

ORDINANCE #2012-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SURPRISE, ARIZONA, AMENDING CHAPTER 117 OF THE SURPRISE MUNICIPAL CODE, STORMWATER MANAGEMENT, SECTIONS 117-2 THROUGH 117-9 OF THE, REGARDING RAINFALL ESTIMATION MODELS.

WHEREAS, the current municipal code contemplates the use of outdated rainfall estimation models, and;

WHEREAS, City staff would like the Surprise Municipal Code to employ currently-recognized rainfall estimation models, and;

WHEREAS, the proposed amendment will enhance the general, health, safety and general welfare, and;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Surprise that:

Section 1. Sections 117-2 through 117-9 of the City of Surprise Municipal Code are hereby amended to read as follows:

Sec. 117-2. - Plan and report.

- (a) A conceptual stormwater collection and retention plan shall be submitted with a preliminary plat or site development plan and approved prior to the approval of such plat or plan. In the design of the development, every effort shall be made to utilize the natural slope of the land for the stormwater collection system. The plan shall include, but not be limited to, the following:
 - (1) Method of collection (surface and/or subsurface);
 - (2) Depth, side slopes and area of retention;
 - (3) Calculations of volume held and required;
 - (4) High water elevation;
 - (5) Method of disposal of water within 36 hours;
 - (6) Any other data to form a complete plan.
- (b) The point in which natural drainage flows from a property prior to development shall remain the same after the property has been altered for the development. A final drainage report must be submitted with the final plans showing compliance

with the conceptual drainage plan, and shall be received and approved by the city engineer.

(Code 2007, § 15.20.020)

Sec. 117-3. - Development regulations.

- (a) All water from a 100-year storm of a two-hour duration which falls within the area being developed, including the respective one-half of all abutting streets (whether or not it is a dedicated street which may exist by an improvement district and owned by the city), shall be retained within the boundaries of the developed land. No retention shall be allowed in public rights-of-way. The method of collection and retention shall be approved by the department of public works. The method of retention calculation, drainage flows and removal of stormwater within 36 hours shall conform to section 117-4
- (b) Two or more developers may join together to provide a common retention facility. A letter of agreement signed by all developers participating in the common retention area must be presented to the department of public works, and the recorded plat shall indicate that the retention area is a joint facility. The joint retention area must meet all criteria as a single area.
- (c) All retention basins shall have a design capacity to preclude a water depth in excess of three feet resulting from a 100-year, two-hour storm. The depth of retention basins shall be measured from the lowest adjacent top of the curb. In no event shall stormwater stand in the retention basins longer than 36 hours. Drywells shall be required for any depth of retention ~~over in excess of one foot~~ and for retention basins that have provided a volume greater than 1,000 cubic feet. ~~is being retained in a single retention area. However, equalizer pipes from smaller to larger retention areas may be required by the city engineer.~~ Basin bottom percolation shall not be used to reduce the volume used for drywell requirement calculations. Bleed-off pipes are not allowed.
- (d) No retention basins will be controlled or owned by the city unless dedicated as part of the city's park and open space system. Nondedicated retention basins shall be maintained by the owner. All nondedicated retention basin areas shall be designated as easement areas for retention purposes and shall have a recorded restrictive covenant requiring perpetual maintenance.
- (e) Curbed local streets shall be designed and constructed to carry the stormwater runoff from a ten-year storm between curbs. Curbed collector and arterial streets shall be designed and constructed with no curb overtopping and to maintain one dry 12-foot (minimum) driving lane in each direction. No inverted crown streets, of any type, shall be permitted. When peak flows from the designated storm exceed the street capacity, an open area drainage and retention system shall be designed to carry the excess stormwater. The rational methods shall be used to determine peak flows. Fifteen minutes maximum may be used for the time of concentration for the runoff across the lots.
- (f) Peak flows from a 50-year storm shall be carried within the cross section between buildings (front yards and streets). The finish floor elevation of all buildings shall be above the 100-year storm. All finished floors shall be a minimum ~~elevations~~ of

14 inches above the low outfall of the site ~~according to the will be as per~~ Surprise Development Directives

- (g) For nonresidential areas the required retention may be held upon asphalt, concrete or other hard surface. In residential areas the parking areas may not hold retention volume.
- (h) The city shall not be responsible for the design, performance, operation or maintenance of the retention basin.
- (i) The property owner of a single lot of one acre or smaller will be excluded from the requirements to provide on-site retention.

