

ORDINANCE NO. 5357

**AN ORDINANCE REGULATING STORMWATER RUNOFF FROM LANDS
MODIFIED BY HUMAN ACTIVITIES BY ADDING CHAPTER 8.50 TO THE
RAPID CITY MUNICIPAL CODE.**

WHEREAS, stormwater runoff from lands modified by human activities can degrade surface water and cause or contribute to exceedances of water quality standards by changing where water naturally flows and how fast it flows, destroying aquatic habitat and increasing pollutant concentrations and loadings; and

WHEREAS, urban development increases the amount of impervious surface in watershed as farmland, forest, and meadowlands are converted into buildings with rooftops, driveways, sidewalks, roads, and parking lots allowing virtually no ability to absorb stormwater. Stormwater runoff washes over impervious areas, picking up pollutants along the way, while gaining speed and volume because of its inability to disperse and filter into the ground; and

WHEREAS, the Environmental Protection Agency (EPA) issued regulations November 16, 1990 requiring steps be taken to improve the quality of stormwater from earth disturbing activities; and

WHEREAS, the regulations in this ordinance will mitigate soil erosion and subsequent deposition of sediment offsite until landscaping and/or stormwater quality measures are effectively in place; and

WHEREAS, compliance with this ordinance will meet the requirements of the EPA storm water regulations; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interests to adopt an ordinance regulating construction site stormwater runoff.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, South Dakota, that Chapter 8.50 of the Rapid City Municipal Code be added to read as follows:

**CHAPTER 8.50: STORMWATER RUNOFF FROM LANDS MODIFIED BY
HUMAN ACTIVITEIS**

Section

- 8.50.010 Definitions
- 8.50.020 Discharge of Pollutants into the Drainage System Prohibited
- 8.50.040 Erosion and Sediment Control Measures
- 8.50.050 Stabilization of Vacant Lots
- 8.50.060 Enforcement
- 8.50.070 Severability

8.50.010 Definitions.

The following terms and phrases are defined and shall be interpreted as such throughout this chapter, unless the context clearly indicates or requires a different meaning. Terms not defined in this section shall have the meaning customarily assigned to them.

- A. **Drainage System.** Including, but not limited to street curb and gutter, storm sewer pipes and catch basins, channels, detention ponds, and natural waterways.
- B. **Erosion Control.** A measure that prevents erosion.
- C. **Impervious Surface.** Any surface which allows little or no water penetration.
- D. **Sediment Control.** A measure that prevents eroded materials from leaving the site.
- E. **Stormwater.** Surface runoff generated from rain or snowmelt.

8.50.020 Discharge of Pollutants into the Drainage System Prohibited

It is unlawful to discharge to any part of the drainage system, within the city or in any area under the jurisdiction of the city, any pollutants including, but not limited to chemicals, waste material, soil, rocks, glass, garbage, grass clippings, yard waste, and tree limbs. Street sweepers shall not be used to transport any pollutants from the street to the gutter unless the pollutants in the gutter are immediately collected and removed.

8.50.030 Erosion and Sediment Control Measures

All sites, including, but not limited to, construction sites, vacant lots or homes without landscaping, shall maintain erosion and sediment control measures to prevent soil from going offsite into the public rights-of-way and into the drainage system. These control measures shall be repaired within 24 hours of notice of failure.

8.50.040 Stabilization of Vacant lots and New Building Sites

Vacant lots and new building sites shall be maintained and stabilized to prevent debris transport by mechanisms including, but not limited to, wind or water erosion and trackout to public rights-of-way. No dumping or washout of debris onto a vacant lot is allowed without written permission of the lot owner.

Effective permanent control measures, such as seeding and mulching the disturbed area, shall be implemented immediately after the work is completed in the area, but in no case later than 14 days after the construction activity has stopped. Stabilization measures must also be taken on exposed areas where construction activities have temporarily stopped and are not expected to occur again for at least 21 days.

8.50.060 Violation - Penalty

Wherever in this chapter an act is prohibited or is made or declared unlawful, or the doing of any act is required or the failure to do any act is declared to be unlawful, any person who shall be convicted of any such violation shall be fined and jailed in accordance with the city’s General Penalty RCMC § 1.12.10. Each day any violation of this chapter continues shall constitute a separate offense.

8.50.070 Violation – Liability for Related Costs

Any person violating any provisions of this chapter shall become liable to the city for the expense of restoration.

8.50.080 Severability

In the event any portion of this ordinance is determined by a court of competent jurisdiction to be invalid, all valid portions which are severable from the invalid portion remain in effect. If application of any portion of any section or subsection of this ordinance is determined by a court of competent jurisdiction to be invalid, such portions remain in effect in all valid applications that are severable from the invalid applications.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: