

Appendix

Water Quality

Draft Ordinance Outline

Sample Ordinance Language – Cherry Hills Village

Sample Ordinance Language – Boulder County

Sample Commercial and Mixed Use Design Standards and Guidelines – Town of Lyons

Draft Stormwater Ordinance Outline

The following is a brief outline of stormwater standards that can be considered for the Town of Lyons. In general, the Town's water quality requirements are less restrictive than those required by larger municipalities governed by the Clean Water Act (MS4) but more restrictive than other smaller, unincorporated towns along the Front Range. State law, and current Town ordinances, requires land owners to control stormwater to prevent adverse impacts to downstream property owners (including water right holders). Additional ordinances can require specific BMPs for stormwater quality – this ordinance outline provides some of the key elements for future work in that regard. Sections 7, 10, and 12 are stormwater specific, the remaining sections are typically composed with a team of legal, administrative, engineering, and Town staff.

1. Purpose and Need. The Town of Lyons is situated around the confluence of two rivers, in the foothills of the Front Range, with older developments in historic drainages, and new developments in large, steep watersheds. The proximity of development to the recreation and ecological areas along and in the streams requires attention to water quality. The character of the watersheds in the development areas requires attention to run-on and run-off to ensure new properties are reasonably safe from flooding.
2. Definitions. Generally standard definitions from Boulder County or other similar ordinance.
3. Prohibitions. Generally standard information from Boulder County or other similar ordinance.
4. Exemptions. Emergency and critical facilities could be listed here. For instance, wastewater treatment plants can be exempted from certain stormwater regulations due to their proximity to streams and requirements imposed by gravity fed systems that prevent relocation or modification for stormwater quality.
5. Requirements applicable to certain discharges. Generally standard information from Boulder County or other similar ordinance. Hazardous materials, oils, grease and other key pollutants have specific requirements related to department of health or other regulations.
6. Release reporting and clean up. This section can detail how a spill or contaminant is documented and cleaned up. Generally standard information from Boulder County or other similar ordinance.
7. **Best Management Practices.**
 - a. **UDFCD Volume 3 best management practices can be referenced here.**
 - b. **This can also include Town specific BMPs such as Rainwater Harvesting (110 gallons / residential lot).**
 - c. **In general, these are water quality improvements treating stormwater runoff from impervious surfaces. Grass swales, rain gardens, rain barrels, and UDFCD volume 3 BMPs.**
8. General Permit Requirements. Not directly applicable because the Town is not managed by a Clean Water Act permit. Reserve this section for future use.
9. Technical Standards and Specifications. UDFCD Volumes 1, 2, and 3 can be referenced here.
10. **Storm Water Management Plan.**

- a. This is the section that details when a development or redevelopment site is required to design to the Town of Lyons storm drainage design and technical criteria.
 - b. **Threshold.** Not all sites will be required to meet storm drainage design and technical criteria, there is a threshold for which small projects are too small to implement design and technical criteria.
 - i. **Square footage.** If a project adds more than 2000 square feet of additional impervious area, the applicant needs to design stormwater systems to prevent the additional runoff generated from that new area from causing adverse impacts (flooding, water quality impairment, etc.) downstream. The 2000 SF threshold was roughly based on paving a gravel driveway, but a 1000 SF or 500-SF threshold could be equally defensible.
 - ii. **Percent increase.** To account for variable lot sizes, the percent increase could be the threshold. A project that increases imperviousness by more than 10% would be required to implement stormwater management designs (detention, water quality, etc.)
 - iii. **Tiered system.** A tiered system could be implemented to further specify impervious area thresholds based on lot size. Lot sizes from 0 to 20,000 SF have to implement stormwater designs for increases over 50% of existing impervious. 20,000 SF to 50,000 SF need to implement stormwater designs if they increase more than 20% over existing impervious. Lots larger than 50,000 SF need to implement stormwater control if impervious area increases more than 10%.
 - c. **Stormwater Management Plan.** This part of the ordinance directs the applicant to the submittal requirements of a plan and the storm drainage and technical criteria for which that submittal will be judged.
11. **Implementation of Approved Stormwater Management Plans.** This section outlines how the stormwater requirements are constructed and inspected. This is also where erosion control BMPs and inspection is noted. This can be standard language from other sample ordinances.
12. **Post-Construction requirements for permanent best management practices.** This section can explain the permanent blanket easement for water quality improvements. A blanket easement has been used to allow for changes within the property such as relocating a grass swale, changing location of a detention pond, etc. The blanket easement allows flexibility for future owners to treat stormwater in new and improved ways, as long as it is treated to the same level somewhere on the property. Sample language may be:
- a. **Comprehensive Sample language:** Maintenance of all permanent best management practices shall be ensured through the creation of a formal maintenance covenant that must be approved by the TOWN and recorded against the title of the subject property. The covenant shall be binding on all subsequent owners of land served by the permanent best management practices. As part of the covenant, a schedule shall be developed, detailing when and how often maintenance will occur to ensure proper function of the permanent best management practices. The covenant shall also include plans for periodic inspections by the TOWN to ensure proper performance of