(Code 2007, § 15.20.030; Ord. No. 07-07, § 2, 6-28-06)

Sec. 117-4. - Retention calculations, drainage flows, and dry wells.

- (a) *Formula.* Retention calculation shall be submitted as follows:
Total volume required = (intensity for the 100-year, two-hour storm event from the Drainage Design Manuals for Maricopa County, ~~or a minimum of 2.8 inches, whichever is greater,~~ Volume I and Surprise Development Directives) x (drainage area) x (average runoff coefficient)
- (b) *Runoff factors.* The runoff factor used in computations must be justified by a typical cross section or actual area calculation. Refer to the Drainage Design Manuals for Maricopa County to determine the runoff coefficients.
- (c) *Dry wells.* Infiltration into the dry well cannot be considered to reduce the size of the retention area. The property owner of record shall be responsible for the design, performance, operation or maintenance of dry wells used with on-site retention. A dry well maintenance program shall be submitted for each dry well and documentation of maintenance performed on each dry well shall be submitted to the city engineer on an annual basis. A percolation rate of 0.5 cfs (or less, if required by the city engineer) per drywell over a 36-hour period shall be used in calculating the number of drywells.

(Code 2007, § 15.20.040)

Sec. 117-5. - Right of city to drain basin.

It is unlawful for any person owning or controlling a retention basin to permit stormwater to stand therein longer than 36 hours. In addition to any penalty provided by law, should the person owning or controlling any privately owned and maintained basin fail, neglect or refuse to drain said retention basin within 36 hours, as required in section 117-3, it shall be the right of the city upon the authorization of the water services director, or appointed designee, to enter upon the privately owned retention basin property and take such action as may reasonably be necessary to drain said basin. The draining of said basin shall be at the expense of the property owner of record or person controlling such property.

(Code 2007, § 15.20.050)

Sec. 117-6. - Assessment of costs for drainage.

Upon completion of the work, ~~the water services director~~ **Public Works Director** ~~director~~ or any designee ~~appointed by the water services director~~ shall prepare or cause to be prepared, a verified statement of account of the actual cost of draining of said basin, the date the work was completed, and the street address and the legal description of the property on which said work was done, including five percent for inspection and other incidental costs in connection therewith and shall serve a duplicate copy of such verified statement upon the property owner of record or person controlling such property in the manner prescribed in section 117-8.

(Code 2007, § 15.20.060)

Sec. 117-7. - Appeal to council.

The property owner of record or person controlling such property shall have 30 days from the date of service upon him of the assessment to appeal in writing to the council from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the city council within such 30-day period, the amount of the assessment, as determined by the ~~water services director~~ **Public Works Director** ~~director~~, shall become final and binding. If an appeal is taken, the council shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the council shall be final and binding on all persons.

(Code 2007, § 15.20.070)

Sec. 117-8. - Service of notice.

Notice shall be personally served on the owner or person controlling such property in the manner provided in rule 4(d) of the Arizona Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail, or the address to which the tax bills for the property were last mailed. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address.

(Code 2007, § 15.20.080)

Sec. 117-9. - Lien for drainage of basin.

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the council has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the office of the county recorder and, from the date of its recording, shall be a lien on the lot or tract of land until paid. Such liens shall be subject to and inferior to the lien for general taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The city shall have the right to bring an action to enforce the lien in a court of competent jurisdiction at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in

this section shall not be a bar to a subsequent assessment for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

~~(Code 2007, § 15-20.090)~~

Section 2. This Ordinance #2012-02 shall be codified.

PASSED AND ADOPTED this 24 day of January, 2012.

Sharon Wolcott, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry A. Aguilar, City Clerk

Michael D. Bailey, City Attorney

Yeas: Mayor Wolcott, Vice Mayor Williams, Council Members: Biundo and Alton
Absent – Council Members: Woodard, Villanueva and Hall

Nays: _____