table below:-.

Disturbed Earth -square feet (SF)	Application Fee	Resubmittal Fee
0—10,000	\$0.00	\$0.00
10,001—50,000	50.00	25.00
50,001—250,000	75.00	38.00
250,001—500,000	100.00	50.00

Greater than 500,000	125.00	63.00
----------------------	--------	-------

Before a permit is issued pursuant to this article, the applicant shall pay to the city a site disturbance permit fee in an amount set forth in the public works administrative fees and costs schedule.

Sec. 50-54. Cash escrow or letter of credit required.

(a) Cash escrow or letter or credit required. No site disturbance

~~(d) — Except as provided in this subsection (d)(2), no site development~~ permit shall be issued until such time as a cash escrow or letter of credit has been received and approved by the city. ~~Public and quasi-governmental entities are waived from the cash escrow or letter of credit requirement.~~ This cash escrow or letter of credit shall serve as security for the performance of work necessary to stabilize the site if the permittee ~~with the site development permit~~ fails to install or maintain the necessary ~~BMPs~~BMP or to complete the work under the permit. The amount of the cash escrow or letter of credit shall include, at a minimum, the cost estimate for the proposed BMP associated with the project.

~~(1) — Upon~~(b) Waiver of requirement. Notwithstanding the ~~effective date of requirements for providing security set forth in this article, before the first permit required by this article is issued to, or on behalf of, any person, the applicant shall post with~~section, the director ~~as security for said permit, may waive posting of~~ a cash escrow or ~~a~~ letter of credit ~~in the amount of \$2,000.00 plus \$200.00 per acre for any parcel that is the subject of a site development permit.~~

~~(2) — The~~if the applicant is a public or quasi-governmental entity, the applicant has already posted a cash escrow or letter of credit ~~shall for the project subject to these requirements, or the waiver would be executed consistent with section 78-298(c) of within the~~ city's best interests.

~~(3) — (c)~~ Drawing and replenishment. The cash escrow or letter of credit shall remain at the ~~amounts~~amount specified herein. through the final inspection for final stabilization. In the event the city draws against the security, the ~~developer~~applicant in question shall replenish the security to the amount required within 30 days after notice by the city to do so.

~~(4) — This section shall not apply to permittees who have already posted a cash escrow or letter of credit.~~

- (5) ~~Notwithstanding the requirements for providing security set forth in section 78-298 of this Code, the director may waive posting of a cash escrow or letter of credit.~~

~~(e)~~ **Sec. 50-55. City responsibilities.**

(a) Review and approval of permit applications.

- (1) The city will review each site ~~development~~disturbance permit application or revised application to determine ~~its~~the application's conformance with the provisions of this ~~chapter~~article, the Land Development Code, and the Engineering ~~Code of Standards and Specifications.~~ Within 30 business days after physical receipt and review of an application or within 20 business days after physical receipt of a revised application, the city shall, the director may, in writing:

- ~~(1)~~ (i) Approve the permit application; ~~or~~

- (2)(ii) Approve the permit application subject to such reasonable conditions as may be necessary to substantially secure the objectives of this article, and issue the permit subject to such conditions; or

- ~~(3)~~(iii) Disapprove the permit application, indicating the deficiencies. The applicant may submit a revised site ~~development~~disturbance permit application for review and approval, subject to upon payment of a resubmittal fee as set forth herein. An additional 20 business days may be required for review in the public works administrative fees and costs schedule.

(b) Closure of ~~Sec. 50-74. Site development~~ permit application.

- (a) ~~The site development permit application supporting documentation must show the following:~~

- (1) ~~Construction site boundaries and all areas of earth disturbance, including areas of cut and fill, locations of springs, wetlands, and other surface waters including dry drainageways.~~

- (2) ~~Contours will not be more than one-foot intervals on individual lots, will not be more than two-foot intervals on other submittals, and shall show~~

~~both existing and proposed grade on an appropriate scale and proposed parcel-specific and lot-specific drainage.~~

~~(3) — Erosion and sediment control plans must show all temporary measures necessary to meet the objectives without violation of this article throughout all phases of construction and permanently, after completion of development of the site.~~

~~(4) — Installation details of each erosion and sediment control practice to be utilized on-site in accordance with the specifications found in the most recent version of Urban Storm Drainage Criteria Manual, Volume 3—Best Management Practices, published by the Urban Drainage and Flood Control District or in the city's Engineering Standards and Specifications. In the event of a conflict between these two sources, the city's Engineering Standards and Specifications shall be followed.~~

~~(5) — Alternative erosion and sediment control measures different from those available in the above subsection (4) by which are needed for unique situations may be approved by the city engineer on a case-by-case basis.~~

~~(6) — For any development proposed within the city for which a stormwater management plan must be prepared and implemented pursuant to the laws or regulations of the state, a copy of the plan shall be submitted to the city along with the site development permit application.~~

~~(7) — Any additional information needed by the city to properly evaluate the application.~~

(1) The city may close a site disturbance permit when:

(i) Final ~~Sec. 50-75. Site development permit requirements.~~

~~(a) — Once earth-disturbing activities begin, the permit must be followed until such time as the site has reached final stabilization; has occurred at the opinion of the~~

~~(b) — The director is authorized to create standardized permit;~~

(ii) The final site conditions and enforce those conditions to give effect to the purpose of this article.

~~(c) — Clearing and grading.~~

~~(1) — Clearing techniques that retain natural vegetation and retain natural drainage patterns shall be incorporated to the maximum extent practicable.~~