the facility between scheduled cleanouts. The covenant shall provide for access to the facility at reasonable times for periodic inspection or any required maintenance by the TOWN, or its contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Chapter. The covenant shall be memorialized on the subdivision plat, annexation plat, development agreement or other instrument, or in a separate form acceptable to the TOWN and shall be recorded in the office of the County Clerk and Recorder.

- b. **Simplified sample language: A blanket easement will be recorded on the applicant's property requiring the owner to maintain the stormwater improvements in perpetuity as judged by the Town's stormwater criteria (UDFCD vol. 3). This allows the owner and future owners to change the specific BMPs within the property as long as discharge from the site is still treated in accordance with town criteria.**
- 13. Enforcement. This can be standard language the Town uses for enforcement provisions.
 - 14. Penalties. This can be standard language the Town uses for penalty provisions.
 - 15. Upset Condition. This can be standard language the Town uses for upset provisions.

Sample Ordinance Language – Cherry Hills Village

This ordinance is provided for reference. As an NPDES MS4 (Clean Water Act) regulated municipality located within the Denver Metro urbanized area, Cherry Hills Village is required to meet the NPDES permit requirements. However, the City is uniquely composed of estate properties, many lots greater than 1 acre, and a rural character. As a result, the City has developed an ordinance that requires individual lot owners that develop or redevelop the property to install a permanent water quality BMP on the property. Furthermore, they require a blanket easement that is titled to the property requiring current and future property owners to maintain the function of that water quality BMP.

As noted, this is a unique situation for a unique community. However, the blanket easement and water quality BMP is something that could be considered to meet the Town of Lyons desire for increased water quality. By spreading water quality treatment across the Town, there is increased resilience from flood hazards because the smaller water quality features through the watershed can be brought back online quicker than larger regional facilities restricted to the lower end of the watershed.

This ordinance as written has little to no direct relevance to the Town of Lyons. However, with some modification, this kind of water quality language could be used to improve a specific, targeted portion of the Town of Lyons water quality regulation.

Sec. 19-1-120. - Post-construction requirements for permanent best management practices.

- (a) Owners that are subject to the requirements of this Chapter, specifically including but not limited to Section 19-1-80 of this Article, are required to address stormwater runoff quality through the use of permanent best management practices and shall maintain those best management practices in perpetuity and in accordance with the requirements of this Section. If the permittee can document that permanent BMPs exist as part of an original or previous subdivision or building process, no new BMPs will be required if the existing BMPs meet the requirements of this Chapter, specifically including but not limited to Section 19-1-90, Technical standards and specifications.
- (1) All permanent best management practices of any site including, without limitation, detention basins, retention basins, ponds, inlets, outlets, outfall ditches and structures for which the owner thereof or his or her predecessor-in-interest obtained approval from the City for the construction or establishment, shall be maintained in good repair and in substantially the form, condition and nature which was represented at the time they were constructed. It is the intention of this Section that such permanent best management practices, having once been approved for construction or development, shall not be allowed to deteriorate to a condition which is in any respect inferior to the condition or state upon which the original approval for construction or development was based. For purposes of this Section, either or both the owner or tenant of the structure or real property shall be considered the responsible party.
 - (2) Maintenance of all permanent best management practices shall be ensured through the creation of a formal maintenance covenant that must be approved by the City and recorded against the title of the subject property. The covenant shall be binding on all subsequent owners of land served by the permanent best management practices. As part of the covenant, a schedule shall be developed, detailing when and how often maintenance will occur to ensure proper function of the permanent best management practices. The covenant shall also include plans for periodic inspections by the City to ensure proper performance of the facility between scheduled cleanouts. The covenant shall provide for access to the facility at reasonable times for periodic inspection or any required maintenance by the City, or its contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Chapter. The covenant shall be memorialized on the subdivision plat, annexation plat, development agreement or other instrument, or in a separate form acceptable to the City and shall be recorded in the office of the County Clerk and Recorder.
- (b) Inspections of permanent best management practices.
- (1) All permanent best management practices must undergo, at the minimum, periodic inspections by the City, as deemed appropriate by the City Manager, to document maintenance and repair needs and ensure compliance with the requirements of this Chapter and accomplishment of its purposes. These needs may include, but are not limited to: the removal of silt, litter and other debris from all catch basins, inlets, ponds and detention/retention basins, outlet structures and drainage pipes;

grass cutting and vegetation removal; and necessary replacement of landscape vegetation. Any maintenance needs found by City inspection or otherwise must be addressed in a timely manner, as determined by the City Manager. The inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the permanent best management practices.

- (2) Inspection programs may be established by the City on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the CDPS stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.
- (3) Parties responsible for the operation and maintenance of a permanent best management practice shall make records of its installation and of all maintenance and repairs, and shall retain the records for at least two (2) years. These records shall be made available to the City during inspection of the facility and at other reasonable times upon request.

(Ord. 06 §1, 2007; Ord. 10, 2009; Ord. 10 §1, 2012)

Sample Ordinance Language – Boulder County

This ordinance is provided for reference. The Boulder County ordinance generally applies to the Town of Lyons geographically, but is limited by the fact that Lyons itself is not an NPDES MS4 (Clean Water Act) regulated community. This ordinance provides a bookend for what would be the more complicated ordinance language and stormwater regulations for the Town.

ORDINANCE NO. 2012-4

AN ORDINANCE CONCERNING ILLICIT STORMWATER DISCHARGE

WHEREAS, the County is required by state and federal law, and as a condition of its State of Colorado stormwater discharge permit, to establish by ordinance methods for controlling the introduction of pollutants into the storm drainage system, in order to protect and enhance the water quality of the state's watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the State and Federal Clean Water Act; and

WHEREAS, it is necessary to repeal Ordinance No. 2005-1 regulating illicit discharges, and to enact a new ordinance in order to incorporate changes recommended by the Colorado Department of Health, to delete unnecessary language and to improve on and simplify other language based on experience gained over the last seven years; and

WHEREAS, §30-15-401(11) provides that a county which holds a municipal separate storm sewer system permit pursuant to part 5 of article 8 of title 25, C.R.S., may adopt a storm water ordinance to develop, implement and enforce the stormwater management program required by the permit; and

WHEREAS, the Board of County Commissioners of Boulder County and Boulder County Public Health ("BCPH") are given additional authority to address the discharge and threatened discharge of pollutants to the waters of the State, including

C.R.S. §18-4-511, which makes it a crime to place any foreign substance whether solid or liquid into any body of water or watercourse; and

C.R.S. §30-15-401(1)(a)(V), which provides that, in addition to the authority given counties under §18-4-511, C.R.S., above, is authorized to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease, including the authority to restrain, fine, and punish persons for dumping rubbish, including trash, junk and garbage on public or private property, and "public or private property" is defined at C.R.S. §18-4-511 to include "waters and watercourses"; and

C.R.S. §16-13-305(1)(e), which makes any unlawful pollution or contamination of any surface or subsurface waters in this state a Class 3 Public Nuisance; and

WHEREAS, BCPH is authorized to administer and enforce the laws pertaining to public health and water quality and to investigate and abate nuisances when necessary in order to eliminate conditions affecting public health; and

WHEREAS, this ordinance is necessary to protect the health, safety, and general welfare of the citizens of Boulder County through the regulation of non-stormwater discharges to the storm drainage system.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Boulder County:

SECTION 1. PURPOSE/INTENT.

The objectives of this ordinance are:

1. To regulate the introduction of pollutants to the storm drainage system
2. To prohibit illicit connections and discharges to the storm drainage system
3. To establish procedures to carry out the inspection, surveillance and monitoring necessary to ensure compliance with this ordinance
4. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the storm drainage system.