- (2) — ~~Phasing shall be required on all sites. The maximum area of earthare in accordance with all terms of the site disturbance at any one time is 60 acres, with the size of each phase to be established at plan review and approved by the director. Exceptions to this phasing requirement, up to 50 percent of the maximum 60 acres, may be granted with written approval from the director.~~permit; and
- (3) — ~~Clearing, except that which is necessary to establish sediment control devices, shall not begin until initial sediment control devices have been installed.~~
- (4) — ~~Cut and fill slopes shall be no greater than 3:1, except as~~ (iii) The condition of the site is approved by the city engineer to meet other community or environmental objectives.
- (5) — ~~Final grading shall be performed in such a manner as to provide adequate drainage. Drainage from the project must be controlled so it will not result in property damage.~~
- (d) — ~~Erosion and sediment control.~~
 - (1) — ~~BMPs shall be employed and maintained so as to limit erosion, capture sediment, divert runoff around disturbed areas and prevent the movement of dust or sediment from the site. BMPs shall be employed and maintained to control building material storage and construction site waste, such as discarded building materials, concrete truck washout, chemicals, litter, sanitary waste and other non-stormwater discharges including construction dewatering and wash water that may cause adverse impacts to water quality.~~
 - (2) — ~~Soil must be stabilized within 45 days of inactivity.~~
 - (3) — ~~If vegetative erosion control methods, such as seeding, have not become established within the time frame designated in the permit conditions, the director may require that an additional vegetative option or a nonvegetative option be employed.~~
 - (4) — ~~On slopes 3:1 or greater or in drainage ways, special techniques that meet the design criteria in the most recent version of Urban Storm Drainage Criteria Manuals published by the Urban Drainage and Flood Control District, the city's Engineering Standards and Specifications, and the city's Land Development Code shall be used to ensure stabilization. In the event of a conflict between these three sources, the city's Engineering Standards and Specifications shall be followed.~~
 - (5) — ~~Soil stockpiles must be stabilized or covered when remaining in place for 14 days or more.~~

- ~~(6) — Sediment controls shall prevent impact to adjacent properties.~~
- ~~(e) — Best management practices shall be installed to control potential tracking onto roads and city right-of-way. Should off-site tracking occur, all practicable measures to clean roads and storm drainage ways, at a minimum by the end of each work day, must be utilized. The director is authorized to order a cleanup of a road more frequently.~~
- ~~(f) — The permittee(2) The city may also close a site disturbance permit when there has been no activity at the site for a period of more than 60 days when doing so is in the best interest of the city.~~
- ~~(3) Nothing in this subsection (b) shall prohibit the city from revoking a site disturbance permit due to a violation of this article.~~
- ~~(c) *After final stabilization.* Following city final inspection, the permittee will confirm that final stabilization has been achieved by:~~
- ~~(1) Removing all temporary BMP and completing any final landscaping; and~~
- ~~(2) The city will confirm no other outstanding site disturbance permit requirements remain incomplete, close out the permit, and return any escrow amounts as appropriate.~~

Sec. 50-56. Site disturbance permit transfers; sale of individual lots.

- ~~(a) *Transfers.* In the event an owner sells, conveys, assigns, dedicates, or otherwise effectuates a change in ownership of all or part of a site, subdivision filing, or lot that is subject to a site disturbance permit, the new owner of the site, subdivision filing, or lot, or their authorized representative must agree with and be subject to the terms and conditions of the site disturbance permit as approved and that are applicable to the portion of the site acquired by the new owner. Any term or condition contained in the original site disturbance permit that could apply to any or all of the property sold, conveyed, assigned, dedicated, or otherwise transferred to the new owner will remain in effect as to the property that is conveyed.~~
- ~~(1) Transfer of the site disturbance permit to a new owner as set forth herein will become effective upon payment by the new owner to the city of a site disturbance permit transfer fee. Should the new owner fail to pay the fee within 14 days of the transfer, the new owner must apply for a new site disturbance permit.~~
- ~~(2) The director may also require a new owner to complete a permit transfer form or any other process deemed necessary by the director to transfer the permit.~~

(3) Upon a transfer described in this subsection (a), the new owner must, within 14 days of the transfer, designate a new site disturbance permit contact person to the site, inform the city of the change of contact person, and take any other action deemed necessary by the director to facilitate the transfer of the permit.

(b) *Sale of individual lots.* The permittee's obligations under this article for an individual lot end after the following conditions have been met:

(1) The lot has been sold to a private homeowner for private residential use;

(2) A certificate of occupancy or his/her agent shall conduct equivalent is maintained on-site or electronically and is available for review upon request by the city or division;

(3) The lot is less than one half acre of land disturbance activity;

(4) All construction activity on the lot by the permittee is complete, including the installation of sediment and erosion control measures that minimize sediment from exiting the lot, or the installation of temporary stabilization on remaining disturbance where the permittee is not responsible for final stabilization (e.g. backyards);

(5) The permittee is not responsible for final stabilization of the remaining disturbed areas on the lot; and

(6) The SWMP is modified to indicate that the lot is no longer part of the construction activity.

The permittee's obligations for the rest of the development continue as established by this article.

Sec. 50-57. Site disturbance permittee – inspection responsibilities.

(a) *Generally.* The permittee shall perform any action or inspection as requested by and in accordance with direction from the director. The permittee shall also allow representatives of the city to enter the permitted site as necessary to make regular inspections to ensure the validity of the reports filed pursuant to this article and the permittee's compliance with the permit's conditions and requirements. The director has the right of entry pursuant to section 50-39.

(b) *Before construction.* Following the issuance of a site disturbance permit but before any land disturbance activity begins, the applicant shall install all initial BMP and schedule an initial inspection with the public works department. The purpose of the inspection is to ensure all BMP are adequate, installed correctly, and functioning properly.

(c) ~~During construction.~~ The permittee must inspect all erosion and sediment control measures ~~at least on the site on a regular basis but no less than~~ every 14 days. ~~Post-storm inspections must be conducted~~ The permittee must also inspect all erosion and sediment control measures on the site within 24 hours after the end of any precipitation, windstorm, or snowmelt event that causes surface erosion.

(1) Inspections shall include observations of the construction site perimeter, all disturbed areas, ~~material~~materials storage areas that are exposed to precipitation, discharge locations, and locations where vehicles access the site for evidence of, or potential for, pollutants entering the stormwater drainage system, ~~erosion and sediment control practices.~~ The inspection shall also confirm that the site is in compliance with the BMP identified in the site ~~development~~disturbance permit, the erosion and sediment control plans, and/or SWMP shall be evaluated to ensure that they are operating correctly.

(2) All inspections shall be documented in written form and maintained with the onsite ~~site development permit.~~SWMP. The documented ~~permitee~~permittee inspections must contain, at a minimum, the name of the inspector, the date of the inspection, any concerns noted during the inspection, the date that each concern was addressed, and any revisions to the site ~~development~~disturbance permit as a result of the inspection. A copy of the inspection must be made available to the director upon request.

(3) Should revisions to the ~~best management practices~~control measures be implemented as a result of deficiencies noted during site inspections, those revisions must be approved by the director and recorded within ~~3~~three business days on the approved supporting documentation for the site ~~development~~disturbance permit.

~~(g) As a condition of receipt of a site development permit, the authorized representatives of the city staff, including a designated agent, may enter the development site identified in the permit as necessary to make regular inspections to ensure the validity of the reports filed pursuant to this article.~~(d) Final inspections. The permittee, in coordination with the city, must conduct all final inspections for all erosion and sediment control measures on the site and document the findings of such inspections in accordance with requirements established by the director.

~~(h) Unless emergency work is necessary, the person to whom the permit has been issued shall have a maximum of seven calendar days from receipt of a city inspection that notes where work fails to comply with the site development permit or SWMP to repair, replace, or otherwise remediate noncompliance conditions or activity noted on the inspection~~

~~report unless otherwise advised. A written request for an extension may be submitted to the director, who is authorized to grant or deny such extensions.~~

Sec. 50-76.58. Site ~~development~~disturbance permittee – other responsibilities while permit is open.

- (a) Generally. Once land disturbance activities begin, the permittee must follow all permit conditions and requirements established by the city until such time as the site has reached final stabilization in accordance with section 50-56(b).
- (b) Before and during construction. Before and during construction, the permittee shall be responsible for ensuring that:
 - (1) Any installed temporary BMP are properly maintained and are in good working order up to and until the site has reached final stabilization;
 - (2) The site is fully developed and final stabilization is achieved;
 - (3) Any deficiencies noted by the director prior to the expiration of the warranty period for any public improvements in the project have been corrected;
 - (4) Stormwater drainage facilities are constructed and installed in accordance with the approved SWMP, Site Plan, construction plans, and final drainage report;
 - (5) All temporary BMP are removed within 14 calendar days after final stabilization has been achieved and the temporary measures are no longer needed as determined by the director; and
 - (6) The city is notified that construction has been completed and that the permittee cooperates with the city's final inspection to confirm whether final stabilization has been achieved.

Sec. 50-59. Site disturbance permittee – maintenance responsibilities after permit is closed.

- (a) Following the closure of a site disturbance permit pursuant to section 50-56, the owner is responsible for maintaining all stormwater drainage facilities shown on the approved site plan, construction plans, and final drainage report.
- (b) Notwithstanding any other provision in this article to the contrary, an owner must allow a regular inspection of stormwater drainage facilities by the City or a representative thereof on any lot or property that is or was subject to a site plan, construction plans, and final drainage report.

Sec. 50-60–50-71. Reserved.

DIVISION 4. UNLAWFUL ACTS

Sec. 50-72. Unlawful discharge.

- (a) Unlawful discharges. It shall be unlawful for any person to discharge or cause to be discharged or spilled any substance other than naturally occurring stormwater runoff, including naturally occurring stormwater runoff containing incidental pollutants, into the city's MS4.

Exceptions: The following discharges or spills shall not be considered an illegal discharge if the discharge or spill originates from:

- (1) Uncontaminated pumped groundwater that has not come into contact with construction activity;
- (2) Landscape irrigation, lawn watering, or irrigation return flows;
- (3) Diverted stream flows, natural springs, or flows from naturally existing riparian habitats and wetlands;
- (4) Rising groundwater;
- (5) Uncontaminated groundwater infiltration;
- (6) Uncontaminated water from crawl space pumps, foundation drains, or footing drains;
- (7) Air conditioning condensation;
- (8) Individual or residential car washing;
- (9) Water incidental to street sweeping (including associated sidewalks and medians) not associated with construction;
- (10) Emergency firefighting activity;
- (11) Dye testing approved by the director prior to the discharge in which the person engaging in the discharge must provide sufficient analysis of the environmental impacts of the product(s) used for the dye;
- (12) Agricultural stormwater runoff;
- (13) Discharges authorized by a Colorado Discharge Permit System or National Permit Discharge Elimination System permit-compliance and; or

- (14) Discharges that are made in accordance with the Division's Low Risk Discharge Guidance documents relating to various types of discharges and water line flushing, including but not limited to discharges of potable water and pools, as well as other Division policies and guidance documents where the Division has stated that it will not pursue permit coverage or enforcement for a specified point source discharge.
- (b) Nothing contained herein shall be construed to relieve any person discharging, causing to be discharged, allowing to be discharged, spilling, or causing to be spilled, water or any authorized discharge into the MS4 from any liability for damage caused by the volume or poor quality of the water or authorized discharge.
- (c) Any person notified of an actual or threatened unlawful discharge shall immediately take actions to stop the unlawful discharge or spill or take any action necessary to prevent the threatened unlawful discharge or spill from occurring.

Sec. 50-73. Failure to comply; conducting operations without permit.

- (a) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, without a site disturbance permit or contrary to or in violation of any terms of this ~~article or the chapter~~ or any conditions or requirements for an approved site ~~development~~disturbance permit.

Sec. 50-74. (1) — Any Other unlawful acts.

- (a) False statements. It shall be unlawful for any person to make any false statement, representations or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this article, land disturbance permit, or order issued by the director in accordance with this article.
- (b) Failure to maintain. It shall be unlawful for a ~~permittee violating any of~~ to fail to maintain any and all temporary BMP and stormwater drainage facilities provided for in the SWMP both during and after completion of the development, redevelopment, or construction associated with the SWMP.
- (c) Failure to keep plans on site. It shall be unlawful for a permittee to fail to keep a copy of the ESC or SWMP, as required, at the site at all times until the site disturbance permit is closed.
- (d) Failure to inspect. It shall be unlawful for any permittee to fail to perform any inspection required by this article or by any State permit.
- (e) Refusal to allow inspection. It shall be unlawful for any person to refuse to allow an inspection required under this article.

- (f) *Refusal to allow entry.* It shall be unlawful for any person who owns or occupies property upon which a discharge or spill has occurred or originated from, or which contains a connection to the MS4, to refuse to allow the director to survey or inspect the property in accordance with the provisions of this article or the approved site development permit shall be deemed guilty of a misdemeanor, and each day during which any violation.
- (g) *Failure to obey.* It shall be unlawful for any person to fail to obey an order, rule, or regulation issued by the director under this article. For purposes of this subsection (i), “fail to obey” includes but is not limited to a person’s failure to comply with a directive issued under section 50-36, failure to remove a connection to the MS4, failure to take action to control or stop an unlawful discharge, or failure to remediate damage caused by an unlawful discharge or illicit connection.
- ~~(h) any of the provisions of this article is committed,~~ *Illicit connections.* It shall be unlawful for any person to construct, use, maintain, or permit the continued or permitted, shall constitute a separate offense. existence of any illicit connection to the MS4.
- ~~(2) Upon conviction~~ (i) *Unlawful substances.* It shall be unlawful for any person to introduce any substance into the MS4 that may cause personal injury or damage to public or private property.
- ~~(j) Unlawful storage.~~ *Unlawful storage.* It shall be unlawful for any person to place, store, maintain, allow to accumulate or permit any other person to place, store, maintain, or allow to accumulate on any public property or right-of-way any stockpile, pile, storage, accumulation of any construction materials or landscape materials, or any roll-off dumpster, unless such person is an employee, official or contractor of the city acting within the scope of their municipal functions.
- ~~(k) Unlawful blocking.~~ *Unlawful blocking.* It shall be unlawful for any owner to fail to keep and maintain any watercourse within their property free from trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.
- ~~(l) Unlawful hazard.~~ *Unlawful hazard.* It shall be unlawful for any owner of private property to allow a privately-owned structure within or adjacent to a watercourse to interfere with or become a hazard to the use, function, or physical integrity of such watercourse or any part thereof. In addition, the owner shall maintain each privately owned structure within or adjacent to a watercourse so that the structure does not interfere with or become a hazard to the use, function, or physical integrity of such watercourse or any part thereof.

Sec. 50-75. Criminal penalty; continuing violation.

(a) Penalty. A violation, ~~such permittee of this article~~ shall be punished by a fine or imprisonment not to exceed the limits established in section 1-5 of this Code ~~for each offense. In addition to any other penalty authorized by this section, any permittee, partnership, or corporation convicted of violating any of the provisions of this article shall be required to bear the expense of such restoration.~~

(3) ~~The city may withhold~~ (b) Continuing violation. In accordance with section 1-5 of this Code, every day any violation of this article continues or is permitted or allowed to continue shall constitute a separate offense.

(c) Concurrent remedies. The initiation of a prosecution for a violation of this article shall not preclude the director from instituting other appropriate action to restrain, correct, or abate a violation or to stop an illegal act or unlawful discharge, conduct, or the utilization of an illicit connection on or about any property. The initiation of a prosecution for a violation of this article shall also not preclude the director from taking any actions under section 50-36.

Sec. 50-city inspections, building permits, 76. Conflicts.

If a dispute or certificates conflict arises between a provision of occupancy for any site which is not in compliance with the site development permit.

(4) ~~The penalties provided in this article shall be cumulative and not in lieu of each other and may be exercised in any order.~~

(b) ~~In the event any person holding a site development permit pursuant to this article violates the requirements the provisions of any technical code, specification, rule, or terms regulation adopted by the city, the director shall determine the prevailing interpretation of this article, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety in light of persons residing or working in the neighborhood or development site, so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, or so as to be materially detrimental to the environment or nearby waterways, the director may stop work technical code, specification, rule or regulation based on the site, as described in subsection 10-1-2-2E1 of the Arvada Land Development Code, until such time the site returns to a reasonable compliance level as determined by the director relevant circumstances.~~

(c) ~~In the event any person holding a site development permit pursuant to this article fails to comply with a notice of violation or order to stop work, fails to remedy the violation to the satisfaction of the director within the required period of time, or repeatedly is in violation due to systemic issues within the management of the site, then the director, in consultation with the city attorney, shall determine whether to subject the violator to criminal prosecution pursuant to section 10-1-2-3 of the Arvada Land Development Code, or to any other remedy available.~~

- (d) ~~In the event any person holding a site development permit pursuant to this article fails to comply with all of the terms of the site development permit or if the erosion and sediment control measures fail to function properly, the city may do the required work or cause it to be done and collect from the person or their security all costs incurred, including a 50 percent administrative and inspection fee. Before construction activity may resume at the site, the deposit or letter of credit shall be restored to full value. If the site development permit is terminated, any remaining portion of a deposit or letter of credit shall be refunded to the person after deduction by the city of 150 percent of the cost of the work.~~
- (e) ~~Notwithstanding the availability of any other remedy, any violation of this article shall constitute a violation of the city code and shall be subject to the general penalty and continuing violation provisions of section 1-5 of the Code.~~

Sec. 50-77. Appeals. 50-90. Reserved.”

- (a) ~~Appeals as a result of enforcement of this article may be made pursuant to article V of chapter 2 of the Code, with the determination made by any authorized representative or employee of the city.~~
- (b) ~~Intermediate appeals as a result of enforcement of this article shall be by petition to the director from the site development permit holder for a hearing on a revision, adjustment or modification of the enforcement action. The director may hold the appeals hearing, or designate another as a hearing officer with authority to hold such hearing. The filing of a petition shall not stay any owner's obligation to comply with the enforcement during pendency of the hearing.~~
- (c) ~~Any petition filed pursuant to this article shall be in writing, and the facts submitted shall be likewise submitted in writing as sworn statements, in form generally acceptable in similar proceedings. Any hearing shall take place within the city at a date and time set by the director, but no later than seven working days from the date of receipt of the petition by the director, unless a different time and date is agreed to by the petitioner and the director. Hearings held pursuant to this article shall be held in accordance with the procedures set forth in section 2-171 et seq. of this Code.~~
- (d) ~~The director shall make a final determination and may confirm or modify the enforcement remedy in accordance with facts submitted. The director's decision shall be in writing and shall be mailed to or served upon petitioner within ten business days of the conclusion of the hearing. Service by certified mail, return receipt requested, shall be conclusive evidence of notice for the purpose of this article. The decision of the director following an appeal pursuant to this article shall be considered a final order of the director, and any review thereof shall be by the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.~~

~~(e) — Contest of any criminal citation shall be in the Arvada Municipal Court.~~