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

Best Management Practices (BMPs) means the schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Construction Activity means activities including but not limited to clearing and grubbing, grading, excavating, and demolition.

Illicit Discharge means any direct or indirect non-stormwater discharge of pollutants to the storm drainage system, except as exempted in *Section 6.C.* of this ordinance.

Illicit Connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system, including but not limited to any conveyance which allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drainage system, and any connection to the storm drainage system from indoor drains, sump pumps and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by BCPH.

Hazardous Material means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Mobile Washing Operation is a commercial activity involving power washing, steam cleaning, and any other method of mobile cosmetic cleaning of, by way of example, the following: vehicles, fabric, pets and/or exterior surfaces.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b) i.e. Colorado Discharge Permit System) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge means any discharge to the storm drainage system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything, which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; wastes and residues that result from mobile washing operations; noxious or offensive matter of any kind, and any soil, rock, and any type of landscaping material.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

Storm Drainage System means the publicly owned facilities by which stormwater is collected and conveyed, including, but not limited to, any roads and drainage systems, streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, and natural and manmade or altered drainage, ditches/channels/lakes/reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation.

Stormwater Pollution Prevention Plan or Stormwater Management Plan means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Threatened Discharge means a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or natural resources.

Watercourse means a natural or artificial channel through which stormwater or floodwater can flow, either regularly or infrequently.

Waters of the State of Colorado (State waters) means any and all surface waters that are contained in or flow in or through the state of Colorado. The definition includes all watercourses, even if they are usually dry.

SECTION 3. APPLICABILITY.

This ordinance shall apply to all water entering the storm drainage system generated on any developed or undeveloped lands in unincorporated Boulder County, unless explicitly exempted by an authorized enforcement agency.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

Boulder County Public Health shall administer, implement, and enforce the provisions of this ordinance.

SECTION 5. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION 6. DISCHARGE PROHIBITIONS, EXEMPTIONS AND REQUIREMENTS.

A. Prohibition of Illicit Discharges

- 1) No person shall discharge or cause to be discharged into the storm drainage system or watercourses any pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- 2) It shall be unlawful to cause pollutants to be deposited in such a manner or location as to constitute a threatened discharge into the storm drainage system or waters of the State. Pollutants that are no longer contained in a pipe, tank or other container are considered to be threatened discharges unless they are actively being cleaned up.

B. Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit

connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. Exemptions

The commencement, conduct or continuance of any illicit discharge to the storm drainage system is prohibited except as described as follows:

- 1) The following discharges are exempt from the discharge prohibitions established by this ordinance when properly managed: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one PPM chlorine).
- 2) Discharges from emergency firefighting activities and water incidental to street sweeping (including associated sidewalks and medians) not associated with construction.
- 3) Dye testing is an allowable discharge, but requires a verbal notification to BCPH 24 hours prior to the time of the test.
- 4) The discharge prohibition shall also not apply to any non-stormwater discharge permitted under an NPDES or CDPHE permit.
- 5) The prohibitions set forth in this section shall not apply to any non-stormwater discharge for which an authorization, or formal commitment to not pursue enforcement actions under a policy or waste discharge order is issued and administered under the authority of the CDPHE, provided that the discharger is in full compliance with all requirements of the policy or order.

D. Requirements Applicable to Potential Dischargers

- 1) **Cleaning of Paved Surfaces Required.** The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this ordinance. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Ordinance.
- 2) **Mobile Washing Operations.** Mobile washing operations shall not discharge to the storm drainage system in violation of this Ordinance.
- 3) **Maintenance of Equipment.** Any leak or spill related to equipment maintenance in an outdoor, uncovered area should be contained to prevent the potential release of pollutants.

- 4) **Materials Storage:** Materials including, but not limited to, stockpiles used in construction and landscaping activities shall be stored to minimize the release of pollutants.
- 5) **Pesticides, Herbicides and Fertilizers.** Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

SECTION 7. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to BCPH prior to the allowing of discharges to the storm drainage system.

SECTION 8. ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES.