~~Sec. 50-78. Site development permit transfers, awards, or termination.~~

~~(a) — In the event an applicant sells, conveys, assigns, dedicates or otherwise effectuates a change in ownership of all or part of a site, subdivision filing, or lot that is subject to a valid site development permit, the new owner of the site, subdivision filing, or lot, or an authorized representative of the new owner shall either (i) take such interest subject to the existing site development permit or (ii) must obtain a new and separate site development permit. The new owner of the site and/or subdivision filing, or an authorized representative of the new owner, shall either:~~

~~(1) — Agree with and be subject to the terms and conditions of the site development permit as approved that are applicable to the portion of the site acquired by the new owner, in which case the site development permit, or a portion thereof, can, upon payment of a transfer fee and execution of an acknowledgment of transfer, be transferred to the new owner; or~~

~~(2) — If the new owner does not agree with the terms and conditions under the site development permit and submits a new application to be reviewed and approved under the provisions of this article, the terms and conditions of the existing site development permit shall apply during any review period.~~

~~(b) — In all cases, a new site development permit contact will be assigned to the site.~~

~~(c) — Should the portion of the site development permit assigned to a new owner contain an area 10,000 square feet or less, a new site development permit will be awarded to the new owner. —~~

~~(d) — The sale of individual lots where structures have been built and completed to private homeowners will not release the person first obtaining a site development permit from the obligation to prevent sediment from moving from these lots onto the areas still covered under the site development permit.~~

~~(e) — Termination of a site development permit requires that 1) the site is permanently stabilized, 2) final site conditions are in accordance with permit conditions, and 3) approval by the director. The city may terminate a permit based upon inactivity and permanent stabilization upon notice sent to the site development permit contact when to do so is in the best interest of the city.~~

~~(f) — Nothing herein shall be construed to modify the time period for the city to complete its final inspection and approval, nor shall anything herein be deemed to constitute a~~

~~termination of a site development permit other than as set forth in section 50-78(a) of this article.~~

~~Sec. 50-79. Separability.~~

~~The provisions and sections of this article shall be deemed to be separable, and the invalidity of any portion of this article shall not affect the validity of the remainder.~~

Stormwater Regulatory Program Updates



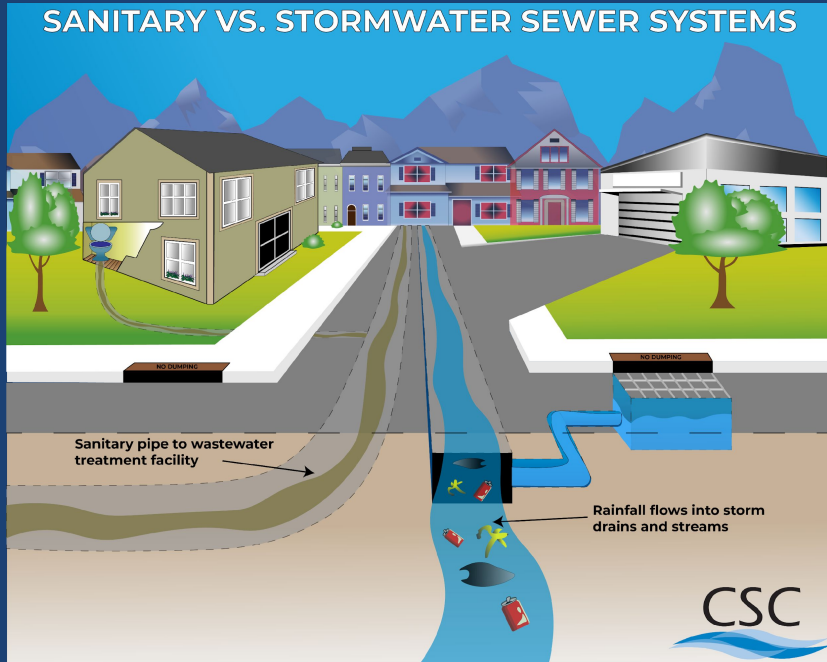
Presentation Overview

- Stormwater Background
- Why proposed Changes
- Strategic Plan Alignment
- Code Updates
- Permit Fees
- Qualifying Local Program
- Next Steps

With this presentation you will learn more about the stormwater program regulatory requirements and how proposed code and permit changes will enhance the process for our customers.

Stormwater Background

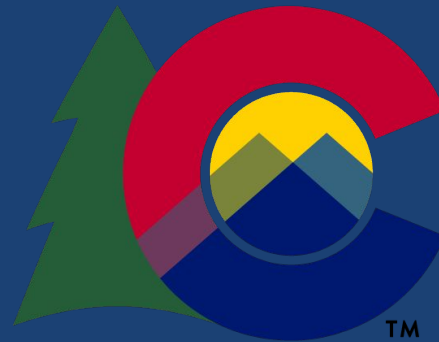
What is Stormwater?



- Public Education
- Public Outreach
- Construction Oversight
- Post-Construction Oversight
- Good Housekeeping/ Pollution Prevention
- Illicit Discharge Detection and Elimination (IDDE)

Why Proposed Changes?

- Improves the customer experience and focuses on areas of risk
- Supports enforcement
- Addresses findings related to external (2019) and internal (2021) audits of the program
- Applying to become a Qualifying Local Program (QLP)



Strategic Plan Alignment

- Local Economy 2: Strive to understand the unique needs of our business community and optimize City operations to improve the customer experience.
- Quality of Life 4: Prioritize policies, practices, and projects for development that protect and sustain a high quality of life for residents and businesses.
- INF1: Provides the community with a safe, resilient, high-quality water supply, drainage system, waste-water disposal, and solid waste management services for full city build-out, as defined by the Comprehensive Plan. This includes maintaining utility rates at lowest practical levels with accurate billing that supports robust and reliable infrastructure.

Current Construction Oversight Program and Site Disturbance Permits

- Currently, a City Site Disturbance Permit is required for all projects that disturb 10,000 square feet or more.
- Projects that require a CDPHE permit also need to prepare a narrative Stormwater Management Plan (SWMP) and provide the permit certification with the City's Site Disturbance Permit.
- Permit requires temporary control measures throughout the project to address run-on and runoff.
- The permit remains active and enforceable until final stabilization (70% or more vegetative cover).
- A permit fee and escrow is applied based on project size to account for review and inspections.



Highlights of Proposed Code Updates

Municipal Code – Chapter 50 – Irrigation and Drainage

- Permit threshold requirement change from 10,000 sq. ft. to 0.5 acres.
- Permit fees added to the Public Works Administrative Fee Schedule.
- Clear reference to enforcement provisions that apply to the entire chapter.
- Possible fees related to compliance procedures, remediation, and municipal liens for non-compliance.
- Administrative appeals.
- Right of entry for municipal staff.
- Exemptions for certain discharges.

Proposed Code Updates Impact on Permits

Number of Permits decrease if the requirement is changed from 10,000 sq. ft. to 0.5 acres

Year	TOTAL Site Disturbance Permits (Existing Program)	TOTAL Site Disturbance Permits (Proposed Program)
2019	116	103
2020	130	114
2021	140	121
2022	137	115
2023	124	109

Year	NEW Site Disturbance Permits (Existing Program)	NEW Site Disturbance Permits (Proposed Program)
2019	32	29
2020	32	25
2021	36	30
2022	25	21
2023	24	20

Site Disturbance Permit Fee Comparison

- Site Disturbance fees have not been updated since inception in 2007.
- Permit fees were reviewed to assess whether they were comparable or lower than surrounding jurisdictions.
- Assuming 36 new permits are averaged per year, the range of change is approximately \$14,000 - \$38,000 (compared to 2023 total permit fees of \$1,950) into Fund 44.

*** 1 Acre = 43,560 square ft.**

<u>Existing</u>			<u>Proposed</u>			
Disturbed Earth square feet (SF)	Application Fee	Resubmittal Fee	Project Disturbance (Acres)	Application Fee	Resubmittal Fee	Transfer Fee
0 - 10,000	\$0.00	\$0.00	0.5 - 1.0	\$400	\$100	\$50
10,001 - 50,000	\$50.00	\$25.00	1.0 - 3.0	\$525	\$125	\$63
50,001 - 250,000	\$75.00	\$38.00	3.0 - 5.0	\$650	\$150	\$75
250,001 - 500,000	\$100.00	\$50.00	5.0 - 10.0	\$775	\$175	\$87.50
> 500,000	\$125.00	\$63.00	10.0 - 30.0	\$900	\$200	\$100
			> 30.0	\$1050	\$250	\$125

Example Projects

Hettinger Residence



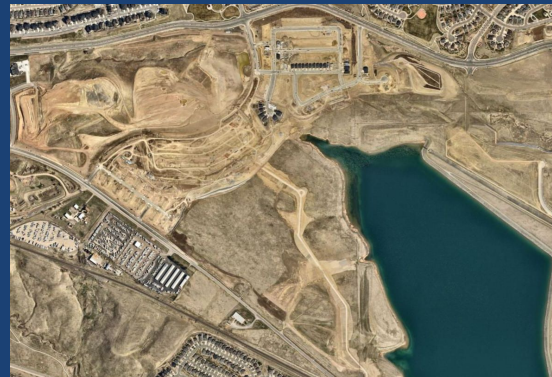
Project Size: 0.75 acres
Existing Fee: \$50
Proposed Fee: \$400

Hidden Lake Home



Project Size: 0.3 acres
Existing Fee: \$50
Proposed Fee: 0\$

Trailstone Development



Project Size: 196 acres
Existing Fee: \$125
Proposed Fee: \$1,050

Qualifying Local Program (QLP) with CDPHE

- Prestigious program related to Construction Site Stormwater Management/Oversight (making Arvada the 4th jurisdiction to be a part of this program throughout the State).
- Eliminates the need for public and private development to obtain a State Stormwater Construction Permit for small sites (<5 acres).
- Increased local control.
- Streamline of permitting process.
- Reduces delays, including for capital improvement projects.
- Does not negatively impact current staff workload.

Next Steps

- First Reading of Chapter 50 ordinance updates are scheduled for July 15.
- Second Reading of Chapter 50 ordinance scheduled for August 5 and a proposed resolution for permit fees is scheduled for October, 2024.
- Stakeholder process has begun and will continue. Virtual office hours will be held before the public hearing July 18 & August 1.
(<https://arvadaco-gov.zoom.us/j/83648275962?pwd=u4kkriFcyvSvYpNBDTpKlZRG3mDz>
Dr.1 Meeting ID: 836 4827 5962 Passcode: 484012 --- One tap mobile
+17193594580,,83648275962#,,,,*484012# US)
- Proposed effective date of change for Site Disturbance Permit requirements and fees is set for January 1, 2025. All other code updates will be effective immediately.
- QLP will be reviewed by CDPHE after code is adopted.



REPORT TO CITY COUNCIL WORKSHOP

AGENDA ITEM
2.B.

TO: THE HONORABLE CITY COUNCIL

DATE: July 8, 2024

SUBJECT: Homelessness Strategic Plan Presentation

Report in Brief

The City Manager's Office will present an updated Homelessness Strategic Plan. This updated plan is a follow up to the strategic plan presented to the City Council on January 9, 2023.

Background

On January 9, 2023, the City Manager's Office presented a strategic plan for addressing homelessness. The 2023 plan contained immediate action plans, intermediate action items, and long-term plans. Over the past 18 months, the City Team has worked to implement most of the action plans outlined in the 2023 plan. This workshop will present an updated version of the strategic plan and, like the 2023 plan, the updated plan will contain objectives to address homelessness in Arvada.

Strategic Alignment

Council Strategic Result - Homelessness

Collaborate and coordinate with nonprofits, local organizations, and regional governments to advance services to individuals experiencing homelessness or at risk of experiencing homelessness.

Strategic Goal 1: Develop a homelessness strategic plan that will set a path forward for street outreach, 24/7 emergency shelter, partnership agreements for the provision of services, and transitional housing opportunities. The Strategic Plan will consider the feasibility of and opportunities for a navigation center.

Next Steps

- 1). The City Team will present the Strategic Plan to the Council and the team will listen to the Council's feedback and, if necessary, update the plan.
- 2). Upon Council Approval, the City team will begin implementing the Homelessness Strategic Plan.
- 3). The City Team will update council quarterly on the progress being made toward implementing the Homelessness Strategic Plan.