- 1) Whenever BCPH has reasonable cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this ordinance, BCPH shall have the right to enter the premises at any reasonable time to determine if the owner or operator is complying with all requirements of this ordinance. In the event that the owner or occupant refuses entry after a request to enter has been made, BCPH is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.
- 2) Any violation that is part of the County's stormwater quality management program required by the County's MS4 permit from the Colorado Water Quality Division, and that remains unabated following notice of violation, may be administratively abated by the County in accordance with C.R.S. section 30-15-401(11). BCPH shall seek an administrative entry and abatement (seizure) warrant, and shall execute the warrant in accordance with the directions of the court. BCPH may assess the reasonable cost of the abatement, including five percent for inspection and other incidental costs, upon the property by recording a notice of such assessment with the County Clerk and Recorder specifying a reasonable time within which the assessment must be paid to the County, which generally shall be within thirty (30) days. Once recorded, the assessment shall be a lien against the property until paid and shall have priority based upon its date of recording. If the assessment is not paid within the time specified in the notice, BCPH may request the County Clerk and Recorder certify that fact to the County Treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as taxes are collected.
- 3) BCPH shall have the right to set up on the property of any discharger to the storm drainage system such devices that are necessary to conduct an investigation of such discharges. The investigation may include, but is not limited to, the following: sampling of any discharge or process waters, the taking of photographs, interviewing staff on alleged violations, and access to any and all facilities or areas within the premises that may have any effect on the discharge.

4) BCPH may, without prior notice, act to prevent an actual or threatened discharge which presents or may present an imminent danger to the environment, public health or safety, or to the storm drainage system or waters of the State. If a Person fails to comply with a verbal or written order issued in such an emergency, BCPH may take such steps as are necessary to prevent or minimize the danger.

SECTION 9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system.

SECTION 10. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a premises, or responsible for emergency response for such premises has information of any known or suspected release of materials which are resulting or may result in illicit discharges into stormwater, the storm drainage system, or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

SECTION 11. VIOLATIONS, ENFORCEMENT AND PENALTIES.

Notice of Violation.

Whenever BCPH finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, BCPH may order compliance by verbal or written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The immediate elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) Payment to cover administrative and remediation costs; and
- (5) The implementation of source control or treatment BMPs.

Once the illicit discharge or connection is eliminated, and if abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, BCPH may seek the

enforcement of the work through injunction or other legal means, or the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty authorized pursuant to Colorado Revised Statutes, Title 30, Article 15. BCPH may recover all attorneys' fees, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Remedies Not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of BCPH to seek cumulative remedies.

SECTION 12. SEVERABILITY.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 13. EFFECTIVE DATE, REPEAL OF PRIOR ORDINANCE.

This article shall be effective sixty (60) days from and after the date of its adoption and final publication. Ordinance No. 2005-1 shall be repealed as of such effective date.

INTRODUCED, READ AND ADOPTED ON FIRST READING on October 30, 2012, and ordered published in the BOULDER DAILY CAMERA.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO

Cindy Domenico, Chair

ATTEST:

Clerk to the Board

ADOPTED ON SECOND AND FINAL READING on November 29, 2012.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO

Cindy Domenico, Chair

ATTEST:

Clerk to the Board

TOWN OF LYONS

COMMERCIAL DEVELOPMENT AND MIXED USE DEVELOPMENT

DESIGN STANDARDS AND GUIDELINES

Adopted _____

Sample Commercial and Mixed Use Design Standards and Guidelines – Town of Lyons

This is provided for reference only. This is sample language used in previously published standards and guidelines. This general language and intent could be merged with a truncated and reduce version of the Boulder Ordinance. This general language and intent could be merged with an expanded and customized Cherry Hills Village water quality ordinance.

In any case, these references are meant to provide general parameters, parts, and recommendations for customizing an ordinance or other legislation to support the sustainable management of stormwater quality in the Town of Lyons.

6. Dumpsters and their enclosures shall be located and designed to facilitate collection and to minimize negative impact on-site or to neighboring properties, or public rights-of-way. (S)
7. All dumpsters and all other waste disposal activities shall be adequately screened or otherwise concealed from the view of persons traveling on any public street, sidewalk or other public ways. (S)

H. Water Quality Control and Drainage

Intent: Preserve natural drainage and design stormwater improvements as landscape amenities to enhance the project, slow stormwater runoff, capture water pollutants, prevent erosion and minimize impervious surfaces. Storm water and snow-melt from rooftops, paved areas, and lawns carry plant debris, soil particles, and dissolved chemicals into rivers and streams. Site development plans should employ management and best engineering practices to protect storm water discharge from these undesirable elements, before releasing water off site or into the Town's storm drainage system or natural waterways.