Prepared by:

Don Wick, Deputy City Manager

Reviewed by:

Gail Walker, Legal Specialist-Contracts 6/20/2024

Laura Hemler, Assistant City Attorney 6/20/2024

Approved by:

Rachel Morris, City Attorney 6/24/2024

Lorie Gillis, City Manager 6/26/2024

Enclosure, exhibits & attachments required to support the report

Homelessness Action Strategy

Arvada City Council Meeting - July 8, 2024

Executive Summary



Purpose of Homelessness Action Strategy



Clarify and align the City's role



Develop implementable actions to help make change for people experiencing homelessness and the community



Establish and cultivate strong working relationships to improve the collective response to homelessness

Executive Summary (continued)



Guiding Principles



Everyone needs a safe place to call home



Homelessness is a community problem



People with lived expertise must be involved



People of color are disproportionately affected

Executive Summary (continued)



Strategy Development



Community interviews



Review of strategies and plans from other communities



Research of local and national practices and evidence-based approaches

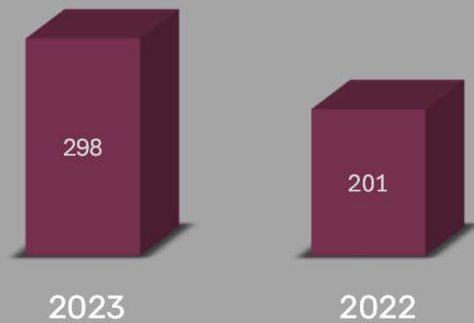


Develop detailed actions, potential revenue sources and operating pro forma

The Need

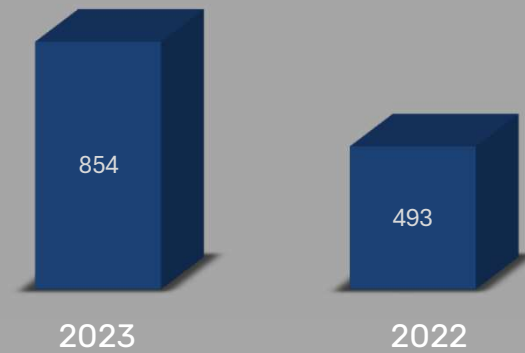
City of Arvada Individuals Experiencing Homelessness

Homeless Management Information System (HMIS)



Jefferson County Individuals Experiencing Homelessness

Annual Point in Time Count



The Causes

Top reasons people in Arvada experience homelessness

2023 Point in Time Count



Current City Efforts

Council Strategic Planning Retreat
(February 2024)

Adoption of the 2024-2030 Strategic
Plan and Housing Strategic Plan (May
2024)

Arvada Police Department - Community
Outreach Resource Enforcement (CORE)
unit

Arvada Municipal Court - One Small Step
(OSS) problem-solving court

Homelessness Program Manager and
Resolution Case Managers positions

Arvada Housing Authority Housing
Navigator position and DOLA grant

Arvada Fire Protection District -
STARvada program

Arvada Library

Community providers

The Challenges

People experiencing homelessness often have frequent contact with criminal justice system

No emergency shelter in Arvada or Jefferson County

Regional efforts still lacking, services often siloed

Lack of affordable and permanent supportive housing

Community opposition to programs serving people experiencing homelessness (NIMBY)



Roles

City of Arvada –
Convenor/facilitator,
collaborative funder, not
an operator

Jefferson County –
Regional leadership,
funder

**People with lived
expertise** – Ensure
programs are relevant
and work best for
people needing
assistance

Foundations – Provide
funding for capital and
operations

Service Providers –
Provide services and
connect resources for
people experiencing
homelessness

Faith Community –
Multiple supports
ranging from volunteers
to direct services

Consultants – Provide
guidance to support
successful efforts

Goals and Strategies

Goal 1: Enhance integrated services for people experiencing homelessness that increase options for economic and housing stability

Strategy 1: Establish and sustain robust and effective housing-focused outreach services

(CCSP Strategic Alignment: Homelessness Goal 6)

Strategy 2: Organize the development of a 24/7 emergency non-congregate shelter for adults experiencing homelessness, located at the navigation center

(CCSP Strategic Alignment: Homelessness Goal 1)

Strategy 3: Facilitate the development of a navigation center for adults experiencing homelessness, with 24/7 emergency shelter and comprehensive walk-in services

(CCSP Strategic Alignment: Homelessness Goal 1)

Strategy 4: Implement an encampment decommissioning program

(CCSP Strategic Alignment: Homelessness Goal 7)

Strategy 5: Leverage the navigation center development to build collaborative alignment across the metro region

(CCSP Strategic Alignment: Homelessness Goal 2)

Goals and Strategies

Goal 2: Prevent people from experiencing homelessness

Strategy 1: Cultivate prevention services for individuals and households at-risk of experiencing homelessness

(CCSP Strategic Alignment: Homelessness Goal 1)

Strategy 2: Explore the creation of an eviction/foreclosure prevention program to serve all types of at-risk households in Arvada

(CCSP Strategic Alignment: Homelessness Goal 1)

Strategy 3: Preserve affordable housing

(CCSP Strategic Alignment: Homelessness Goal 2)

Goals and Strategies

Goal 3: Foster long-term housing stability

Strategy 1: Maximize permanent supportive housing (PSH) units

(CCSP Strategic Alignment: Homelessness Goal 2)

Strategy 2: Ensure meaningful progress toward affordable housing goals outlined in the Arvada Strategic Housing Plan

(CCSP Strategic Alignment: Homelessness Goal 1)

Goals and Strategies

Goal 4: Facilitate broad access to information to increase awareness and understanding of homelessness in the community

Strategy 1: Launch a coordinated messaging campaign

(CCSP Strategic Alignment: Homelessness Goal 5)

Strategy 2: Establish culture of authentic communication on homelessness with the community

(CCSP Strategic Alignment: Homelessness Goal 5)

Goals and Strategies

Goal 5: Establish data collection and reporting methods to support continuous improvement

Strategy 1: Determine key performance indicators deemed necessary to measure success

Strategy 2: Establish a culture of continuous improvement related to homelessness data and outcomes reporting