Site drainage should be designed to minimize water collection near building foundations, entrances, service ramps and primary pedestrian routes.

In addition to the Town of Lyons's Storm Drainage and Technical Criteria, the following standards and guidelines apply.

Standards and Guidelines:

1. Storm water should not drain directly into the public storm drainage system or released overland into rivers or streams without first going through peak runoff mitigation and water quality treatment systems. (G)
2. Design all storm sewers, grassed swales and other drainage channels in accordance with the Town of Lyons storm drainage design and technical criteria. (S)
3. Avoid hard concrete-lined channel designs, where practical. If a hard channel design is necessary, use a more natural approach that incorporates river rock or natural rock channel lining when possible. (G)
4. Utilize accepted design criteria and recommendations of the Urban Drainage and Flood Control District (or other commonly recognized and appropriate engineering standards) and the Town of Lyons for detention pond design and to enhance water quality. (S)
5. Design on-site drainage and detention facilities with attractive, landscape features and amenities. (S)
6. Integrate local durable materials in pond design, such as flagstone terracing. (G)
7. Every development plan shall be accompanied by a drainage plan and report prepared by a licensed professional engineer in the State of Colorado in accordance with the Manual of Design Criteria and Standard Specifications for the Construction of Public Improvements. (S)
8. The plan and report is subject to review and acceptance by the Town. (S)

9. The drainage design shall:
 - a. Restrict runoff from a parcel to historic conditions, unless otherwise indicated in the Town's Master Drainage Plan, or demonstrate that doing so would be detrimental to the overall system; **(S)**
 - b. Accept and convey runoff in its historic manner, unless otherwise indicated in the Town's Master Drainage Plan, or unless other offsite permanent arrangements are made. **(S)**
 - c. Include easements in favor of the Town to facilitate emergency maintenance of controls, structures, features or other improvements that, when not operating correctly, could result in damage to adjacent property or to the Town. **(S)**
 - d. Respect existing conditions and adjacent properties and follow general topographic constraints of the site and adjacent lands. **(S)**
10. Drainage improvements serving a regional area may be turned over to the Town for ownership and maintenance if accepted by the Board of Trustees and approved easements and agreements are in place. Drainage improvements serving a common ownership, cluster development, shopping plaza, industrial park, or other similar development will remain under the ownership and maintenance of the owner or managing association. Easements will be required in favor of the Town as noted above. **(S)**
11. Drainage plans and reports shall be accompanied by an Erosion and Sediment Control Plan. **(S)** Erosion and Sediment Control Plans are required for construction and for permanent improvements. Erosion and Sediment Control Plans shall:
 - a. Encompass the phasing of a development or site design. **(S)**
 - b. Be in consideration of other upstream and downstream property owners, drainage conveyances, and the north and south St. Vrain Creeks. **(S)**
 - c. Protect existing vegetation. **(S)**
 - d. Minimize disturbance to natural lands and geologic features. **(S)**
 - e. Address construction related dust mitigation. **(S)**
 - f. Include details and specifications for the proper installation and maintenance of temporary and permanent improvements. **(S)**
 - g. Comply with all applicable state and federal standards including but not limited to the Colorado State Department of Health and Environment. **(S)**
12. Parking Lot Stormwater Management:
 - a. Stormwater runoff should be routed or directed over perimeter and interior plantings to the greatest extent possible. **(G)**
 - b. Stormwater runoff management should facilitate infiltration as close to where it falls as possible provided it does not harm structures or hard surface pavements. **(G)**
 - c. The consolidation of planting islands to be used for storm water quality enhancement is encouraged and allowed for the promotion of plant growth and cleansing of runoff. **(G)**
 - d. The use of biofiltration techniques such as constructed rain gardens to filter pollutants carried by runoff and infiltrate stormwater for irrigation is recommended. **(G)**
 - e. Use of permeable concrete or asphalt pavement systems for parking lots is strongly encouraged. **(G)**

13. The Town of Lyons considers sustainability to be an important consideration for today's actions. As such, drainage design should consider sustainability through local treatment of surface runoff, infiltration and capture and use of runoff on site (provided such use is not in violation of applicable State regulations).