Navigation Center, Common Elements

Enhanced 24/7
shelter, non-
congregate or semi-
private rooms

Day sheltering
options

Meals and laundry

Case management
& housing
navigation

Physical &
behavioral health
services

Substance abuse
treatment services

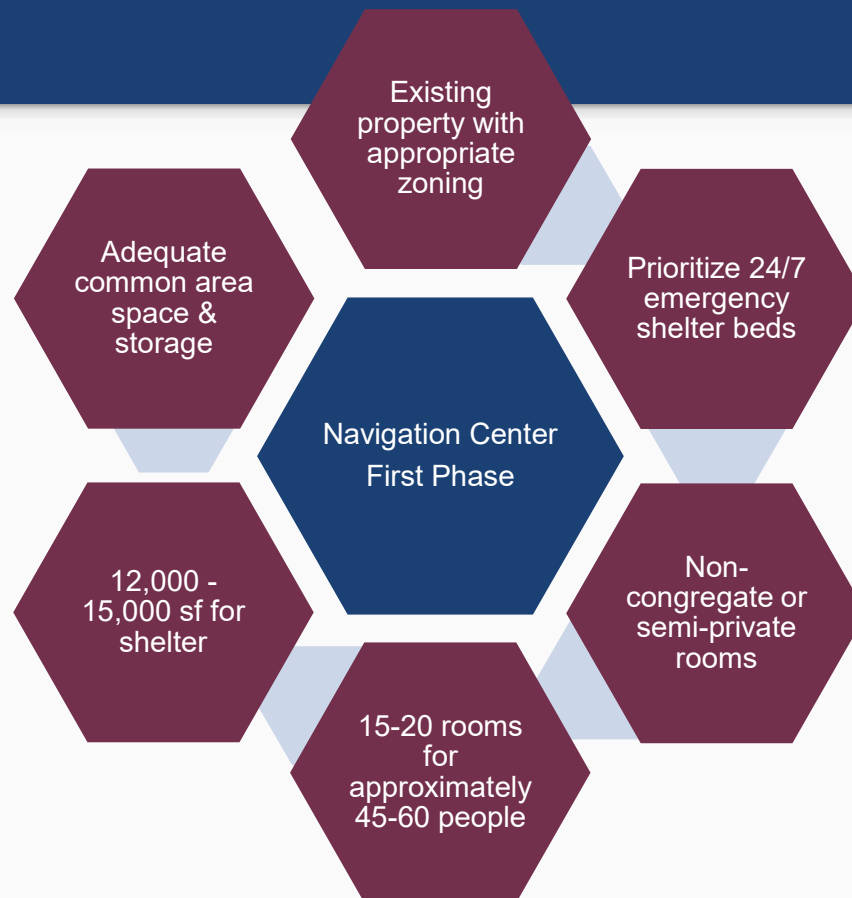
Employment &
workforce services

Benefits
acquisition &
support

Medical respite
beds

Housing units

Navigation Center, First Phase Recommendations



Navigation Center, Additional Phasing

Integrated physical &
behavioral health
services

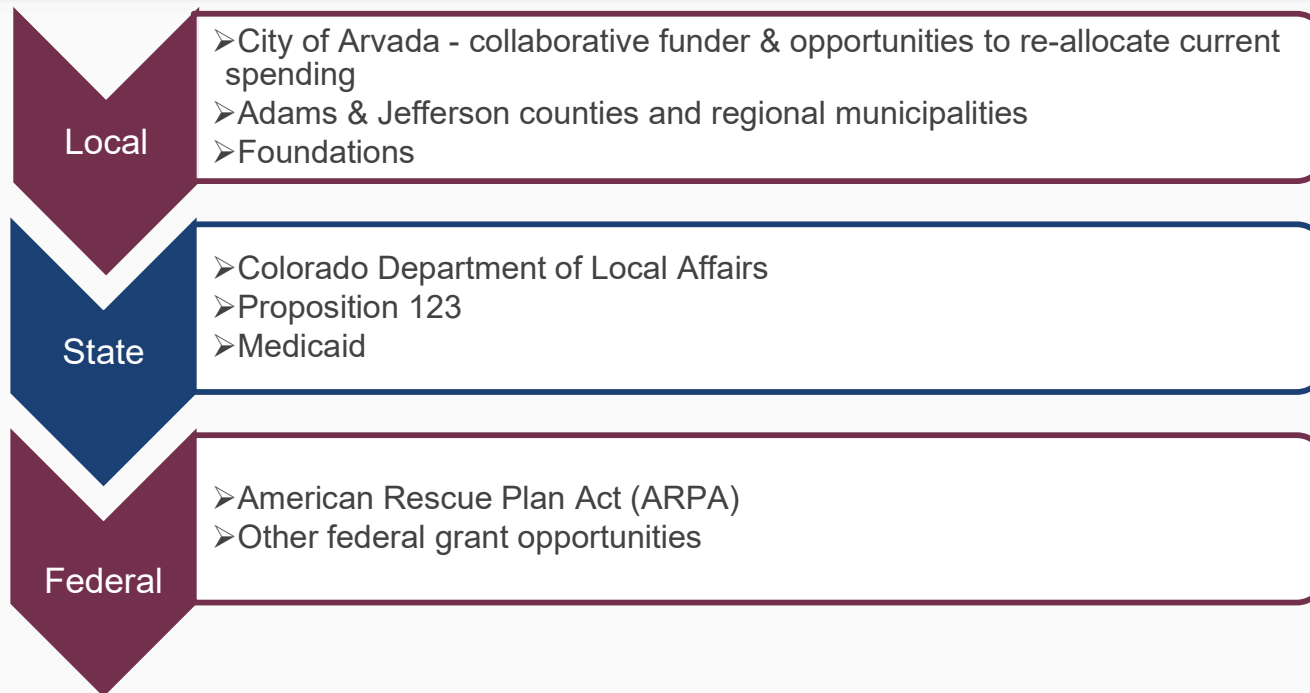
Substance abuse
treatment services

Day sheltering
resources (meals,
laundry, shower,
resting space)

Additional services
developed in
collaboration with
other providers,
incentive to co-locate

Medical respite and
housing units

Funding the Plan





Next Steps

Short-term
implementation –
2026

Action plan
designed to create
traction

Dynamic/living
document – regular
updates and
revisions

Acknowledge
implementation risk



REPORT TO CITY COUNCIL

AGENDA ITEM
2.C.

TO: THE HONORABLE CITY COUNCIL

DATE: July 8, 2024

SUBJECT: Staff Updates

Report in Brief

The purpose of this workshop is for staff to provide City Council with brief updates on projects and issues that do not require a full workshop.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report